

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



ITEM  
3.19  
(ID # 9309)

MEETING DATE:

Tuesday, April 30, 2019

FROM : ENVIRONMENTAL HEALTH:

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

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Ordinance No. 651.5, Requiring Disclosure of Hazardous Materials and the Formulation of Business Plans; and
2. Waive further reading of the Ordinance.

**ACTION: Policy**

*Keith Jones*

Keith Jones, Director, Environmental Health 4/15/2019

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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 Ordinance 651.5 is adopted with waiver of the reading.

Ayes: Jeffries, Spiegel, Washington and Perez  
Nays: None  
Absent: Hewitt  
Date: April 30, 2019  
xc: Environmental Health, MC, COB

Kecia Harper  
Clerk of the Board  
By: *[Signature]*  
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	
			18/19	

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

**BACKGROUND:**

**Summary**

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The Department of Environmental Health desires to remove outdated references to Health and Safety Code, and to update and clarify language to make Riverside County more consistent with Health and Safety Code and other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

**Previous Agenda References:**

- Item 3.8 on 04/16/2019 (MT# 9105)

**Impact on Residents and Businesses**

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 Certified Unified Program Agencies (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. A reduction in permitted facilities 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

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

Letter of Support  
Letter of Support

  
\_\_\_\_\_  
Gregory V. Priapos, Director County Counsel 4/16/2019

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.

24  
25 **SECTION 9. CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM**



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

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

7 **B. Permit Fees**

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

10  
11 **SECTION 10. CONFLICT WITH OTHER LAWS**

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

17  
18 **SECTION 11. FAILURE TO COMPLY**

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

21  
22 **SECTION 12. VIOLATIONS**

23 **A. Infraction**

24 Any person, business owner or operator who violates any of the provisions of this  
25 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

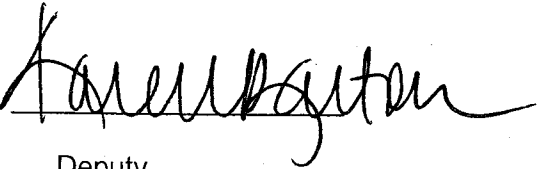
9 By: 

10 KEVIN JEFFRIES, Chairman

11  
12  
13 ATTEST:

14 KECIA HARPER

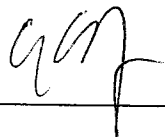
15 CLERK OF THE BOARD

16  
17 By: 

18 Deputy

19 (SEAL)

20  
21 APPROVED AS TO FORM:

22  
23 By: 

24 Eric Stopher

25 Deputy County Counsel

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STATE OF CALIFORNIA        )  
  )  
COUNTY OF RIVERSIDE        )        ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on April 30, 2019, the foregoing ordinance consisting of 2 Sections was adopted by the following vote:

AYES:                   Jeffries, Spiegel, Washington and Perez  
NAYS:                   None  
ABSENT:                 Hewitt

DATE:            April 30, 2019

KECIA R. HARPER  
Clerk of the Board  
BY: *Kecia R. Harper*  
Deputy

SEAL



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

May 1, 2019

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

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

RE: SUMMARY OF ADOPTION OF ORD. 651.5

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Tuesday, May 7, 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

**RIVERSIDE COUNTY BOARD OF SUPERVISORS**

**SUMMARY OF 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.

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **April 30, 2019**, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington and Perez  
NAYS: None  
ABSENT: Hewitt

Kecia R. Harper, Clerk of the Board  
By: Karen Barton, Board Assistant

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

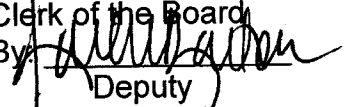
  
Keith Jones, Director Environmental Health 3/27/2019

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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**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	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 V. Priamos, Director County Counsel

3/28/2019

# THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100  
Riverside, CA 92507  
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.: Ordinance 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:

**05/07/2019**

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

Date: May 07, 2019  
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

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COUNTY OF RIVERSIDE  
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### RIVERSIDE COUNTY BOARD OF SUPERVISORS

SUMMARY OF 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

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NAYS: None  
ABSENT: Hewitt

Kecia R. Harper, Clerk of the Board  
By: Karen Barton, Board Assistant

5/07

Environmental  
Health

4/30/19 3.19