

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

803



**FROM:** Department of Environmental Health

**SUBMITTAL DATE:**  
September 5, 2013

**SUBJECT:** Revision to Ordinance No 615 Regulating Businesses where Hazardous Waste is Generated, Stored, Handled, Disposed Treated or Recycled

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Introduce and set for public hearing a revision to Ordinance No. 615; and
2. Authorize the Clerk of the Board to place an advertisement for public hearing in the appropriate local publications; and
3. Upon close of the public hearing, adopt Ordinance No. 615 as revised

**BACKGROUND:**

Summary

The Department of Environmental Health Hazardous Materials Management Branch was designated in 1997 by the State of California, Environmental Protection Agency as the Certified Unified Program Agency (CUPA) which is the lead agency for the County. The CUPA is charged with the inspection of businesses that generate hazardous waste and enforcement of hazardous waste control laws and regulations.

*Steve Van Stockum*

Steve Van Stockum  
Director

SVS:JW

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	

<b>SOURCE OF FUNDS:</b> *Department Permit Fees for ongoing regulation of facilities	<b>Budget Adjustment:</b> No
	<b>For Fiscal Year:</b> 13/14

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Steven C. Horn*  
Steven C. Horn, MPA

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading and is set for public hearing October 8, 2013 at 9:30 a.m.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley

Nays: None

Absent: None

Date: September 24, 2013

xc: Environmental Health, COB

Kecia Harper-Ihem  
Clerk of the Board

BY: *Kecia Harper-Ihem*  
Deputy

Prev. Agn. Ref.: 5/10/11, 3.8 | District: All | Agenda Number:

**3-36**

FORM APPROVED COUNTY COUNSEL  
BY: ERIC STOPHER  
DATE: 9/11/13  
Departmental Concurrence

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

**BACKGROUND:**

**Summary (continued)**

This ordinance and the existing program have made hazardous materials and waste disposal in the County and most cities more coordinated, consolidated and consistent. The CUPA is responsible for coordinating and implementing these hazardous materials/waste management programs county-wide in order to further this goal. Due to changes in Federal and State regulations and changes in the industry, Ordinance 615 is being revised to remove outdated or unused processes and procedures. The revision will also update specific references to the California Health and Safety Code sections and other County Ordinances such as Ordinance 640 and 725. Additional changes will revise language to accommodate new State mandated electronic reporting, in order to increase clarity and intent of some regulations and to make general edits for consistency.

**Impact on Citizens and Businesses**

The proposed revisions are intended to make the ordinance language clear to businesses as they navigate complex hazardous waste and material regulations as well as Department staff who inspect and regulate these businesses. Many of these revisions are necessary due to changes in State regulations and will make State and local requirements more consistent. These revisions would also provide for a variance for very small hazardous waste generators while continuing to protect health and safety.



10	11	12	13	15	16	17	18	19	20
DATE	REFERENCE NUMBER	DESCRIPTION - OTHER COMMENTS/CHARGES	PRODUCT/ZONE	SIZE	BILLED UNITS	TIMES RUN	RATE	GROSS AMOUNT	NET AMOUNT

09/28/2013	I01138294-09282013	NOTICE OF PUBLIC HEARING BEFORE Order Placed by: Cecilia Gil	Press-Enterprise	2 x 357 LI	714	1	1.30	928.20	928.20
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RECEIVED RIVERSIDE COUNTY  
 CLERK / BOARD OF SUPERVISORS  
 2013 OCT - 2 PM 12: 52

*Env. Health  
3-36 of 09/24/13*

**Legal Advertising Invoice**

<b>BALANCE</b>
\$928.20

SALES CONTACT INFORMATION		ADVERTISER INFORMATION			
1	25	6	7	2	
BILLING PERIOD	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME		
Maria Tinajero 951-368-9225	100141323	100141323	BOARD OF SUPERVISORS		

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

2 ADVERTISER/CLIENT NAME		
BOARD OF SUPERVISORS		
1 BILLING PERIOD	6 BILLED ACCOUNT NUMBER	7 ADVERTISER/CLIENT NUMBER
09/28/2013 - 09/28/2013	100141323	100141323
23 BALANCE	24 INVOICE NUMBER	3 TERMS OF PAYMENT
\$928.20	I01138294-09282013	DUE UPON RECEIPT



**Legal Advertising Invoice**

8 BILLING ACCOUNT NAME AND ADDRESS

9 REMITTANCE ADDRESS

BOARD OF SUPERVISORS  
 COUNTY OF RIVERSIDE  
 P.O. BOX 1147  
 RIVERSIDE, CA 92502

**Enterprise Media**  
 POST OFFICE BOX 12009  
 RIVERSIDE, CA 92502-2209

# THE PRESS-ENTERPRISE

3450 Fourteenth Street  
Riverside, CA 92501-3878  
951-684-1200  
951-368-9018 FAX

## PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

### PROOF OF PUBLICATION OF

Ad Desc.: /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, under date of February 4, 2013, Case Number RIC 1215735, under date of July 25, 2013, Case Number RIC 1305730, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

09/28/2013

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: September 30, 2013  
At: Riverside, California



BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
P.O. BOX 1147  
RIVERSIDE, CA 92502

Ad Number: 0001138294-01

P.O. Number:

### Ad Copy:

NOTICE OF PUBLIC HEARING BEFORE THE  
BOARD OF SUPERVISORS OF RIVERSIDE COUNTY

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, October 8, 2013 at 9:30 a.m., or as soon as possible thereafter, to consider adoption of the following:

#### ORDINANCE NO. 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

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

Section 1. Ordinance No. 615 is amended in its entirety to read as follows:

#### "ORDINANCE NO. 615

AN ORDINANCE OF THE COUNTY OF RIVERSIDE RELATING TO BUSINESSES WHERE HAZARDOUS WASTE IS GENERATED, STORED, HANDLED, DISPOSED, TREATED, OR RECYCLED.

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.

#### Section 2. DEFINITIONS.

##### a. Incorporated by Reference

The terms used in this Ordinance shall be as defined in 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, and the regulations adopted pursuant to that law, Title 22 of the California Code of Regulations, Division 4.5, Chapter 10, Article 2 as amended, except for the following:

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

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

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

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

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

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

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

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

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

a. Permit Required. No person shall operate a business where hazardous waste is generated without a valid permit issued by the CUPA. Application for a permit shall be made to the CUPA upon the written and/or electronic reporting forms provided as described in Section 4(c) of this Ordinance, and shall be accompanied by the appropriate fee as specified in Ordinance No. 640 and Section 6 of this Ordinance. A permit may be issued at any time during the year. All permits and application for permits shall expire annually on the one-year anniversary of the date of program qualification and a new permit must be applied for at least 30 days prior to the expiration of the current, valid permit. For non-permitted businesses, permit fees and completed reporting forms are due at the time hazardous waste is first produced at the business. Permit fees for previous

that produced at the business. Permit fees for previously unpermitted businesses, which have not been issued permit notices by the Department of Environmental Health, may only be collected for the period after the effective date of this Ordinance.

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

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

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

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

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

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

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

h. **Failure to Comply.**

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

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

#### Section 5. PENALTY FEES FOR DELINQUENT FILINGS.

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

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

Section 6. VIOLATIONS. No provision of this Ordinance or the enforcement thereof shall preclude the enforcement by the Department of Environmental Health or by the State of California or both, of any provision of Title 22 of the California Code of Regulations or the California Health and Safety Code.

a. **Infraction.** Any person or business operator or owner who violates any of the provisions of this Ordinance shall be guilty of an infraction and upon conviction thereof shall be punished by the fines described in Ordinance 725 and/or Ordinance 640.

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

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

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

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

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

Section 8. VARIANCE. The Director may grant variances to the permit and fee provisions of this article if the waste produced is insignificant as a potential hazard to humans, domestic livestock or wildlife due to its

small quantity, low concentration and/or its physical or chemical characteristics. Any variance granted does not exempt the producer from any other applicable laws and regulations governing the management of hazardous wastes.

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

**Section 10. SEVERABILITY.** If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, business, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 2.** This ordinance shall take effect thirty (30) days after its adoption.

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the hearing or may appear and be heard in support or opposition to the project at the time of the hearing. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: September 26, 2013

KECIA HARPER-IHEM, Clerk of the Board

By: Cecilia Gil, Board Assistant

9/28