

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



1-1

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED, FOUND AND DETERMINED that the following ordinances were duly published:

<u>ORDINANCE</u>	<u>DATE</u>	<u>NEWSPAPER</u>
No. 615.4	November 11, 2013	The Press-Enterprise

Roll Call:

Ayes: Jeffries, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on March 18, 2014 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: March 18, 2014
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in and
for the County of Riverside, State of California.

(seal)

By: , Deputy

AGENDA NO.

1-1

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

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.: / Ord. 615.4

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:

11/11/2013

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

Date: November 11, 2013
At: Riverside, California

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

Ad Number: 0001167184-01

P.O. Number: Ord. 615.4

Ad Copy:

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

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:
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 of 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."

John J. Benoit, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on November 5, 2013, the foregoing Ordinance consisting of ten (10) sections was adopted by said Board by the following vote:

AYES: Jeffries, Tavaglione, Stone and Ashley
NAYS: None
ABSENT: Benoit

Kecia Harper-Ihem, Clerk of the Board
By: Karen Barton, Board Assistant

11/11