

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



ITEM
3.8
(ID # 9105)

MEETING DATE:

Tuesday, April 16, 2019

FROM : ENVIRONMENTAL HEALTH:

SUBJECT: ENVIRONMENTAL HEALTH: Introduce and Adopt on Successive Weeks Ordinance 651.5, a Revision of an Ordinance Requiring Disclosure of Hazardous Materials and the Formulation of Business Plans. All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce and adopt on successive weeks Ordinance No. 651.5, an Ordinance requiring disclosure of hazardous materials and the formulation of business plans; and
2. Waive further reading of the Ordinance.

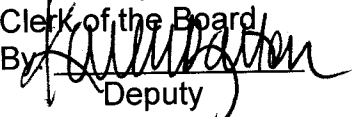
ACTION:Policy


Keith Jones, Director Environmental Health 3/27/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried, IT WAS ORDERED that the above matter is approved as recommended and that the above Ordinance is approved as introduced with a waiver of reading.

Ayes: Jeffries, Washington, Perez and Hewitt
Nays: None
Absent: Spiegel
Date: April 16, 2019
xc: Environmental Health, COB

Kecia Harper
Clerk of the Board
By 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS:			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: APPROVE

BACKGROUND:

Summary

The Riverside County Department of Environmental Health 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 State's goal in creating the CUPA was to make hazardous materials and hazardous waste management programs with cities and counties more coordinated, consolidated and consistent.

The Board of Supervisors adopted Ordinance 651 to regulate various aspects of establishments which handle and/or store hazardous materials. As some of the applicable Federal and State regulations have changed, this ordinance requires the consequent revisions with respect to these updates.

The Department of Environmental Health desires to remove outdated references to Health and Safety Code, and to update and clarify language to make Riverside County more consistent with Health and Safety Code and other surrounding jurisdictions.

Request to initiate revision approved: Board Agenda Item 3.15 on April 2, 2019

Previous Agenda References:

- 651 Item 9.2 of 02/16/1988 (Eff: 03/16/1988)
- 651.1 Item 11.4 of 03/30/1993 (Eff: 04/29/1993)
- 651.2 Item 12.7 of 07/26/1994 (Eff: 08/26/1994)
- 651.3 Item 13.5 of 03/27/2001 (Eff: 04/26/2001)
- 651.4 Item 9.1 of 04/14/2009 (Eff: 05/14/2009)
- 651.4 Item 3.15 of 04/02/19 (MT item 6982)

Impact on Residents and Businesses

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

The revised ordinance provides clarification on hazardous materials business plan requirements and is more consistent with California Health and Safety Code requirements. Businesses will continue to receive services provided through coordination of the CUPA as funded by their permit fees and revisions will result in no cost to the County as any implementation expenses will be paid through permit fees. Slightly less permit fees are anticipated due to some revisions and these reductions have been anticipated in future budget projections.

Attachments

Ordinance 651.4 Redline

Ordinance 651.5

Ordinance 651.5 Summary



Jason Farin, Senior Management Analyst

4/9/2019



Gregory L. Priamos, Director County Counsel

3/28/2019

ORDINANCE 651-4.5
(AS AMENDED THROUGH
651.45)

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE 651
REQUIRING DISCLOSURE OF HAZARDOUS MATERIALS AND THE
FORMULATION OF BUSINESS EMERGENCY PLANS
INCORPORATING BY REFERENCE HEALTH AND SAFETY CODE
CHAPTER 6.95,
SECTIONS 25500 ET SEQ. AND TITLE 19 OF THE CALIFORNIA
CODE OF REGULATIONS DIVISION 2, CHAPTER 4

Section 1. PURPOSE, AUTHORITY AND IMPLEMENTATION. The purpose of this Ordinance is to implement, within the County of Riverside, the Hazardous Materials Release Response Plans and Inventory Law, Chapter 6.95 of the California Health and Safety Code (CH&SCHSC), to establish a system for permitting businesses that handle hazardous materials, to enforce minimum standards respecting such materials, and to designate the County of Riverside, ~~Community Health Agency, Department of Environmental Health,~~ (DEH), as the administering agency (or Certified Unified Program Agency-CUPA) responsible for administering and enforcing Chapter 6.95 CH&SCHSC.

The DEH may require compliance with the applicable Articles of the most currently adopted California Fire Code and Title 8 of California Code of Regulations.

“A business handling and/or storing a hazardous material below reportable quantities may be required to obtain a permit from DEH; electronically submit a business plan in the statewide information management system; and comply with Title 19 California Code of Regulations and California Health and Safety Code Chapter 6.95 if the Director of the Department of Environmental Health finds necessary to protect the health and safety of persons, property, or the environment.”

Failure or refusal of the owner or operator of any business to comply with the requirements of this Ordinance shall constitute a violation of this Ordinance.

~~Pursuant to section 25500, paragraph two, CH&SC, it is the intent of the County of Riverside, Board of Supervisors to impose additional and more stringent requirements on businesses that handle hazardous materials than those imposed by Chapter 6.95 CH&SC.~~

Section 2. DEFINITIONS The terms used in this Ordinance shall be as defined in the Hazardous Materials Release Response Plans and Inventory Law Chapter 6.95 CH&SCHSC as amended, and the Hazardous Materials Release Reporting, Inventory, and Response Plans Regulations as specified in Title 19 of the California Code of Regulations (CCR), as amended , except for the following:

a. **“Business”** means an employer, person, self-employed individual, trust, firm, joint stock company, limited liability company, corporation, partnership, or association. “Business” shall also include a business organized for profit or nonprofit and any agency, department, office, board, commission, or bureau of a city, county, state, federal, or special district, the campuses of the California Community Colleges, the California State University, and the University of California and including educational institutions. For purposes of this Ordinance, households that generate, store, handle, dispose, treat or recycle hazardous materials of the kind and in the amounts customary for traditional households, do not constitute a business.

b. **“Business Emergency Plan Submittal”** means a separate business plan submitted electronically for ~~for~~ each business location facility, site or branch of a business that meets the requirements of Chapter 6.95 CH&SCHSC and/or this Ordinance.

c. **“CUPA”** means the Certified Unified Program Agency.

d. **“Cumulative Quantity”** means the total amount of hazardous materials categorized into one Department of Transportation, Hazard Class number, as described in 49 Code of Federal Regulations (CFR).

e. ~~_____~~ **“Department of Environmental Health (DEH)”** means the County of Riverside, ~~Community Health Agency, Department of Environmental Health.~~ DEH is also CUPA.

f. **“Director”** means the Director of the Department of Environmental Health or his/her designee.

g. **“Food Facility”** means any business as defined in CH&SCHSC section 113789. This commonly refers to restaurants, markets, delis, cafeterias, or similar operations.

g. ~~“Handle” means to use, generate, process, produce, package, re-package, treat, store, emit, discharge, or dispose of a hazardous material in any fashion.~~

h. **“Permittee”** means a business or person that holds a permit issued pursuant to this Ordinance.

i. ~~“Unified Program Consolidated Form” (UPCF) means the form designed for use by businesses providing a standardized format. This document consolidates information regulated businesses are required to provide for different program elements to the CUPA.~~

Section 3. REQUIREMENTS FOR HANDLING HAZARDOUS MATERIALS

a. Manner of Handling

No person or business shall cause or allow the handling of hazardous materials:

1. In a manner that violates any provision of this Ordinance or,
2. In a manner that causes an unauthorized release of hazardous materials or,
3. In a manner that poses a significant risk of unauthorized release of hazardous materials.

b. Correction of Unsafe Conditions

Whenever the owner or an employee of a business discovers or becomes aware of any condition that is likely to cause injury to the public, employees of the business, or damage to either property or the environment, the owner or operator of the business shall immediately correct that condition. ~~—~~If the condition is a hazard likely to cause serious injury or death to the public, employees, or is a hazard likely to cause substantial damage to property or the environment, the business owner or operator shall, until the unsafe condition has been corrected, immediately cease the operation of the unsafe portion of the business.

c. Storage

The owner or operator of a business where hazardous materials are stored shall accomplish all of the following:

1. Physical Separation of Materials.

The separation or protection of a hazardous material from any other material or factor that may cause or contribute to a fire, ~~—~~explosion, production of a

flammable, toxic, or poisonous gas, or the deterioration of any primary or secondary containment is required.

2. ~~___~~—**Physical Separation from Buildings.**

Hazardous material storage areas shall be separated by distance or physical barriers from residences and other buildings when the quantities of materials or their hazardous characteristics constitute a fire or health hazard.

3. **Restricted Access-**

Hazardous materials handling areas shall be secured against unauthorized entry.

d. **Warning Signs**

Hazard identification signs specified and in conformity with the National Fire Protection Association (NFPA) Standard 704 shall be placed in locations where hazardous materials are stored or handled in quantities requiring a permit and at entrances to the business and business property. Aboveground storage tanks containing a hazardous material shall be posted with the appropriate NFPA 704 sign(s) -on a visible side or sides, and sides and be -readable. For the purpose of this section an "aboveground storage tank" means a non-portable container holding 55 gallons or more of a hazardous material.

e. **Posting, and Labeling and Maintenance of Emergency Equipment**

1. _____ The following shall be posted with the appropriate signage: entrances and exits; hazardous materials storage areas; emergency equipment; and pesticide storage areas.

2. _____ Emergency contact information shall be posted in a conspicuous location and shall include, but not be limited to, all of the following: 911; local appropriate hospital name and phone number; primary facility emergency contact person's name and phone number; Riverside County Environmental Health Hazardous Materials Program name and phone number; California Office of Emergency Services name and phone number; National Response Center name and phone number; Poison Control Center name and phone number; and if applicable the name and phone number of a licensed hazardous materials cleanup contractor and location of fire extinguishers, spill control materials, and fire alarm.

3. _____ Containers holding hazardous materials shall be labeled as to the contents.

4. _____ Emergency equipment such as eyewash stations, fire extinguishers, spill kits etc. shall at all times be properly maintained and easily accessible for use by employees. ~~Other information may be required on the label by the DEH as stipulated in the current Business Emergency Plan instructions.~~

f. **Safety Data Sheets**

Safety Data Sheets as defined in Title 8 CCR shall be readily accessible or maintained on site for each hazardous materials stored or handled at the facility. **Failure to Comply:**

~~Failure or refusal of the owner or operator of any business to comply with the~~

~~requirements for handling hazardous material, in this section, shall constitute a violation of this Ordinance.~~

g. Employee Training

Initial employee training as required in Chapter 6.95 CH&SCHSC shall be conducted prior to handling hazardous materials regulated by this Ordinance.

Section 4. PERMIT REQUIRED

a. a. Permit

Except as provided in Chapter 6.95 CH&SCHSC and this Ordinance, no person shall operate or maintain a business where hazardous materials, or a mixture containing hazardous materials, are handled in a quantity that is equal to or greater than an amount specified in Section 67 of this Ordinance without a valid permit issued by the DEH. The owner or operator of a business shall obtain a permit for handling hazardous materials from the DEH.

~~For a previously non-permitted business, a permit fee and completed Business Emergency Plan are due at the time a hazardous material, or a mixture containing a hazardous material, is first handled at a business in a quantity that is equal to or greater than an amount specified in Section 7 of this Ordinance. A permit may be issued at any time during the year.~~

Exemptions:

b.

The following shall be exempted from the requirements of CH&SC Chapter 6.95 HSC Section 25500 et seq.:

1. Compressed Air.

cb. Requirements.

For a business to handle hazardous materials in quantities specified in Section 67 of this Ordinance, a completed Business Emergency Plan shall be ~~submitted electronically to the Statewide Information Management System or the local reporting portal and be accepted by the DEH.~~ ~~The Business Emergency Plan shall be~~

~~be submitted on the forms provided by the DEH with the appropriate fee as specified in Ordinance 640 and referenced in Section 78 of this Ordinance. All permits shall expire annually on the one-year anniversary of the date of program qualification. A new permit shall be renewed annually thereafter within thirty (30) calendar days of the permit expiration, applied for on or before the date of expiration.~~

Every business which handles hazardous materials as described in this Ordinance shall be required to submit annually, no later than the permit expiration date, an updated Hazardous Materials Business Plan in accordance with Chapter 6.95 CH&SCHSC Section 25508(a)(1)(A).

~~de.~~ **Contents of Business Emergency Plan:**

~~The completed Business Emergency Plan shall include all the information required for Business Plans pursuant to Chapter 6.95 CH&SCHSC, and the UPGF. The major elements of the required information include:~~

- ~~1. Business Activities Information~~
- ~~2. Statement of Exemption~~
- ~~3. Business Owner/ Operator Identification~~
- ~~4. Hazardous Materials Inventory~~
- ~~5. Site Map and Storage Map~~
- ~~6. Emergency Procedures~~
- ~~7. Employee Training Plan~~
- ~~8. Emergency Notification~~
- ~~9. Additional Information~~

~~The DEH may require such additional information as it deems necessary to meet the intent of this Ordinance and state law in protecting the public health, safety, or the environment.~~

ed. Permit Issuance

The DEH will issue a permit to handle hazardous materials when the Business Plan has been electronically submitted to the Statewide Information Management System, and fees paid in full, as specified in Ordinance 640 and following requirements have been met:

- ~~1. The Business Emergency Plan has been completed, submitted, reviewed and approved by the DEH.~~
- ~~2. The applicable fees, paid in full, as specified in Ordinance 640 and referenced in Section 78 of this Ordinance, have been received.~~

The DEH may not issue a permit to handle hazardous materials if the business is not in compliance with other agencies.

~~fe. **Nontransferable Permit.** A permit to handle a hazardous material is not transferable.~~

~~gf. **Maintaining Permit and Business Emergency Plan on Premises**~~

~~A permit issued pursuant to this Ordinance shall be posted at the permitted place of~~

~~business. A copy of the approved Business Emergency Plan shall be maintained on-site, clearly identified, and easily accessible to employees.~~

~~g. **Failure to Comply.**~~

~~1. Failure or refusal of the owner or operator of any business to submit to the DEH, the completed Business Emergency Plan for a permit to handle hazardous materials, as specified in this section, shall constitute a violation of this Ordinance.~~

~~2. Failure or refusal of the owner or operator of any business to submit to the DEH the appropriate fees, as specified in Ordinance 640 and referenced in Section 8 of this Ordinance, shall constitute a violation of this Ordinance.~~

Section 5 AMENDMENT OF BUSINESS EMERGENCY PLAN Requirements

~~a. Changes to the Business Emergency Plan. An amended or revised copy of the Business Emergency Plan shall be submitted to the DEH within thirty (30) calendar days when any of the following events occur:~~

A business shall report their hazardous material inventory as per CH&SC Chapter 6.95 HSC or this Ordinance. A business shall review and update their business plan annually as per Chapter 6.95 CH&SCHSC or this Ordinance, at least by the annual date of the business's permit issuance. In accordance with Chapter 6.95 of CH&SCHSC an updated Business Plan shall be submitted electronically in the Statewide Information Management System within thirty (30) calendar days when any of the following events occur, in addition to any additional requirements or changes to Chapter 6.95 HSC as amended:

1. Change of Ownership

2. Change of Business Name

3.2. Change of mailing address or phone number

4.3. Change in physical location of the business

5.4. Change of emergency contact person or emergency contact phone number

6.5. A 100 percent or more increase in the quantity of a previously disclosed hazardous material.

7.6. Any handling of a previously undisclosed hazardous material subject to the inventory requirements of this Ordinance.

~~b. Failure to Comply. Failure or refusal of the owner or operator of any business to comply with the amendment and notification requirements of this section shall constitute a violation of this Ordinance.~~

Section 6 HAZARDOUS MATERIALS HANDLING CLASSIFICATION SYSTEM BUSINESS EMERGENCY PLAN UPDATE REQUIREMENTS.

All hazardous materials reporting threshold shall be defined by Chapter 6.95 CH&SCHSC Chapter unless otherwise stated in this Ordinance.

a. Categories of Hazardous Material Inventory

A business shall annually submit to the DEH its hazardous materials inventory on the inventory reporting form, or submit a certification statement reporting current status as it may apply to changes in inventory, if any, within the previous year. Changes to the inventory shall be submitted on forms provided by the DEH or other forms as approved by the DEH. For purposes of permitting businesses pursuant to this Ordinance, categories of hazardous materials shall be as follows

b. Review and Update to the Business Emergency Plan. At least once every

~~three years the business shall certify to the DEH that a review of the Business Emergency Plan was made and that any necessary changes have been made to the plan. A copy of these changes shall be submitted to the DEH as part of this certification.~~

~~c. — **Failure to Comply.** Failure or refusal of the owner or operator of any business to comply with the reporting requirements of this section shall constitute a violation of this Ordinance.~~

Section 7. HAZARDOUS MATERIALS HANDLING CLASSIFICATION SYSTEM.

a. ~~Categories of Hazardous Materials.~~ For purposes of permitting businesses pursuant to this Ordinance, ~~categories of hazardous materials shall be as follows:~~

1. CATEGORY A.

- A. Motor vehicle fuels stored in an underground tank system;
- B. Lubricants and coolants stored above or below ground;
- C. Dielectric materials;
- ~~D. Hydraulic equipment fluids;~~
- ~~E. Motor vehicle parts cleaning fluids;~~
- ~~F. Used motor oil stored above or below ground;~~
- ~~G. One thousand pounds or less of lead acid batteries~~
- G. ~~One thousand cubic feet or less of c~~Compressed gases used in welding;
- H. Carbon dioxide liquid/gas when used in carbonation of beverages at a food facility; ~~servicing business~~
- I. ~~One hundred ten gallons or less of d~~Dry cleaning chemical(s) fluid stored above ground when used as a solvent for cleaning garments/textiles;
- J. ~~One thousand cubic feet or less of helium used for inflation of balloons~~
Nitrogen when used at a food facility, medical facility, or used at an automotive/aviation service facility.;
- K. Solid or liquid hazardous materials that are classified as a hazard for purposes of Section 5194 of Title 8 of the California Code of Regulations solely as an irritant or sensitizer.;
- L. A hazardous material gas at standard temperature and pressure that is classified as a hazard for purposes of Section 5194 of Title 8 of the California Code of Regulations solely as a compressed gas. This includes a gas for which the only health and physical hazards are simple asphyxiation and the release of pressure.;
- M. Cleaning chemical used at a motor vehicle washing facility;
- ~~ON.~~ Business required to report as directed by the Director of Environmental Health.;
- PO. Refrigerant gases used at a retail establishment.;
- P. Petroleum fuel used/stored in a backup generator and/or any fuel directly connected to a backup generator.;
- Q. Propane that is for on-premise use, storage, or both, for the sole purpose of cooking, heating, and heating water within that facility. This does not include any propane that is for the on-premise use, storage, or both for the purpose of heating pools.;
- R. Chlorine or muriatic acid stored in combined aggregate quantities greater than or equal to 55 gallons, and/or greater than or equal to 500 pounds at pool supply retail stores.
- S. Any cellular communication facility that handles only batteries containing hazardous materials greater than or equal to 55 gallons and/or greater than or equal to 500 pounds, such as lead-acid, alkaline, lithium ion, nickel cadmium, and/or nickel metal hydride.

2. CATEGORY B.

All hazardous materials defined by Chapter 6.95 CH&SCHSC except the following:

- A. Those listed in Category A of this Ordinance
- B. Those listed in Category C of this Ordinance
- C. Those exempt by Chapter 6.95 CH&SCHSC and this Ordinance
- ~~D. Those exempt by this Ordinance.~~

3. CATEGORY C.

- A. Extremely or Acutely Hazardous Waste as defined in Title 22 CCR
- B. Regulated Substance as defined in 40 CFR or Chapter 6.95 of the CH&SCHSC
- C. Extremely Hazardous Substance as defined in 40 CFR, except for dilute sulfuric acid present in lead-acid batteries, as noted in Section 6.A.1, above
- D. Acutely Hazardous Materials as defined referenced in 40 CFR Title 8 CCR
- E. Any hazardous substance or mixture which the United States Environmental Protection Agency has taken action upon pursuant to Sec. 2606 of Title 15 of the United States Code.

4. CATEGORY D

Public Safety Enterprise Communication (PSEC) Broadcast Sites.

5. Category E

Remote/Unstaffed Facilities

b. Classification of Handlers.

A hazardous materials handler shall be classified for fee assessment purposes according to the criteria of this Section. A handler that is eligible for assessment under more than one Hazard Classification Level shall be assessed at the level indicating the greatest hazard potential and based on the types and quantities of hazardous materials handled. The Hazard Classification Level for Propane shall be determined after the quantity has been converted into gallons.

-The Hazard Classification Levels shall be as follows:

4. 1. Agricultural Handler.

Any business meeting the definition of an agricultural handler in Chapter 6.95 CH&SCHSC, except that an agricultural handler is not exempt from the requirements of section 25505(a)(3) and (4), while operating a farm solely for purposes of cultivating the soil while raising or harvesting any agricultural or horticultural commodity, that handles a hazardous material, or a mixture containing a hazardous material, which has a cumulative quantity at any one time during the calendar year equal to or greater than the reportable quantities defined in Chapter 6.95 CH&SCHSC and this Ordinance a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for compressed gas.

A business that handles, stores, and/or processes any agricultural or horticultural commodity not produced by the owner/operator of the farm shall not qualify for the Agricultural Handler hazard classification level.

2. 2. Special Handler

Any business, handling only those materials listed in Category A of this Section, which that has a cumulative quantity equal to or greater than the reportable quantities defined by Chapter 6.95 CH&SCHSC and this Ordinance. 55 gallons, 500 pounds or 200 cubic feet of gas at standard temperature and pressure; no more than 1000 cubic feet, at standard temperature and pressure of compressed welding gases such as oxygen, acetylene, argon, etc., when those gases are used as part of a motor vehicle maintenance operation; any business handling motor vehicle fuels listed in Category A of this Section in underground storage tanks regulated by Ordinance 617; any business handling lead acid batteries in quantities less than or equal to 1000 pounds; any business handling dry cleaning fluid used as a solvent in the dry cleaning process less than or equal to 110 gallons total quantity on site stored above ground; any business handling one or more cylinders containing no more than 1000 cubic feet of helium used for inflation of balloons.

3. 3. Level I Handler

Any business handling materials listed in Category B of this section that has a cumulative quantity equal to or greater than the reportable quantities defined in Chapter 6.95 CH&SCHSC and this Ordinance 55 gallons but less than 550 gallons, or equal to or greater than 500 pounds but less than 5,000 pounds, or equal to or greater less than 200 cubic feet of compressed gas but less than 2,000 cubic feet of gas at standard temperature and pressure.

Also, Any business handling materials listed in Category C of this Section that has a cumulative quantity less than or equal to 5 gallons, or less than or equal to 50 pounds, or less than or equal to 20 cubic feet of compressed gas at standard temperature and pressure.

4. **4. Level II Handler**

Any business handling materials listed in Category B of this Section that has a cumulative quantity equal to or greater than 550 gallons but less than 5,500 gallons, or equal to or greater than 5,000 pounds but less than 50,000 pounds or equal to or greater than 2,000 cubic feet of compressed gas but less than 20,000 cubic feet of compressed gas at standard temperature and pressure.

Also, aAny business handling materials listed in Category C of this Section which that has a cumulative quantity greater than 5 gallons but less than or equal to 55 gallons, or greater than 50 pounds but less than or equal to 500 pounds, or

greater than 20 cubic feet of compressed gas but less than or equal to 200 cubic feet of compressed gas at standard temperature.

5. 5. Level III Handler

Any business handling materials listed in Category B of this Section that has a cumulative quantity equal to or greater than 5,500 gallons, equal to or greater than 50,000 pounds, or equal to or greater than 20,000 cubic feet of compressed gas at standard temperature and pressure.

~~Also a~~ Any business handling materials listed in Category C of this Section ~~which that~~ has a cumulative quantity greater than 55 gallons, or greater than 500 pounds, or greater than 200 cubic feet of compressed gas at standard temperature and pressure ~~and pressure.~~

6. PSEC/ Communication Level

Public Safety Enterprise Communication (PSEC) Broadcast Sites

7. Unstaffed/Remote Business

A business that has been designated by the CUPA as unstaffed/remote, in accordance with the requirements specified in Chapter 6.95 CH&SCHSC.

Section 7.8. PERMIT FEES.

The fee schedule for permits required pursuant to Section 4 of this Ordinance shall be as established in Ordinance 640.

a. **Penalties.** Businesses that are delinquent in filing a Business-Emergency-Plan, paying the permit fee, or both, shall be subject to penalties as established under Ordinance 640.

b. **—Other Penalties Not Precluded.** The imposition of, or payment of, a penalty imposed by Ordinance 640 shall not preclude the imposition of any other penalty prescribed by this Ordinance or state law or the prosecution of any violation of this Ordinance or state law.

Section 8. SPILL/RELEASE REPORTING

The handler or an employee, authorized representative, agent, or designee of a handler, shall, upon discovery, immediately report any release or threatened release of a hazardous material to the unified program agency, and to the Governor's Office of Emergency Services, in accordance with Chapter 6.95 CH&SCHSC and DEH Spill/Release Reporting Guidance.

Section 9. CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM.

a. **California Accidental Release Prevention Program (Cal-ARP) Risk Management Plan.** A business that the DEH determines represents a significant likelihood of risk, pursuant to Chapter 6.95 CH&SCHSC and/or Title 19 CCR and/or

Section 112 (r) of the Clean Air Act and/or 40 CFR shall prepare a Risk Management Plan (RMP) in accordance with the requirements found therein.

b. **Review Permit Fees.** The fee schedule for the DEH Cal-ARP inspection and review of a RMP for completeness shall be the fees as established under Ordinance 640.

~~c. **Failure to Comply.** Failure or refusal of the owner or operator of any business to submit to the DEH within the time specified in Chapter 6.95 CH&SC or by the DEH, the completed RMP, shall constitute a violation of this Ordinance.~~

Section 10. MAINTENANCE OF RECORDS.

~~a. **Records.** All records required by this Ordinance shall be maintained by the business for a period of not less than three (3) years following the expiration of the permit. Such records shall be made available to the DEH during normal working hour.~~

~~b. **Failure to Comply.** Failure or refusal of the owner or operator of any business maintain records as required by this section shall constitute a violation of this Ordinance.~~

Section 1014. CONFLICT WITH OTHER LAWS.

Notwithstanding any other provisions of this Ordinance, a hazardous materials handler regulated by any state or federal agency will be exempt from any conflicting provision of this Ordinance. ~~Whenever any provision~~

of this Ordinance conflicts with a provision in the California Fire Code as adopted by Riverside County, the more restrictive provision shall prevail.

Section 11 Failure to Comply

Failure to comply with any section of this Ordinance shall constitute a violation of this Ordinance.

Section 12. Violations:

- a. **Infraction:** Any person, business owner or operator who violates any of the provisions of this Ordinance shall be guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Ordinance 725 and/or Ordinance 640. ~~by: (1) a fine not exceeding one hundred dollars (\$100.00) for a first violation of this Ordinance; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of this ordinance within one (1) year; (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of this Ordinance after a second violation within one (1) year.~~
- b. **Misdemeanor:** Notwithstanding 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 California Penal Code, Section 19 as it may be amended.
- c. **Separate Violations:** Each day a violation is committed or permitted to continue 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 Ordinance 725 are incorporated by this reference.
- e. **Correction of Violations:** Payment of any penalty ~~established by this Ordinance~~ shall not relieve person or business 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~~late fee imposed under Ordinance 640.

Section 13. PUBLIC NUISANCE:

The handling of any hazardous material in violation of the provisions of this Ordinance is declared to be a public nuisance.

Section 14. SEVERABILITY:

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, business handler or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the remaining provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance hereby declare to be severable.

Adopted:

651 Item 9.2 of 02/16/1988 (Eff: 03/16/1988)

Amended:

651.1 Item 11.4 of 03/30/1993 (Eff: 04/29/1993)

651.2 Item 12.7 of 07/26/1994 (Eff: 08/26/1994)

651.3 Item 13.5 of 03/27/2001 (Eff: 04/26/2001)

651.4 Item 9.1 of 04/14/2009 (Eff: 05/14/2009)

1 ORDINANCE 651.5

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 651
3 REQUIRING DISCLOSURE OF HAZARDOUS MATERIALS AND THE
4 FORMULATION OF BUSINESS PLANS INCORPORATING BY REFERENCE HEALTH
5 AND SAFETY CODE CHAPTER 6.95, SECTIONS 25500 ET SEQ. AND TITLE 19 OF THE
6 CALIFORNIA CODE OF REGULATIONS DIVISION 2, CHAPTER 4

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

8 Section 1. Ordinance No. 651 is amended in its entirety to read as follows:

9
10 "ORDINANCE 651

11 AN ORDINANCE OF THE COUNTY OF RIVERSIDE REQUIRING DISCLOSURE OF
12 HAZARDOUS MATERIALS AND THE FORMULATION OF BUSINESS PLANS
13 INCORPORATING BY REFERENCE HEALTH AND SAFETY CODE CHAPTER 6.95,
14 SECTIONS 25500 ET SEQ. AND TITLE 19 OF THE CALIFORNIA CODE OF
15 REGULATIONS DIVISION 2, CHAPTER 4

16
17 **SECTION 1. PURPOSE, AUTHORITY AND IMPLEMENTATION**

18 The purpose of this Ordinance is to implement, within the County of Riverside, the Hazardous
19 Materials Release Response Plans and Inventory Law, Chapter 6.95 of the California Health
20 and Safety Code (HSC), to establish a system for permitting businesses that handle
21 hazardous materials, to enforce minimum standards respecting such materials, and to
22 designate the County of Riverside, Department of Environmental Health (DEH), as the
23 administering agency (or Certified Unified Program Agency-CUPA) responsible for
24 administering and enforcing Chapter 6.95 HSC.

25 The DEH may require compliance with the applicable Articles of the most currently adopted

1 California Fire Code and Title 8 of California Code of Regulations.

2 A business handling and/or storing a hazardous material below reportable quantities may be
3 required to obtain a permit from DEH; electronically submit a business plan in the Statewide
4 Information Management System; and comply with Title 19 California Code of Regulations
5 and California Health and Safety Code Chapter 6.95 if the Director of the Department of
6 Environmental Health finds necessary to protect the health and safety of persons, property, or
7 the environment.

8 Failure or refusal of the owner or operator of any business to comply with the requirements of
9 this Ordinance shall constitute a violation of this Ordinance.

10
11 **SECTION 2. DEFINITIONS**

12 The terms used in this Ordinance shall be as defined in the Hazardous Materials Release
13 Response Plans and Inventory Law Chapter 6.95 HSC as amended, and the Hazardous
14 Materials Release Reporting, Inventory, and Response Plans Regulations as specified in Title
15 19 of the California Code of Regulations (CCR), as amended, except for the following:

16 A. **“Business”** means an employer, person, self-employed individual, trust, firm, joint
17 stock company, limited liability company, corporation, partnership, or association.
18 “Business” shall also include a business organized for profit or nonprofit and any
19 agency, department, office, board, commission, or bureau of a city, county, state,
20 federal, or special district, the campuses of the California Community Colleges, the
21 California State University, and the University of California and including educational
22 institutions. For purposes of this Ordinance, households that generate, store, handle,
23 dispose, treat or recycle hazardous materials of the kind and in the amounts
24 customary for traditional households, do not constitute a business.

25 B. **“Business Plan Submittal”** means a separate business plan submitted electronically

1 for each business location facility, site or branch of a business that meets the
2 requirements of Chapter 6.95 HSC and/or this Ordinance.

3 C. **"CUPA"** means the Certified Unified Program Agency.

4 D. **"Cumulative Quantity"** means the total amount of hazardous materials
5 categorized into one Department of Transportation, Hazard Class number, as
6 described in 49 Code of Federal Regulations (CFR).

7 E. **"Department of Environmental Health (DEH)"** means the County of Riverside,
8 Department of Environmental Health. DEH is also CUPA.

9 F. **"Director"** means the Director of the Department of Environmental Health or his/her
10 designee.

11 G. **"Food Facility"** means any business as defined in HSC section 113789. This
12 commonly refers to restaurants, markets, delis, cafeterias, or similar operations.

13 H. **"Permittee"** means a business or person that holds a permit issued pursuant to this
14 Ordinance.

15
16 **SECTION 3. REQUIREMENTS FOR HANDLING HAZARDOUS MATERIALS**

17 **A. Manner of Handling**

18 No person or business shall cause or allow the handling of hazardous materials:

- 19 1. In a manner that violates any provision of this Ordinance or,
20 2. In a manner that causes an unauthorized release of hazardous materials or,
21 3. In a manner that poses a significant risk of unauthorized release of hazardous
22 materials.

23 **B. Correction of Unsafe Conditions**

24 Whenever the owner or an employee of a business discovers or becomes aware of
25 any condition that is likely to cause injury to the public, employees of the business, or

1 damage to either property or the environment, the owner or operator of the business
2 shall immediately correct that condition. If the condition is a hazard likely to cause
3 serious injury or death to the public, employees, or is a hazard likely to cause
4 substantial damage to property or the environment, the business owner or operator
5 shall, until the unsafe condition has been corrected, immediately cease the operation
6 of the unsafe portion of the business.

7 **C. Storage**

8 The owner or operator of a business where hazardous materials are stored shall
9 accomplish all of the following:

10 **1. Physical Separation of Materials**

11 The separation or protection of a hazardous material from any other material or
12 factor that may cause or contribute to a fire, explosion, production of a
13 flammable, toxic, or poisonous gas, or the deterioration of any primary or
14 secondary containment is required.

15 **2. Physical Separation from Building**

16 Hazardous material storage areas shall be separated by distance or physical
17 barriers from residences and other buildings when the quantities of materials or
18 their hazardous characteristics constitute a fire or health hazard.

19 **3. Restricted Access**

20 Hazardous materials handling areas shall be secured against unauthorized
21 entry.

22 **D. Warning Signs**

23 Hazard identification signs specified and in conformity with the National Fire Protection
24 Association (NFPA) Standard 704 shall be placed in locations where hazardous
25 materials are stored or handled in quantities requiring a permit and at entrances to the

1 business and business property. Aboveground storage tanks containing a hazardous
2 material shall be posted with the appropriate NFPA 704 sign(s) on a visible side or
3 sides, and be readable. For the purpose of this section, an "aboveground storage tank"
4 means a non-portable container holding 55 gallons or more of a hazardous material.

5 **E. Posting, Labeling and Maintenance of Emergency Equipment**

- 6 1. The following shall be posted with the appropriate signage: entrances and exits;
7 hazardous materials storage areas; emergency equipment; and pesticide storage
8 areas.
- 9 2. Emergency contact information shall be posted in a conspicuous location and shall
10 include, but not be limited to, all of the following: 911; local appropriate hospital
11 name and phone number; primary facility emergency contact person's name and
12 phone number; Riverside County Environmental Health Hazardous Materials
13 Program name and phone number; California Office of Emergency Services name
14 and phone number; National Response Center name and phone number; Poison
15 Control Center name and phone number; and if applicable the name and phone
16 number of a licensed hazardous materials cleanup contractor and location of fire
17 extinguishers, spill control materials, and fire alarm.
- 18 3. Containers holding hazardous materials shall be labeled as to the contents.
- 19 4. Emergency equipment such as eyewash stations, fire extinguishers, spill kits etc.
20 shall at all times be properly maintained and easily accessible for use by
21 employees.

22 **F. Safety Data Sheets**

23 Safety Data Sheets as defined in Title 8 CCR shall be readily accessible or maintained
24 on site for each hazardous material stored or handled at the facility.

25 **G. Employee Training**

1 Initial employee training as required in Chapter 6.95 HSC shall be conducted prior to
2 handling hazardous materials regulated by this Ordinance.
3

4 **SECTION 4. PERMIT REQUIRED**

5 **A. Permit**

6 Except as provided in Chapter 6.95 HSC and this Ordinance, no person shall operate
7 or maintain a business where hazardous materials, or a mixture containing hazardous
8 materials, are handled in a quantity that is equal to or greater than an amount
9 specified in Section 6 of this Ordinance without a valid permit issued by the DEH. The
10 owner or operator of a business shall obtain a permit for handling hazardous materials
11 from the DEH.

12 **B. Exemptions**

13 The following shall be exempted from the requirements of Chapter 6.95 HSC Section
14 25500 et seq.:

- 15 1. Compressed Air

16 **C. Requirements**

17 For a business to handle hazardous materials in quantities specified in Section 6 of
18 this Ordinance, a completed Business Plan shall be submitted electronically to the
19 Statewide Information Management System and be accepted by the DEH. The
20 Business Plan shall be submitted with the appropriate fee as specified in Ordinance
21 640 and referenced in Section 7 of this Ordinance. All permits shall expire annually on
22 the one-year anniversary of the date of program qualification. A new permit shall be
23 renewed annually thereafter within thirty (30) calendar days of the permit expiration
24 date.

25 Every business which handles hazardous materials as described in this Ordinance

1 shall be required to submit annually, no later than the permit expiration date, an
2 updated Hazardous Materials Business Plan in accordance with Chapter 6.95 HSC
3 Section 25508(a)(1)(A).

4 **D. Contents of Business Plan**

5 The completed Business Plan shall include all the information required for Business
6 Plans pursuant to Chapter 6.95 HSC.

7 **E. Permit Issuance**

8 The DEH will issue a permit to handle hazardous materials when the Business Plan
9 has been electronically submitted to the Statewide Information Management System,
10 and fees paid in full, as specified in Ordinance 640 and referenced in Section 7 of this
11 Ordinance.

12 The DEH may not issue a permit to handle hazardous materials if the business is not
13 in compliance with other agencies.

14
15 **SECTION 5. BUSINESS PLAN REQUIREMENTS**

16 A business shall report their hazardous material inventory as per Chapter 6.95 HSC or this
17 Ordinance. A business shall review and update their business plan annually as per Chapter
18 6.95 HSC or this Ordinance, at least by the annual date of the business's permit issuance. In
19 accordance with Chapter 6.95 HSC an updated Business Plan shall be submitted
20 electronically in the Statewide Information Management System within thirty (30) calendar
21 days when any of the following events occur, in addition to any additional requirements or
22 changes to Chapter 6.95 HSC as amended:

- 23 1. Change of Ownership
24 2. Change of Business Name
25 3. Change of mailing address or phone number

- 1 4. Change in physical location of the business
- 2 5. Change of emergency contact person or emergency contact phone number
- 3 6. 100 percent or more increase in the quantity of a previously disclosed hazardous
- 4 material
- 5 7. Any handling of a previously undisclosed hazardous material subject to the inventory
- 6 requirements of this Ordinance

7

8 **SECTION 6. HAZARDOUS MATERIALS HANDLING CLASSIFICATION SYSTEM**

9 All hazardous materials reporting threshold shall be defined by Chapter 6.95 HSC unless
10 otherwise stated in this Ordinance.

11 **A. Categories of Hazardous Material Inventory**

12 For purposes of permitting businesses pursuant to this Ordinance, categories of
13 hazardous materials shall be as follows:

14 **1. CATEGORY A**

- 15 a. Motor vehicle fuels stored in an underground tank system;
- 16 b. Lubricants and coolants stored above or below ground;
- 17 c. Dielectric materials;
- 18 d. Hydraulic equipment fluids;
- 19 e. Motor vehicle parts cleaning fluids;
- 20 f. Used motor oil stored above or below ground;
- 21 g. Compressed gases used in welding;
- 22 h. Carbon dioxide liquid/gas when used in carbonation of beverages at a
- 23 food facility;
- 24 i. Dry cleaning chemical(s) stored above ground when used as a solvent
- 25 for cleaning garments/textiles;

- 1 j. Nitrogen when used at a food facility, medical facility, or used at an
2 automotive/aviation service facility;
- 3 k. Solid or liquid hazardous materials that are classified as a hazard for
4 purposes of Section 5194 of Title 8 of the California Code of
5 Regulations solely as an irritant or sensitizer;
- 6 l. A hazardous material gas at standard temperature and pressure that is
7 classified as a hazard for purposes of Section 5194 of Title 8 of the
8 California Code of Regulations solely as a compressed gas. This
9 includes a gas for which the only health and physical hazards are
10 simple asphyxiation and the release of pressure;
- 11 m. Cleaning chemical used at a motor vehicle washing facility;
- 12 n. Businesses required to report as directed by the Director of
13 Environmental Health;
- 14 o. Refrigerant gases used at a retail establishment;
- 15 p. Petroleum fuel used/stored in a backup generator and/or any fuel
16 directly connected to a backup generator;
- 17 q. Propane that is for on-premise use, storage, or both, for the sole
18 purpose of cooking, heating, and heating water within that facility. This
19 does not include any propane that is for the on-premise use, storage, or
20 both for the purpose of heating pools;
- 21 r. Chlorine or muriatic acid stored in combined aggregate quantities
22 greater than or equal to 55 gallons, and/or greater than or equal to 500
23 pounds at pool supply retail stores;
- 24 s. Any cellular communication facility that handles only batteries
25 containing hazardous materials greater than or equal to 55 gallons

1 and/or greater than or equal to 500 pounds, such as lead-acid, alkaline,
2 lithium ion, nickel cadmium, and/or nickel metal hydride.

3 **2. CATEGORY B**

4 All hazardous materials defined by Chapter 6.95 HSC except the following:

- 5 a. Those listed in Category A of this Ordinance;
- 6 b. Those listed in Category C of this Ordinance;
- 7 c. Those exempt by Chapter 6.95 HSC and this Ordinance.

8 **3. CATEGORY C**

- 9 a. Extremely or Acutely Hazardous Wastes as defined in Title 22 CCR;
- 10 b. Regulated Substance as defined in 40 CFR or Chapter 6.95 of the
11 HSC;
- 12 c. Extremely Hazardous Substance as defined in 40 CFR, except for
13 dilute sulfuric acid present in lead-acid batteries, as noted in Section
14 6.A.1, above;
- 15 d. Acutely Hazardous Materials as referenced in Title 8 CCR;
- 16 e. Any hazardous substance or mixture which the United States
17 Environmental Protection Agency has taken action upon pursuant to
18 Sec. 2606 of Title 15 of the United States Code.

19 **4. CATEGORY D**

20 Public Safety Enterprise Communication (PSEC) Broadcast Sites

21 **5. CATEGORY E**

22 Remote/Unstaffed Facilities

23 **B. Classification of Handlers**

24 A hazardous materials handler shall be classified for fee assessment purposes
25 according to the criteria of this Section. A handler that is eligible for assessment under

1 more than one Hazard Classification Level shall be assessed at the level indicating the
2 greatest hazard potential and based on the types and quantities of hazardous
3 materials handled. The Hazard Classification Level for Propane shall be determined
4 after the quantity has been converted into gallons.

5 The Hazard Classification Levels shall be as follows:

6 **1. Agricultural Handler**

7 Any business meeting the definition of an agricultural handler in Chapter 6.95
8 HSC, except that an agricultural handler is not exempt from the requirements
9 of section 25505(a)(3) and (4), while operating a farm solely for purposes of
10 cultivating the soil while raising or harvesting any agricultural or horticultural
11 commodity, that handles a hazardous material, or a mixture containing a
12 hazardous material, which has a cumulative quantity at any one time during the
13 calendar year equal to or greater than the reportable quantities defined in
14 Chapter 6.95 HSC and this Ordinance.

15 A business that handles, stores, and/or processes any agricultural or
16 horticultural commodity not produced by the owner/operator of the farm shall
17 not qualify for the Agricultural Handler hazard classification level.

18 **2. Special Handler**

19 Any business, handling only those materials listed in Category A of this
20 Section, that has a cumulative quantity equal to or greater than the reportable
21 quantities defined by Chapter 6.95 HSC and this Ordinance.

22 **3. Level I Handler**

23 Any business handling materials listed in Category B of this section that has a
24 cumulative quantity equal to or greater than the reportable quantities defined in
25 Chapter 6.95 HSC and this Ordinance but less than 550 gallons, or less than

1 5,000 pounds, or compressed gas less than 2,000 cubic feet of gas at standard
2 temperature and pressure.

3 Any business handling materials listed in Category C of this Section that has a
4 cumulative quantity less than or equal to 5 gallons, or less than or equal to 50
5 pounds, or less than or equal to 20 cubic feet of compressed gas at standard
6 temperature and pressure.

7 **4. Level II Handler**

8 Any business handling materials listed in Category B of this Section that has a
9 cumulative quantity equal to or greater than 550 gallons but less than 5,500
10 gallons, or equal to or greater than 5,000 pounds but less than 50,000 pounds
11 or equal to or greater than 2,000 cubic feet of compressed gas but less than
12 20,000 cubic feet of compressed gas at standard temperature and pressure.

13 Any business handling materials listed in Category C of this Section that has a
14 cumulative quantity greater than 5 gallons but less than or equal to 55 gallons,
15 or greater than 50 pounds but less than or equal to 500 pounds, or greater than
16 20 cubic feet of compressed gas but less than or equal to 200 cubic feet of
17 compressed gas at standard temperature.

18 **5. Level III Handler**

19 Any business handling materials listed in Category B of this Section that has a
20 cumulative quantity equal to or greater than 5,500 gallons, equal to or greater
21 than 50,000 pounds, or equal to or greater than 20,000 cubic feet of
22 compressed gas at standard temperature and pressure.

23 Any business handling materials listed in Category C of this Section that
24 has a cumulative quantity greater than 55 gallons, or greater than 500
25 pounds, or greater than 200 cubic feet of compressed gas at standard

1 temperature and pressure.

2 **6. PSEC/ Communication Level**

3 Public Safety Enterprise Communication (PSEC) Broadcast Sites

4 **7. Unstaffed/Remote Business**

5 A business that has been designated by the CUPA as unstaffed/remote, in
6 accordance with the requirements specified in Chapter 6.95 HSC.

7
8 **SECTION 7. PERMIT FEES**

9 The fee schedule for permits required pursuant to Section 4 of this Ordinance shall be as
10 established in Ordinance 640.

11 **A. Penalties**

12 Businesses that are delinquent in filing a Business Plan, paying the permit fee, or both,
13 shall be subject to penalties as established under Ordinance 640.

14 **B. Other Penalties Not Precluded**

15 The imposition of, or payment of, a penalty imposed by Ordinance 640 shall not
16 preclude the imposition of any other penalty prescribed by this Ordinance or state law
17 or the prosecution of any violation of this Ordinance or state law.

18
19 **SECTION 8. SPILL/RELEASE REPORTING**

20 The handler or an employee, authorized representative, agent, or designee of a handler,
21 shall, upon discovery, immediately report any release or threatened release of a hazardous
22 material to the unified program agency, and to the Governor's Office of Emergency Services,
23 in accordance with Chapter 6.95 HSC and DEH Spill/Release Reporting Guidance.

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25 **SECTION 9. CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM**

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A. California Accidental Release Prevention Program (Cal-ARP) Risk Management Plan

A business that the DEH determines represents a significant likelihood of risk, pursuant to Chapter 6.95 HSC and/or Title 19 CCR and/or Section 112 (r) of the Clean Air Act and/or 40 CFR shall prepare a Risk Management Plan (RMP) in accordance with the requirements found therein.

B. Permit Fees

The fee schedule for the DEH Cal-ARP inspection and review of a RMP for completeness shall be the fees as established under Ordinance 640.

SECTION 10. CONFLICT WITH OTHER LAWS

Notwithstanding any other provisions of this Ordinance, a hazardous materials handler regulated by any state or federal agency will be exempt from any conflicting provision of this Ordinance. Whenever any provision of this Ordinance conflicts with a provision in the California Fire Code as adopted by Riverside County, the more restrictive provision shall prevail.

SECTION 11. FAILURE TO COMPLY

Failure to comply with any section of this Ordinance shall constitute a violation of this Ordinance.

SECTION 12. VIOLATIONS

A. Infraction

Any person, business owner or operator who violates any of the provisions of this Ordinance shall be guilty of an infraction and, upon conviction thereof, shall be

1 punished in accordance with Ordinance 725 and/or Ordinance 640.

2 **B. Misdemeanor**

3 Notwithstanding subsection (A) of this Section, a first and subsequent offense may be
4 charged and prosecuted as a misdemeanor and upon conviction thereof, shall be
5 punished as provided by California Penal Code, Section 19 as it may be amended.

6 **C. Separate Violations**

7 Each day a violation is committed or permitted to continue shall constitute a separate
8 offense.

9 **D. Remedies and Penalties in Ordinance 725**

10 The additional remedies, penalties and procedures for violation of this Ordinance and
11 for recovery of costs related to enforcement provided for Ordinance 725 are
12 incorporated by this reference.

13 **E. Correction of Violations**

14 Payment of any penalty shall not relieve person or business from the responsibility of
15 correcting any violation of this Ordinance, statute or regulation, nor shall it relieve a
16 person from the payment of a penalty fee imposed under Ordinance 640.

17
18 **SECTION 13. PUBLIC NUISANCE**

19 The handling of any hazardous material in violation of the provisions of this Ordinance is
20 declared to be a public nuisance.

21
22 **SECTION 14. SEVERABILITY**

23 If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to
24 any person, business handler or circumstance shall be held invalid, such invalidity shall not
25 affect the other provisions or application of the remaining provisions of this Ordinance which

1 can be given effect without the invalid provision or application. To this end, the provisions of
2 this Ordinance hereby declare to be severable.”

3
4 Section 2. EFFECTIVE DATE. This ordinance shall take effect 30 days after its
5 adoption.

6
7 BOARD OF SUPERVISORS OF THE COUNTY
8 OF RIVERSIDE, STATE OF CALIFORNIA

9 By: _____

10 KEVIN JEFFRIES, Chairman

11
12
13 ATTEST:

14 KECIA HARPER

15 CLERK OF THE BOARD

16
17 By: _____

18 Deputy

19 (SEAL)

20
21 APPROVED AS TO FORM:

22
23 By: _____

24 Eric Stopher

25 Deputy County Counsel

SUMMARY OF PROPOSED ORDINANCE NO. 651.5

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 651 REQUIRING DISCLOSURE OF HAZARDOUS
MATERIALS AND THE FORMULATION OF BUSINESS PLANS INCORPORATING BY
REFERENCE HEALTH AND SAFETY CODE CHAPTER 6.95, SECTIONS 25500 ET
SEQ. AND TITLE 19 OF THE CALIFORNIA CODE
OF REGULATIONS DIVISION 2, CHAPTER 4

This summary is presented pursuant to California Government Code Section 25124(b); a certified copy of the full text of Ordinance No. 651 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 651 implements, within the County of Riverside, the Hazardous Materials Release Response Plans and Inventory law of the State of California, Health and Safety Code, Chapter 6.95, Division 20, Sections 25500 et seq., the regulations adopted pursuant to the law, Title 19 of the California Code of Regulations, Division 2, Chapter 4, and establishes a system for permitting businesses that must disclose hazardous materials through hazardous materials business plans to enforce a minimum standard, designating the Department of Environmental Health as the administering agency.

Ordinance 651 is being amended 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 for the Unified Program, to increase consistency between State and local requirements, to make general format and organization changes for consistency with other Department ordinances and to generally make Ordinance 651 current and easier for businesses to understand.



OFFICE OF THE
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 R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

April 18, 2019

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

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

RE: NOTICE OF SUMMARY OF ORD. 651.5

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Wednesday, April 24, 2019**.

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

Your invoice must be submitted to this office, **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,

Karen Barton

Board Assistant to
KECIA R. HARPER, CLERK OF THE BOARD

SUMMARY OF ORDINANCE NO. 651.5

NOTICE IS HEREBY GIVEN that a public meeting 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, April 30, 2019 at 9:00 a.m.**, or as soon as possible thereafter, to consider adoption of the following Ordinance:

SUMMARY OF PROPOSED ORDINANCE NO. 651.5

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 651 REQUIRING DISCLOSURE OF HAZARDOUS
MATERIALS AND THE FORMULATION OF BUSINESS PLANS INCORPORATING BY
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Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the meeting.

Dated: April 18, 2019

Kecia R. Harper, Clerk of the Board

By: Karen Barton, Board Assistant



CALL (951) 368-9222
EMAIL legal@southernca.com

THE PRESS-ENTERPRISE

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Invoice text: SUMMARY OF ORDINANCE NO. 651.5

*Environmental Health
3.8 4/16/19*

Placed by: Karen Barton

Legal Advertising Memo Invoice

BALANCE DUE
306.80

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BILLING ACCOUNT NAME AND ADDRESS

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COUNTY OF RIVERSIDE
'PO BOX 1147'
RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPER PARTNERSHIP
dba The Press-Enterprise
PO Box 65210
Colorado Springs, CO 80962-5210

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
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951-368-9018 FAX

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

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: SUMMARY OF ORDINANCE NO. 651.5 /

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, 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:

04/24/2019

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

Date: April 24, 2019
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011261089-01

P.O. Number:

Ad Copy:

SUMMARY OF ORDINANCE NO. 651.5

NOTICE IS HEREBY GIVEN that a public meeting 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, April 30, 2019 at 9:00 a.m., or as soon as possible thereafter, to consider adoption of the following Ordinance:

SUMMARY OF PROPOSED ORDINANCE NO. 651.5

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 651 REQUIRING DISCLOSURE OF HAZARDOUS MATERIALS AND THE FORMULATION OF BUSINESS PLANS INCORPORATING BY REFERENCE HEALTH AND SAFETY CODE CHAPTER 6.95, SECTIONS 25500 ET SEQ. AND TITLE 19 OF THE CALIFORNIA CODE OF REGULATIONS DIVISION 2, CHAPTER 4

This summary is presented pursuant to California Government Code Section 25124(b); a certified copy of the full text of Ordinance No. 651 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 651 implements, within the County of Riverside, the Hazardous Materials Release Response Plans and Inventory law of the State of California, Health and Safety Code, Chapter 6.95, Division 20, Sections 25500 et seq., the regulations adopted pursuant to the law, Title 19 of the California Code of Regulations, Division 2, Chapter 4, and establishes a system for permitting businesses that must disclose hazardous materials through hazardous materials business plans to enforce a minimum standard, designating the Department of Environmental Health as the administering agency.

Ordinance 651 is being amended 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 for the Unified Program, to increase consistency between State and local requirements, to make general format and organization changes for consistency with other Department ordinances and to generally make Ordinance 651 current and easier for businesses to understand.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the meeting.

Dated: April 18, 2019
Kecia R. Harper, Clerk of the Board
By: Karen Barton, Board Assistant

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