

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9-2

On motion of Supervisor Ashley, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Environmental Health regarding Public Hearing on the ADOPTION OF ORDINANCE NO. 615 Regulating Businesses where Hazardous Waste is Generated, Stored, Handled, Disposed Treated or Recycled is taken off calendar.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on October 8, 2013 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: October 8, 2013

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.
9-2

xc: Environmental Health

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

6080



FROM: Department of Environmental Health

SUBMITTAL DATE:
October 18 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, 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
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	

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:

Steven C. Horn, MPA

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

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

000 000 11 6W 5: 10

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

FORM 11: Ordinance 615 Revision

DATE: October 18, 2013

PAGE: Page 2 of 2

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.

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 business to understand.

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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. 615.4”

AN ORDINANCE OF THE COUNTY OF RIVERSIDE 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

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

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

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

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

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

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

6 Section 3. INSPECTIONS OF BUSINESSES WHERE HAZARDOUS WASTE IS
7 GENERATED, STORED, HANDLED, DISPOSED, TREATED, OR RECYCLED.
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9 a. Inspections. The Department of Environmental Health as the CUPA is hereby
10 empowered to make periodic inspections of businesses where hazardous waste is
11 generated, stored, handled, disposed, treated, or recycled, and all businesses where
12 the CUPA has reasonable cause to believe that hazardous waste is generated,
13 stored, handled, disposed, treated, or recycled. Such inspections may be made
14 without prior notice of same to the owner or operator of such business.
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16 b. Failure to Comply. The failure or refusal of the owner or operator of such business
17 or his employee, agent, or any other person acting with such owner's or operator's
18 consent or pursuant to his authority, to permit any such inspection of the business
19 by the CUPA as provided herein, shall be a violation of this Ordinance.
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21 Section 4. PERMIT AND PERMIT APPLICATION REQUIREMENT FOR BUSINESSES
22 WHERE HAZARDOUS WASTE IS GENERATED, STORED, HANDLED, DISPOSED, TREATED
23 OR RECYCLED.

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

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

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

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

- 4 d. Tiered Permitting. A business that is regulated under the “permit-by-rule,”
5 “conditionally authorized” or “conditionally exempt” tiers, as defined in the
6 incorporated Health and Safety Code Sections, shall be required to complete an
7 Application as well as onsite hazardous waste treatment forms. The business shall
8 be subject to the requirements of Health and Safety Code Section 25100, et seq.
9 and California Code of Regulations, Title 22, Division 4.5.
- 10 e. Permit Issuance. Upon receipt of the Application for a permit and the payment of
11 the required fee, the CUPA shall review the information set forth in the
12 Application. Such review may include, but is not limited to, an inspection by the
13 CUPA of the hazardous waste activities at the applicant's business. After such
14 review has been satisfactorily completed, the CUPA shall issue a permit to any
15 business that generates hazardous waste.
- 16 f. Reporting of Changes. Holders of permits issued pursuant to this Ordinance shall
17 report to the CUPA, either in writing or electronic form, any change of business
18 address, change or transfer of business ownership, change of business name, or
19 change of permit designation or conditions (including number of employees),
20 within thirty (30) days of any such change. In addition to written notice of a
21 change or transfer of business ownership, a new permit, issued pursuant to this
22 ordinance, must be applied for and all necessary permit fees paid within thirty (30)
23 days of such change or transfer of ownership.
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1 g. Non-transferability of Permit. Unless otherwise noted, no permit issued pursuant to
2 this Ordinance shall be assignable or transferable whether voluntarily or by
3 operation of law.

4 h. Failure to Comply.

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

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10 2. Failure or refusal of the owner or operator of a business to comply with the
11 Hazardous Waste Control Law of the State of California as set forth in the
12 California Health and Safety Code, Section 25100, et seq., and the
13 Environmental Health Standards for the Management of Hazardous Waste
14 as specified in Title 22 of the California Code of Regulations, Division 4.5,
15 shall constitute a violation of this Ordinance.
16

17 Section 5. PENALTY FEES FOR DELINQUENT FILINGS.

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

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23 b. Unpermitted Businesses. Businesses that are determined to be operating without a
24 valid permit are given 30 days to file for their permit application and pay their permit
25 fees, as required by Ordinance 640. Any failure by the business to file the required
26 application and/or pay the required permit fees within the 30 day period, shall
27 constitute a violation of this Ordinance.
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1 results in any violation which is not observed to be corrected by or during the first re-inspection following
2 the initial inspection, the business will be subject to a re-inspection fee as established under Ordinance
3 No. 640 for any subsequent re-inspection associated with those continuing violations.

4 Section 8. VARIANCE. The Director may grant variances to the permit and fee
5 provisions of this article if the waste produced is insignificant as a potential hazard to humans, domestic
6 livestock or wildlife due to its small quantity, low concentration and/or its physical or chemical
7 characteristics. Any variance granted does not exempt the producer from any other applicable laws and
8 regulations governing the management of hazardous wastes.
9

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

12 Section 10. SEVERABILITY. If any provision, clause, sentence, or paragraph of this
13 Ordinance or the application thereof to any person, business, or circumstances shall be held invalid, such
14 invalidity shall not affect the other provisions or application of the provisions of this Ordinance which can
15 be given effect without the invalid provision or application, and to this end, the provisions of this
16 Ordinance are hereby declared to be severable.
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18 Section 11. EFFECTIVE DATE. This amended Ordinance shall take effect thirty (30) days
19 after its adoption.
20

21 Adopted: 615 Item 3.12 of 04/23/1985 (Eff: 05/23/1985)
22 Amended: 615.2 Item 11.2 of 03/30/1993 (Eff: 04/29/1993)
23 615.3 Item 12.6 of 07/26/1994 (Eff: 08/25/1994)
24 615.4

25 BOARD OF SUPERVISORS OF THE COUNTY
26 OF RIVERSIDE, STATE OF CALIFORNIA

27 By: _____
28 Chairman

1 ATTEST:

2 CLERK OF THE BOARD:

3
4 By: _____
5 Deputy
6 (SEAL)
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8 APPROVED AS TO FORM

9 June 17, 2013

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11 By:  _____
12 ERIC STORHER
13 Deputy County Counsel

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**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	

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: *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

A-30 Positions Added Change Order
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.

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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.

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.

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.

1
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
28

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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OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

September 26, 2013

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: (951) 368-9018

RE: NOTICE OF PUBLIC HEARING: ORDINANCE NO. 615 REGULATING BUSINESSES
WHERE HAZARDOUS WASTE IS GENERATED

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) Time on Saturday,
September 28, 2013.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE
PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: mtinajero@pe.com on behalf of Master, PEC Legals <legalsmaster@pe.com>
Sent: Thursday, September 26, 2013 9:24 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Ord. No. 615

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Cecilia Gil

Board Assistant

Clerk of the Board

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OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
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PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

September 26, 2013

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

E-MAIL: legals@thedesertsun.com
FAX: (760) 778-4731

RE: NOTICE OF PUBLIC HEARING: ORDINANCE NO. 615 REGULATING BUSINESSES
WHERE HAZARDOUS WASTE IS GENERATED

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) Time on Saturday,
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Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Moeller, Charlene <CMOELLER@palmspri.gannett.com>
Sent: Thursday, September 26, 2013 9:13 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Ord. No. 615



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From: Gil, Cecilia [<mailto:CCGIL@rcbos.org>]
Sent: Thursday, September 26, 2013 9:11 AM
To: tds-legals
Subject: FOR PUBLICATION: Ord. No. 615

One more, for publication on Saturday, Sept. 28, 2013. Please confirm. THANK YOU!

Cecilia Gil
Board Assistant
Clerk of the Board
951-955-8464
MS# 1010

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 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