

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

362



FROM: Department of Environmental Health

SUBMITTAL DATE:

October 24, 2013

SUBJECT: Ordinance No. 615.4 an Ordinance of the County of Riverside Revising Ordinance No. 615 Regulating Businesses Where Hazardous Waste is Generated, Stored, Handled, Disposed, Treated, or Recycled and Findings of California Environmental Quality Act (CEQA) Exemption

RECOMMENDED MOTION: That the Board of Supervisors:

1. Open the public hearing regarding the adoption of Ordinance 615.4 and the related finding of exemption from CEQA.
2. Upon the close of the public hearing, find that Ordinance 615.4 is exempt from CEQA pursuant to CEQA Guidelines 15308 based on the findings set forth below.
3. Upon the close of the public hearing, adopt Ordinance No. 615.4 as revised.

BACKGROUND:

Summary

(See Page 2)

SVS:JW


Steve Van Stockum
Director

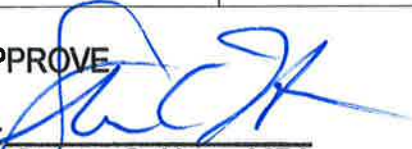
FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0*	\$ 0*	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0*	\$ 0*	\$ 0	\$ 0	
SOURCE OF FUNDS: *Department Permit Fees for ongoing regulation of facilities				Budget Adjustment: No	
				For Fiscal Year: 13/14	

C.E.O. RECOMMENDATION:

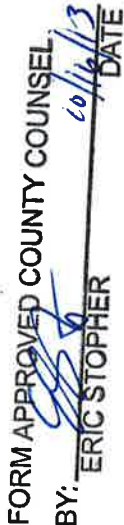
APPROVE

BY:

County Executive Office Signature


Steven C. Horn, MPA

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL
BY: 
ERIC STOPHER
DATE: 10/16/13

☐ A-30
☐ 4/5 Vote
☐ Positions Added
☐ Change Order

Prev. Agn. Ref.: 5/10/11; 3.8, 9/24/13;
3.36, 10/8/13; 9.2

District: All

Agenda Number:

9-2

BACKGROUND:

Summary (continued)

The Department of Environmental Health Hazardous Materials Management Branch was designated by the State of California, Environmental Protection Agency as the Certified Unified Program Agency (CUPA) or lead agency for the County in 1997.

The CUPA is charged with the inspection of businesses that generate hazardous waste and enforcement of hazardous waste control laws and regulations. Hazardous materials and hazardous waste management programs within cities and counties have been made more coordinated, consolidated, and consistent as a part of this program. The County, as the CUPA, is responsible for coordinating and implementing hazardous material/waste management programs countywide in order to accomplish this goal.

Ordinance 615 is being amended to remove outdated or unused processes and procedures, to update references to California Health and Safety Code sections and other County ordinances (such as Ordinance 640 and 725), to revise language to accommodate State mandated electronic reporting, to increase clarity and intent of some regulations, and to make general edits for consistency with other Department ordinances. These changes are intended to both make the changes clear to businesses as they navigate the myriad of regulations but also for the Department staff who regulate these businesses.

The adoption of Ordinance 615.4 is exempt from CEQA pursuant to CEQA Guideline section 15308. The implementation of this ordinance is authorized by state law to allow the CUPA to enforce state laws and regulatory processes that were enacted to protect the environment including the issuance of permits, inspection of regulated sites and remediation of site delinquencies. It can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

Impact on Citizens and Businesses

The proposed revision is intended to both make the ordinance clear to businesses as they navigate the complex myriad of hazardous waste and material regulations but also Department staff who inspect and regulate these businesses. Many of these revisions are necessary due to changes in State regulations and would make State and local requirements to be consistent. This revision would also provide for a variance for very small hazardous waste generators while protecting the health and safety.

SUMMARY OF PROPOSED ORDINANCE NO. 615
(AS AMENDED THROUGH 615.4)

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 615 RELATING TO BUSINESSES WHERE HAZARDOUS
WASTE IS GENERATED, STORED, HANDLED, DISPOSED, TREATED, OR
RECYCLED AND INCORPORATING BY REFERENCE HEALTH AND SAFETY CODE
SECTIONS 25000 ET SEQ. AND TITLE 22 OF THE CALIFORNIA CODE
OF REGULATIONS DIVISION 4.5, CHAPTER 10

This summary is presented pursuant to California Government Code Section 25124(b); a certified copy of the full text of Ordinance No. 615 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside located at 4080 Lemon Street, 1st Floor, Riverside, California.

Ordinance 615 implements, within the County of Riverside, the Hazardous Waste Control Law of the State of California, Health and Safety Code, Chapter 6.5, Division 20, Sections 25100 et seq., the regulations adopted pursuant to the law, Title 22 of the California Code of Regulations, Division 4.5, Chapter 10, and establishes a system for permitting businesses that handle hazardous waste to enforce a minimum standard, designating the Department of Environmental Health as the administering agency.

Ordinance 615 is being amended to remove outdated or unused processes and procedures, to update references to California Health and Safety Code sections and other County ordinances (such as Ordinance 640 and Ordinance 725), to revise and streamline reporting and permit application language to accommodate State mandated electronic reporting required by California Health and Safety Code, Chapter 6.11, sections 25404-25404.8 for the Unified Program, to increase clarity and intent of regulations pertaining to closed containers, to make general format and organization changes for consistency with other Department ordinances and to generally make Ordinance 615 current and easier for businesses to understand.

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The Board of Supervisors of the County of Riverside ordains as follows:

“ORDINANCE NO. 615.

Section 1. PURPOSE, AUTHORITY AND IMPLEMENTATION. The purpose of this Ordinance is to implement, within the County of Riverside, the Hazardous Waste Control Law of the State of California, Health and Safety Code, Chapter 6.5, Division 20, Sections 25100, et seq., as it is amended; the regulations adopted pursuant to that law, Title 22 of the California Code of Regulations, Division 4.5, Chapter 10, as amended; and to establish a system for permitting businesses that handle hazardous waste, to enforce minimum standards respecting such materials, and to designate the Department of Environmental Health, (DEH) as the administering agency (or Certified Unified Program Agency – CUPA) responsible for administering and enforcing Chapter 6.5 CH&SC. It is the intent of the County of Riverside, Board of Supervisors to impose additional and more stringent requirements on businesses that generate hazardous waste than those imposed by Chapter 6.5 of the California Health and Safety Code.

1 Section 2. DEFINITIONS.

2 a. Incorporated by Reference

3 The terms used in this Ordinance shall be as defined in the
4 Hazardous Waste Control Law of the State of California, Health and
5 Safety Code, Chapter 6.5, Division 20, Sections 25100, et seq., as it
6 is amended, and the regulations adopted pursuant to that law, Title
7 22 of the California Code of Regulations, Division 4.5, Chapter 10,
8 Article 2 as amended, except for the following:

9 1. "Department of Environmental Health" means the County of
10 Riverside, Department of Environmental Health or a representative
11 or employee of that Department. This Department is also the
12 CUPA.

13 2. "Business" means an employer, owner, operator, person,
14 self-employed individual, trust, firm, joint stock company, limited
15 liability company corporation, partnership, or association. For
16 purposes of this ordinance, "business" includes a business organized
17 for profit or nonprofit, and any agency, department, office, board,
18 commission, or bureau of a city, county, or special district. For
19 purposes of this Ordinance, households that generate, store, handle,
20 dispose, treat or recycle hazardous waste of the kind and in the
21 amounts customary for traditional households do not constitute a
22 business. Businesses accepting household hazardous waste or
23 conditionally exempt small quantity generator hazardous waste (e.g.
24 used oil, architectural coating paint related waste, etc.) are subject to
25 this ordinance.

26 3. "Closed Container" includes, but is not limited to, a
27 container with all lids, gaskets, bung caps, and/or locking rings in
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1 place, tight, and secure, preventing the release of hazardous waste
2 liquids, volatile organic liquids, dispersible solids, or sublimable
3 solids from the container independent of the container position or
4 orientation.

5 4. "CUPA" means the Certified Unified Program Agency.

6 5. "Director" means the Director of the Department of
7 Environmental Health or his designee.

8 Section 3. INSPECTIONS OF BUSINESSES WHERE HAZARDOUS
9 WASTE IS GENERATED, STORED, HANDLED, DISPOSED, TREATED, OR
10 RECYCLED,

11 a. Inspections. The Department of Environmental Health as the CUPA
12 is hereby empowered to make periodic inspections of businesses where hazardous
13 waste is generated, stored, handled, disposed, treated, or recycled, and all
14 businesses where the CUPA has reasonable cause to believe that hazardous waste is
15 generated, stored, handled, disposed, treated, or recycled. Such inspections may be
16 made without prior notice of same to the owner or operator of such business.

17 b. Failure to Comply. The failure or refusal of the owner or operator
18 of such business or his employee, agent, or any other person acting with such
19 owner's or operator's consent or pursuant to his authority, to permit any such
20 inspection of the business by the CUPA as provided herein, shall be a violation of
21 this Ordinance.

22 Section 4. PERMIT AND PERMIT APPLICATION REQUIREMENT FOR
23 BUSINESSES WHERE HAZARDOUS WASTE IS GENERATED, STORED,
24 HANDLED, DISPOSED, TREATED OR RECYCLED.

25 a. Permit Required. No person shall operate a business where
26 hazardous waste is generated without a valid permit issued by the CUPA.
27 Application for a permit shall be made to the CUPA upon the written and/or
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1 electronic reporting forms provided as described in Section 4(c) of this Ordinance,
2 and shall be accompanied by the appropriate fee as specified in Ordinance No. 640
3 and Section 6 of this Ordinance. A permit may be issued at any time during the
4 year. All permits and application for permits shall expire annually on the one-year
5 anniversary of the date of program qualification and a new permit must be applied
6 for at least 30 days prior to the expiration of the current, valid permit. For non-
7 permitted businesses, permit fees and completed reporting forms are due at the time
8 hazardous waste is first produced at the business. Permit fees for previously
9 unpermitted businesses, which have not been issued permit notices by the
10 Department of Environmental Health, may only be collected for the period after the
11 effective date of this Ordinance.

12 b. Completion of a Permit Application. The CUPA is hereby
13 empowered to require all persons known or reasonably believed to be owners or
14 operators of businesses where hazardous waste is generated, stored, handled,
15 disposed, treated, or recycled to complete and submit a Permit Application
16 provided by the CUPA as described in Section 4(c) of this Ordinance. CUPA shall
17 process the Permit Application according to Section 4(e) of this Ordinance.

18 c. Application. The completed Application shall be signed and dated
19 by the owner or operator of the business and shall at a minimum consist of
20 Business Activities and Business Owner/Operator Identification forms. Other
21 written or electronic forms may be required for businesses, including for those
22 businesses subject to tiered permitting.

23 The application shall also contain the number of employees who are associated
24 with hazardous waste management activities. This can include, but is not limited to,
25 employees, operators, or volunteers, including associated supervisors, who generate
26 hazardous waste as part of their work duties, identify hazardous waste or make a
27 hazardous waste determination, label hazardous waste containers, sign hazardous
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1 waste manifests, perform hazardous waste storage area or tank inspections, respond
2 to hazardous waste spills or leaks, etc.

3 d. Tiered Permitting. A business that is regulated under the “permit-
4 by-rule,” “conditionally authorized” or “conditionally exempt” tiers, as defined in
5 the incorporated Health and Safety Code Sections, shall be required to complete an
6 Application as well as onsite hazardous waste treatment forms. The business shall
7 be subject to the requirements of Health and Safety Code Section 25100, et seq.
8 and California Code of Regulations, Title 22, Division 4.5.

9 e. Permit Issuance. Upon receipt of the Application for a permit and
10 the payment of the required fee, the CUPA shall review the information set forth in
11 the Application. Such review may include, but is not limited to, an inspection by
12 the CUPA of the hazardous waste activities at the applicant's business. After such
13 review has been satisfactorily completed, the CUPA shall issue a permit to any
14 business that generates hazardous waste.

15 f. Reporting of Changes. Holders of permits issued pursuant to this
16 Ordinance shall report to the CUPA, either in writing or electronic form, any
17 change of business address, change or transfer of business ownership, change of
18 business name, or change of permit designation or conditions (including number of
19 employees), within thirty (30) days of any such change. In addition to written
20 notice of a change or transfer of business ownership, a new permit, issued pursuant
21 to this ordinance, must be applied for and all necessary permit fees paid within
22 thirty (30) days of such change or transfer of ownership.

23 g. Non-transferability of Permit. Unless otherwise noted, no permit
24 issued pursuant to this Ordinance shall be assignable or transferable whether
25 voluntarily or by operation of law.

26 h. Failure to Comply.
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1 1. Failure or refusal of the owner or operator of a business
2 generating hazardous waste to submit to the CUPA within thirty (30) days
3 of receipt of the request thereof, the appropriate permit application and fee
4 as required by Ordinance No. 640, shall constitute a violation of this
5 Ordinance.

6 2. Failure or refusal of the owner or operator of a business to
7 comply with the Hazardous Waste Control Law of the State of California as
8 set forth in the California Health and Safety Code, Section 25100, et seq.,
9 and the Environmental Health Standards for the Management of Hazardous
10 Waste as specified in Title 22 of the California Code of Regulations,
11 Division 4.5, shall constitute a violation of this Ordinance.

12 Section 5. PENALTY FEES FOR DELINQUENT FILINGS.

13 a. Renewal of Permits. Businesses renewing their permit for an
14 additional year must submit their permit fees at least 30 days prior to
15 the expiration of the current, valid permit. Failure to submit the
16 renewal fees before this deadline shall be subject to penalty fees as
17 established under Ordinance No. 640.

18 b. Unpermitted Businesses. Businesses that are determined to be
19 operating without a valid permit are given 30 days to file for their
20 permit application and pay their permit fees, as required by
21 Ordinance 640. Any failure by the business to file the required
22 application and/or pay the required permit fees within the 30 day
23 period, shall constitute a violation of this Ordinance.

24 Section 6. VIOLATIONS. No provision of this Ordinance or the enforcement
25 thereof shall preclude the enforcement by the Department of Environmental Health or by
26 the State of California or both, of any provision of Title 22 of the California Code of
27 Regulations or the California Health and Safety Code.
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2 a. Infraction. Any person or business operator or owner who violates
3 any of the provisions of this Ordinance shall be guilty of an infraction and upon
4 conviction thereof shall be punished by the fines described in Ordinance 725 and/or
5 Ordinance 640.

6 b. Misdemeanor. Notwithstanding the foregoing in subsection (a) of
7 this section, a first and subsequent offense may be charged and prosecuted as a
8 misdemeanor and upon conviction thereof shall be punished as provided by Penal
9 Code, Section 19 as amended.

10 c. Separate Violations. Each day such violation continues to be
11 committed shall constitute a separate offense.

12 d. Remedies and Penalties in Ordinance 725. The additional remedies,
13 penalties and procedures for violation of this Ordinance and for recovery of costs
14 related to enforcement provided for in Ordinance 725 are incorporated herein by
15 this reference.

16 e. Correction of Violations. Payment of any penalty established by
17 this Ordinance shall not relieve a person from the responsibility of correcting any
18 violation of this Ordinance, statute or regulation, nor shall it relieve a person from
19 the payment of a penalty fee imposed under Ordinance No. 640.

20 Section 7. REINSPECTION FEE. If an inspection required by Chapter 6.5
21 (commencing with section 25100) of Division 20 of the Health and Safety Code, or by any
22 regulations pursuant thereto, results in any violation which is not observed to be corrected
23 by or during the first re-inspection following the initial inspection, the business will be
24 subject to a re-inspection fee as established under Ordinance No. 640 for any subsequent
25 re-inspection associated with those continuing violations.

26 Section 8. VARIANCE. The Director may grant variances to the permit and
27 fee provisions of this article if the waste produced is insignificant as a potential hazard to
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1 humans, domestic livestock or wildlife due to its small quantity, low concentration and/or
2 its physical or chemical characteristics. Any variance granted does not exempt the
3 producer from any other applicable laws and regulations governing the management of
4 hazardous wastes.

5 Section 9. PUBLIC NUISANCE. The generation, storage, or handling of
6 hazardous waste in violation of the provisions of this Ordinance is hereby declared to be a
7 public health nuisance.

8 Section 10. SEVERABILITY. If any provision, clause, sentence, or paragraph
9 of this Ordinance or the application thereof to any person, business, or circumstances shall
10 be held invalid, such invalidity shall not affect the other provisions or application of the
11 provisions of this Ordinance which can be given effect without the invalid provision or
12 application, and to this end, the provisions of this Ordinance are hereby declared to be
13 severable.”
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BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

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