

**ORDINANCE NO. 617  
(AS AMENDED THROUGH 617.4)  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 617  
REGULATING UNDERGROUND TANK SYSTEMS CONTAINING HAZARDOUS  
SUBSTANCES**

The Board of Supervisors of the County of Riverside, State of California, ordains that this Ordinance is amended in its entirety to read as follows:

**Section 1. PURPOSE, AUTHORITY AND IMPLEMENTATION.**

- (a) The purpose of this Ordinance is to implement Chapter 6.7 of the California Health and Safety Code, Sections 25280, et seq., which establishes and provides for a program for the prevention of contamination from improper storage of hazardous substances stored underground, to ensure that newly installed underground tank systems meet appropriate construction standards and that existing underground tanks systems be properly maintained, monitored, and inspected, so that the health, property, and resources of the public will be protected. In implementing the aforementioned program, the County of Riverside, Department of Environmental Health, will act as a local agency as that term is defined in Section 25281 of the California Health and Safety Code. This Ordinance shall be implemented according to the requirements as the Board of Supervisors shall adopt.
- (b) The purpose of this ordinance is also to implement Chapter 6.75 of the California Health and Safety Code, Sections 25299.10, et seq., which establishes and provides for a Local Oversight Program for the unauthorized releases of petroleum and petroleum related materials from leaking underground tank systems which require remedial action, to identify and oversee the investigation and remediation of underground tank system unauthorized release sites, and to specify site assessment, investigation, and corrective action requirements, in order to prevent long-term threats to the public health, water quality, and the environment. In implementing the aforementioned program, the County of Riverside, Department of Environmental Health, will act as a local agency as that term is defined in Section 25281 of the California Health and Safety Code. This Ordinance shall be implemented according to the requirements as the Board of Supervisors shall adopt.

**Section 2. DEFINITIONS.**

The terms used in this Ordinance shall be as defined in Underground Storage of Hazardous Substances Law of the State of California, as set forth in the Health and Safety Code, Division 20, Chapter 6.7, Section 25280, et seq., and Chapter 6.75, Section 25299.10 et seq., as amended, and the regulations adopted pursuant to those laws, as set forth in Title 23, Division 3, Chapter 16, Sections 2610 et seq. of the California Code of Regulations, as amended, except for the following:

- (a) **Construction of an underground tank system** means to build or manufacture an underground tank system or any part thereof, which does not qualify as a repair or modification of an underground tank system.
- (b) **Department of Environmental Health** means the County of Riverside, Department of

Environmental Health or a representative or employee of that department.

- (c) **Establishment** means any business, place, or activity of a commercial or non-commercial nature, including government agencies.
- (d) **Installation of an underground tank system** occurs when an underground tank system is placed in the ground or when an underground tank system is replaced by another underground tank system.
- (e) **Modification of an underground tank system** occurs when changes or upgrades are made that alter the method of operation or monitoring of an underground tank system through structural additions or deletions to that underground tank system.
- (f) **Operation of an underground tank system** means an underground tank system that contains or has ever contained a hazardous substance and a closure permit has not been obtained for such tank.
- (g) **Permanent Closure of an underground tank system** occurs when an underground tank system has ceased the storage of hazardous substances and the underground tank system will not be used, or is not intended for use, for storage of hazardous substances within the next twelve (12) consecutive months.
- (h) **Permittee** means a person who holds any permit issued pursuant to this Ordinance.
- (i) **Repair of an underground tank system** means restoration of a damaged underground tank system that does not constitute modification.
- (j) **Temporary Closure of an underground tank system** means an underground tank system in which the storage of hazardous substances has ceased but the underground tank system will again be used for the storage of hazardous substances within the next twelve (12) consecutive months.

### **Section 3. ENFORCEMENT.**

#### (a) **Department of Environmental Health Designated**

The Department of Environmental Health is hereby designated to enforce the provisions of Underground Storage of Hazardous Substances Law of the State of California as set forth in the Health and Safety Code, Division 20, Chapter 6.7, Sections 25280, et seq., and the regulations adopted pursuant to that law, as set forth in Title 23, Division 3, Chapter 16, Sections 2610 et seq. of the California Code of Regulations.

#### (b) **No Preclusion of Enforcement**

No provision of this Ordinance nor the enforcement thereof, shall preclude the enforcement by the Department of Environmental Health or by the State of California or both, of any provision of Title 23 of the California Code of Regulations or the Health and Safety Code.

### **Section 4. RIGHT TO INSPECT**

The Department of Environmental Health is hereby empowered to make reasonable periodic inspections of establishments or facilities where there is reasonable cause to believe that hazardous substances are stored or have ever been stored in an underground tank system. Such inspections may be made without prior notice to the owner or operator of an establishment or facility.

### **Section 5. PERMIT REQUIREMENT.**

No person shall operate, construct, install, modify, repair, or temporarily or permanently close an underground tank system unless an appropriate permit has been issued by the Department of Environmental Health.

## **Section 6. PERMIT TO OPERATE**

### **(a) Required for Each Underground Tank System**

A permit to operate an underground tank system individual permit must be obtained for each underground tank system located at a facility in accordance with Section 25284(a) of the Health and Safety Code.

### **(b) Completion of Application**

- (1)** The owner or operator shall make application to the Department of Environmental Health, for a permit to operate an underground tank system. Application shall be made by completing a form provided by the Department of Environmental Health. The Department of Environmental Health may also require the completion of a form to accompany the annual fee payment specified in this section.
- (2)** Completed application forms are due at the time the construction of the underground tank system is completed and before the underground tank system is operated.
- (3)** Failure or refusal of the owner or operator of any facility of submit to the Department of Environmental Health, within 30 days of receipt of request thereof, the completed application form for a permit to operate and underground tank system, shall constitute a violation of this Ordinance.

### **(c) Fees**

- (1)** Annual fees, to operate an underground tank system as specified in Section 22 of this Ordinance, are due and shall be paid by the owner or operator on or before January 1st of each year. The fees shall include a surcharge, if applicable, as determined by the Legislature of the State of California pursuant to Section 25287 (b) of the California Health and Safety Code. For newly constructed or installed underground tank systems, the fee shall accompany the application form for a permit to operate.
- (2)** Failure or refusal of the owner or operator of any facility to submit to the Department of Environmental Health, within 30 days of the due date as specified within this section, the appropriate fee as specified for a permit to operate an underground tank system, shall constitute a violation of this Ordinance.

### **(d) Late Fees**

Applicants who are delinquent in filing their application or paying their permit fees or both, shall be subject to the following late fees:

- (1)** 20% of the regular permit fee if delinquent by more than thirty (30) days after the due date.
- (2)** 100% of the regular permit fee if delinquent by more that sixty (60) days after the due date.

### **(e) Permit Issuance**

The Department of Environmental Health shall issue a permit to operate an underground tank system when the following requirements have been met:

- (1) The appropriate application forms have been completed, filed, and reviewed by the Department of Environmental Health and found to be satisfactory and complete.
- (2) The applicable fees as stated in Subsection (c) of this section have been received.
- (3) It appears that the applicable operating requirements as set forth in the California Code of Regulations, Title 23, Division 3, Chapter 16, Sections 2610 et seq. and the California Health and Safety Code Chapter 6.7, Sections 25280 et seq. will be met.

(f) **Failure to Comply**

Failure or refusal of the owner or operator to comply with the applicable operating requirements as set forth in the California Code of Regulations, Title 23, Division 3, Chapter 16, Section 2610 et seq. and the California Health and Safety Code, Division 20, Chapter 6.7, Sections 25280 et seq., or Section 6 of this Ordinance, shall constitute a violation of this Ordinance.

(g) **Other Penalties Not Precluded**

The imposition of, or payment of, a late fee imposed by Subsection (d) of Section 6 of this Ordinance, 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 7. PERMIT TO CONSTRUCT, INSTALL, OR UPGRADE**

(a) **Required for Each Underground Tank System**

A permit to construct or install an underground tank system must be obtained for each facility.

(b) **Completion of Application**

The owner or operator shall make application for a permit to construct or install an underground tank system. Application shall be made to the Department of Environmental Health by completing a form provided by the Department of Environmental Health. Each application shall be accompanied by the appropriate fee pursuant to Section 22 of this Ordinance.

The application to construct or install an underground tank system shall include, but may not be limited to the information required on the application form for the permit to operate an underground tank system pursuant to Section 25291 of the Health and Safety Code. In addition, the applicant shall submit a written statement containing the following:

(1) **Plans.**

Four sets of diagrams, drawn to scale, which shall include the following details:

- (i) The proposed underground tank system construction or installation site including the location of buildings and structures, underground utilities within 200 feet of the tank installation, and the location of the existing and proposed underground tanks systems.
- (ii) Detailed drawings showing the locations and construction materials

of the product piping system including the secondary containment for the product piping system.

- (iii) Detailed drawing of the underground storage tank including side, top and end views, location of strike plates and secondary containment.

(2) **Information**

Four copies of documents with the following information shall be submitted to the Department of Environmental Health.

- (i) The name, address and the state contractor's license number of the contractor who will be constructing or installing the underground tank system.
- (ii) The estimated dates of commencement and completion of construction or installation.
- (iii) The highest level of groundwater during the past 25 years at the proposed location for the underground tank system and the source of this information.
- (iv) A list of the construction materials, their manufacturer, and their planned location in the completed underground tank system.
- (v) A list of the materials, and their manufacturer, to be used in the piping, couplings, sealant and other portions of the underground tank system.
- (vi) A description of the type of leak detection installed, its manufacture and whether it is mechanical or electronic.
- (vii) A description of the type of product delivery system, and whether it is a suction or pressure system.
- (viii) A description of the corrosion protection and its manufacturer for the underground tank system.
- (ix) A description of overfill protection device and its manufacturer for the underground tank system.
- (x) A description of the monitoring system and its manufacturer for both the underground storage tank and piping.
- (xi) A description of the fill material to be placed around the newly installed underground tank system.
- (xii) A description of type, location and area covered by the surface seal.
- (xiii) A description of the tests to be performed on the underground tank system.

(3) **Assurances.**

The following assurances shall be provided in writing with the application to construct or install an underground tank system.

- (i) The underground tank system construction, installation and testing will be in accordance with the standards of organizations listed in Appendix I, Table B, Title 23, Division 3, Chapter 16 of the California Code of Regulations.
- (ii) The underground storage tank and piping will be installed in accordance with manufacturer' specifications.
- (iii) The underground tank system shall be inspected by a representative of the Department of Environmental Health prior to

operation at the following construction phases:

- A). When the underground tank system is hydrostatically or pneumatically tested.
  - B). When the secondary containment of the underground tank system is tested per the manufacturer's specifications.
  - C). When the leak detection system is operational.
- (iv) The applicable construction and installation requirements as set forth in the California Code of Regulations, Title 23, Division 3, Chapter 16, Article 3, Section 2630 et seq. and the California Health and Safety Code, Division 20, Chapter 6.7, Sections 25280 et seq. will be complied with.
- (c) **Failure to Comply**
- (1) Failure or refusal of the owner or operator of any facility to submit to the Department of Environmental Health, within 30 days of receipt of request thereof, the completed application form for a permit to construct or install an underground tank system, shall constitute a violation of this Ordinance.
  - (2) Failure or refusal of the owner or operator of any facility to submit to the Department of Environmental Health, within 30 days of receipt of request thereof, the appropriate fee as specified for a permit to construct or install an underground tank system, shall constitute a violation of this Ordinance.
- (d) **Five (5) Working-Day Notice Required**
- The contractor shall give a minimum of five (5) working days notice to the Department of Environmental Health prior to the construction or installation of an underground tank system.
- (e) **Permit Issuance**
- The Department of Environmental Health shall issue a permit to construct or install an underground tank system when the following requirements have been met:
- (1) The appropriate application forms have been completed and received as per Subsection (b) of this section.
  - (2) The applicable fees as stated in Subsection (b) have been received.
  - (3) The appropriate application submitted per Subsection (b) of this section has been approved by the Department of Environmental Health according to Section 17 of this Ordinance.
- (f) **Duration of Permit**
- A permit to construct or install an underground tank system shall be valid only if construction begins within six (6) months of issuance and if the construction is completed within one (1) year of issuance.
- (g) **Notice of Completion**
- Upon completion of the construction or installation of an underground tank system, the permittee shall prior to operating the underground tank system, give notice of such completion, in writing, to the Department of Environmental Health.
- (l) **Failure to Comply**
- Failure or refusal of the owner or operator to comply with the applicable construction and installation requirements as set forth in the California Code of Regulations, Title 23, Division 3, Chapter 16, Article 3, Section 2630 et seq. and

the California Health and Safety Code, Division 20, Chapter 6.7, Sections 25280 et seq., or Section 7 of this Ordinance shall constitute a violation of this Ordinance.

**Section 8. PERMIT TO REPAIR OR MODIFY**

**(a). Required for Each Underground Tank System**

A permit to repair or modify an underground tank system must be obtained for each facility.

**(b) Completion of Application**

The owner or operator shall make application for a permit to repair or modify an underground tank system. Application shall be made to the Department of Environmental Health using a form provided by the Department of Environmental Health. Each such completed application shall be accompanied by the appropriate fee pursuant to Section 22 of this Ordinance. In addition the applicant shall submit a written statement to the following:

**(1) Plans.**

Four sets of plans, drawn to scale shall be submitted to the Department of Environmental Health which illustrate in detail the location of the modification or repairs to be made, the equipment to be replaced, the replacement equipment, and a complete list of materials to be used, and the manufacturer.

**(2) Information**

Four copies of documents with the following information shall be submitted to the Department of Environmental Health.

- (i)** The name, address and the state contractor's license number of the contractor who will be repairing or modifying the underground tank system.
- (ii)** The estimated dates of commencement and completion of the repair or modification.
- (iii)** The tests that are to be performed on the repaired or modified underground tank system.

**(3) Assurances.**

The following assurances shall be provided with the application to repair or modify an underground tank system.

- (i)** Underground tank system repair, modification and testing will be in accordance with standards of organizations listed in Appendix I, Table B of Title 23, Division 3, Chapter 16 of the California Code of Regulations.
- (ii)** The underground tank system repairs, modifications and testing will be made in accordance with manufacturers' specifications.
- (iii)** The underground tank system shall be visually inspected by a representative of the Department of Environmental Health, prior to operation, to determine conformance with applicable repair or modification requirements as set forth in the California Code of Regulations, Title 23, Division 3, Chapter 16, Sections 2610 et seq.
- (iv)** The applicable repair or modification requirements as set forth in the

California Code of Regulations, Title 23, Division 3, Chapter 16, Article 6, Section 2660 et seq. will be complied with.

(c) **Failure to Comply**

- (1) Failure or refusal of the owner or operator of any facility to submit to the Department of Environmental Health, within 30 days of receipt of request thereof, a completed application form for a permit to repair or modify an underground tank system, shall constitute a violation of this Ordinance.
- (2) Failure or refusal of the owner or operator of any facility to submit to the Department of Environmental Health, within 30 days of receipt of request thereof, the appropriate fee as specified for a permit to repair or modify an underground tank system, shall constitute a violation of this Ordinance.
- (3) Operation of the tank system where the repairs or modifications have not been carried out in complete compliance with the information contained on the application and supplemental written statement shall constitute a violation of this Ordinance.
- (4) Failure to obtain a permit to repair or modify prior to commencement to repairs or modifications shall constitute a violation of this Ordinance and requires a payment of double the applicable amount of the standard fee as set forth in Ordinance 640 before a permit may be issued.

(d) **Five (5) Working-Day Notice Required**

The contractor shall give a minimum of five (5) working days notice to the Department of Environmental Health prior to the repair or modification of the underground tank system.

(e) **Permit Issuance**

The Department of Environmental Health shall issue a permit to repair/modify an underground tank system when the following requirements have been met:

- (1) The appropriate application forms have been completed and submitted as per Subsection (b) of this section.
- (2) The applicable fees as stated in Subsection (b) have been received.
- (3) The appropriate application submitted per Subsection (b) of this section has been approved by the Department of Environmental Health according to Section 17 of this Ordinance.

(f) **Duration of Permit**

A permit to repair or modify an underground tank system shall be valid only if construction begins within thirty (30) days of issuance and if the construction is completed within ninety (90) days of issuance.

(g) **Notice of Completion**

Upon completion of the repair or modification of an underground tank system, the permittee shall prior to operating the underground tank system, give notice of such completion, in writing, to the Department of Environmental Health.

(h) **Failure to Comply**

Failure or refusal of the owner or operator to comply with the applicable repair or modification requirements as set forth in the California Code of Regulations, Title 23, Division 3, Chapter 16, Article 6, Section 2660 et seq., or Section 8 of this Ordinance, shall constitute a violation of this Ordinance.

**Section 9. PERMIT TO TEMPORARILY OR PERMANENTLY CLOSE**

**(a) Required for Each Underground Tank System**

- (1) A permit to temporarily or permanently close an underground tank system must be obtained for each facility.

**(b) Completion of Application**

- (2) The owner or operator shall make application for a permit to temporarily or permanently close an underground tank system. Application shall be made to the Department of Environmental Health by completing a form provided by the Department of Environmental Health. Each completed application shall be accompanied by the appropriate fee pursuant to Section 22 of this Ordinance. In addition the applicant shall submit a written statement containing the following:

- (1) The date such underground tank system is to be reopened or to resume operating.
- (2) A description of the method of removal of hazardous substances from the underground tank system.
- (3) The final disposition of the hazardous substances which are removed from the underground tank system.
- (4) **For a permanent closure only**, a description of the method of rendering the underground tank system safe for transportation after the removal of hazardous substances from the tank.
- (5) Documentation of the investigation made to determine whether releases of hazardous substances have occurred and the findings of such investigation.
- (6) A detailed description of the plans and schedule for maintenance of the underground tank system during temporary closure.
- (7) An assurance that the underground tank system shall be visually inspected by a representative of the Department of Environmental Health during all closure activities conducted on-site.
- (8) An assurance that applicable closure requirements as set forth in the California Code of Regulations, Title 23, Division 3, Chapter 16, Article 7, Section 2670 et seq. will be complied with.

**(c) Failure to Comply**

- (1) Failure or refusal of the owner or operator of any facility to submit to the Department of Environmental Health, within 30 days of receipt of request thereof, the completed application form for a permit to close an underground tank system, shall constitute a violation of this Ordinance.
- (2) Failure or refusal of the owner or operator of any facility to submit to the Department of Environmental Health, within 30 days of receipt of request thereof, the appropriate fee as specified for a permit to close an underground tank system, shall constitute a violation of this Ordinance.

**(d) Duration of Application**

The application for both permanent and temporary closure shall be valid for 90 days after receipt, during which time the permanent or temporary closure of the

underground tank system must be accomplished. If closure is not accomplished during the 90 days, the owner or operator of the underground tank system shall submit a new application for either permanent or temporary closure or obtain a valid permit to operate, repair or modify the underground tank system. Each such application shall be accompanied by the appropriate fee as specified in a resolution adopted by the Board of Supervisors pursuant to Section 22 of this Ordinance.

(e) **Five (5) Working-Day Notice Required**

The contractor shall give a minimum of five (5) working days notice to the Department of Environmental Health prior to the closure of the underground tank system.

(f) **Permit Issuance**

(1) **Temporary Closure**

The Department of Environmental Health shall issue a permit to temporary close an underground tank system when the following requirements have been met:

- (i) The appropriate application forms have been completed and submitted as per Subsection (b) of this section.
- (ii) The applicable fees as state in Subsection (b) have been received.
- (iii) Demonstration to the satisfaction of the Department of Environmental Health that the applicable closure requirements as set forth in the California Code of Regulations, Title 23, Division 3, Chapter 16, Article 7, Section 2670 et seq. have been complied with.

(2) **Permanent Closure**

The Department of Environmental Health shall issue a permit to permanently close an underground tank system when the following requirements have been met:

- (i) The appropriate application forms have been completed and submitted as per Subsection (b) of this section.
- (ii) The applicable fees as state in sub-section (b) have been received.
- (iii) The appropriate application submitted per Subsection (b) of this section has been approved by the Department of Environmental Health according to Section 17 of this Ordinance.
- (iv) Closure in place is available only for those situations where removal of the underground tank systems would compromise the structural integrity of a building or other structure as determined by the Department. Closure in place requires that the underground tank system be filled with an inert solid such as slurry, concrete, or equivalent.

(g) **Duration of Permit**

The permit for temporary closure shall be valid for a period of twelve (12) months from the date of application. A permit for temporary closure cannot be renewed and shall only be issued to a particular underground tank system once. A one time only twelve (12) month extension may be granted if upgrades to the underground tank system are made in accordance to the California Code of

Regulations, Title 23, Division 3, Chapter 16, Section 2610 et seq.

**(h) Failure to Comply**

Failure or refusal of the owner or operator to comply with the applicable closure requirements as set forth in the California Code of Regulations, Title 23, Division 3, Chapter 16, Article 7, Section 2670 et seq., or Section 9 of this Ordinance, shall constitute a violation of this Ordinance.

**Section 10. CHANGE OF PLANS**

Any change in the equipment, location, construction, installation, modification, repair or method of closure of an underground tank system from that specified in the application of an approved permit submitted to the Department of Environmental Health pursuant to Sections 7, 8 or 9 of this Ordinance shall be submitted in writing and approved by the Department of Environmental Health prior to the construction, installation, repair, modification or closure of the underground tank system.

**Section 11. TANK AND PIPELINE TEST REQUIREMENTS**

**(a) Annual Test**

Underground tank systems which are required to have a tank integrity test each year pursuant to the California Code of Regulations, Title 23, Division 3, Chapter 16, Section 2610 et seq. shall have an annual tank integrity test, regardless of tank capacity.

**(b) Product Level Requirements**

Tank integrity tests must be conducted when the tank contains a minimum product level of sixty percent (60%) of the tank capacity.

**(c) Approved Method**

All tank and pipeline leak detection methods utilized must be reviewed by the State Water Resources Control Board and be currently published in the LG-113 series evaluations. All tank and pipeline leak detection test methods shall be conducted according to the method evaluated by State Water Resources Control Board. It shall be the responsibility of the owner/operator to consult with the Department of Environmental Health for any additional requirements which may apply.

**(d) 48-Hour Notification Required**

The owner or operator shall give a minimum of two (2) working days notice to the Department of Environmental Health prior to the integrity testing of the underground tank system.

**(e) Test Results**

A tank integrity test report shall be completed and submitted to the Department of Environmental Health upon a form provided by the Department of Environmental Health, within thirty (30) days of test completion. The tank integrity test report shall be accompanied by the numerical test results.

**(f) Failure to Comply**

Failure or refusal of the owner or operator to comply with the applicable tank and pipeline test requirements as set forth in this Section shall constitute a violation of this Ordinance.

## **Section 12. CORRECTIVE ACTION**

### **(a) Corrective Action**

Corrective action pursuant to the California Code of Regulations, Title 23, Article 11, shall be confirmed that petroleum or petroleum related substances resulting from an unauthorized release exceed the action levels as set forth in the County of Riverside, Local Oversight Program "Corrective Action Guidelines" or when conditions specified in the California Code of Regulations, Title 23, Article 11, Section 2724 are met. Corrective action shall be conducted within the time specified by the Department of Environmental Health.

### **(b) Cleanup Levels**

Cleanup levels for soils and groundwater affected by the unauthorized release, shall comply with the requirements of the California Code of Regulations, Title 23, Article 11, Section 2721(b) and shall meet the following requirements:

- (1)** The responsible party shall recommend target cleanup levels for long-term corrective action to the Department of Environmental Health for concurrence.
- (2)** Target cleanup levels shall be based on an impact assessment, prepared in accordance with the California Code of Regulations, Title 23, Article 11, Section 2725(e), and the County of Riverside, Local Oversight Program "Corrective Action Guidelines."
- (3)** The responsible party must demonstrate to the Department of Environmental Health that any proposed corrective action measures are capable of achieving current cleanup goals and will not produce any further degradation to the environment.

### **(c) Failure to Comply**

Failure or refusal of the responsible party to comply with any portion of this Section shall constitute a violation of this Ordinance.

## **Section 13. Workplans**

### **(a) Workplans**

The responsible party shall submit a workplan to the Department of Environmental Health for acceptance before any site assessment, soil and water investigation, corrective action, or verification monitoring activity is conducted pursuant to Chapter 6.75 of the California Health and Safety Code, Sections 25299.10, et seq., or the California Code of Regulations, Title 23, Chapter 16, Section 2610 et seq. The workplan shall include a items specified in Section V of the County of Riverside, Local Oversight Program, "Corrective Action Guidelines" and shall be submitted within the time specified by the Department of Environmental Health.

### **(b) Failure to Comply**

Failure or refusal of the responsible party to comply with any portion of this Section shall constitute a violation of this ordinance.

## **Section 14. FIELDWORK**

### **(a) Requirements for Field Activities**

- (1)** Field activities conducted pursuant to a workplan which has not received

prior acceptance by the Department of Environmental Health shall be considered invalid.

- (2) All field activities must be conducted pursuant to the accepted workplan.
  - (3) Field activities must commence within the time specified by the Department of Environmental Health.
  - (4) The responsible party or his agent shall give a minimum of five (5) working days notice to the Department of Environmental Health prior to the commencement of any on-site field activities.
- (b) **Requirements for Sampling**  
All samples must be analyzed by a State Certified Hazardous Waste Testing Laboratory using methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," SW-846, 3rd edition, U.S. Environmental Protection Agency, 1986 or an equivalent test method approved by the Department of Environmental Health pursuant to Section 66260.1 of the Health and Safety Code, Division 20, Chapter 6.5.
- (c) **Failure to Comply**  
Failure or refusal of the responsible party to comply with any portion of this Section shall constitute a violation of this Ordinance.

#### **Section 15. REPORTS**

- (a) **Field Activity Reporting**  
A written report of findings and interpretations from field activities shall be submitted to the Department of Environmental Health for acceptance within sixty (60) days from commencement of the field activities.
- (b) **Monitoring Reports**  
Monitoring reports shall be submitted to the Department of Environmental Health as per the California Code of Regulations, Title 23, Chapter 16, Sections: 2652(d), 2726(b), and 2727(c), on a schedule determined by the Department of Environmental Health.
- (c) **Contaminated Material Disposition Reporting**  
A report documenting the location and method of disposal, treatment, or recycling of materials which are or may be contaminated with petroleum or petroleum related substances generated during the site assessment, investigation or corrective action at an unauthorized release site shall be sent to Department of Environmental Health within thirty (30) days of final disposition and no later than 120 days after generation of the materials.
- (d) **Failure to Comply**  
Failure or refusal of the responsible party to comply with any portion of this Section shall constitute a violation of this Ordinance.

#### **Section 16. CONTAMINATED MATERIALS**

- (a) **Management of Contaminated Materials**  
Materials generated as a result of field activities which are or may be contaminated with petroleum or petroleum related substances shall be managed in the following manner:
- (1) The materials be labelled with the following information:

- (i) The responsible party, a contact name and phone number;
  - (ii) The contents (type of material and contaminant);
  - (iii) The date generated.
- (2) The materials shall be secured from unauthorized access.
- (3) The materials shall be containerized or completely covered, lined, and bermed to prevent discharge to the environment.
- (b) **Time Limit**  
Materials excavated as a result of field activities and which are or may be contaminated with petroleum or petroleum related substances shall be removed from the site within ninety (90) days from the date of generation for proper disposal, treatment, or recycling unless on-site treatment has been accepted by the Department of Environmental Health.
- (c) **Agency Concurrence**  
To ensure proper disposition of materials which are or may be contaminated with petroleum or petroleum related substances generated at an unauthorized release site during site investigation, monitoring or corrective action, the following agencies must all concur on the final disposition of such materials if applicable:
  - (1) The Local Enforcement Agency (LEA)
  - (2) The appropriate Regional Water Quality Control Board
  - (3) The South Coast Air Quality Management District.
  - (4) The Department of Environmental Health.
- (d) **Failure to Comply**  
Failure or refusal of the responsible party to comply with any portion of this Section shall constitute a violation of this Ordinance.

**Section 17. APPROVAL OR DENIAL OF APPLICATION**

Department of Environmental Health shall review the application to operate, construct, install, upgrade, repair, modify or temporarily or permanently close an underground tank system to determine compliance with applicable laws, regulations and this Ordinance. Upon a finding that said underground tank system conforms with applicable laws, regulations and this Ordinance, Department of Environmental Health shall issue the appropriate permit. When the application to operate, construct, install, repair, modify or temporarily or permanently close an underground tank system does not conform with applicable laws, regulations and this Ordinance the permit shall be denied.

**Section 18. SUSPENSION OR REVOCATION OF PERMIT TO OPERATE.**

(a) **Cause**

Any permit issued pursuant to this Ordinance may be suspended or revoked for cause. Cause shall be any violation of this Ordinance, or any violation of the provisions of the California Health and Safety Code, Chapter 6.7, Division 20, Sections 25280, et seq., or any provision of the California Underground Storage Tank Regulations as set forth in Title 23, Division 3, Chapter 16, Section 2610 et seq. of the California Code of Regulations, as amended.

(b) **Other Penalties Not Precluded**

The suspension or revocation of a permit issued pursuant to this Ordinance, shall not preclude the imposition of any other penalty prescribed by this Ordinance or the

prosecution of any violation of this Ordinance.

**(c) Cessation of Activities Required**

Continued storage of hazardous substances in an underground tank system for more than three (3) working days after the suspension or revocation and prior to reinstatement of a permit to operate issued pursuant to this Ordinance, shall constitute a violation of this Ordinance.

**(d) Basis for Reinstatement of Permit**

Reinstatement of a suspended permit to operate or issuance of a permit to an owner or operator to whom a permit has been denied or revoked shall not be effected unless and until the Department of Environmental Health determines in writing that the act, default, omission or condition which was the ground for the suspension or revocation has been remedied.

**Section 19. NOTICE AND HEARING.**

**(a) Notice Required.**

In the event the Department of Environmental Health determines that a permit applied for pursuant to this Ordinance should be denied or that a permit issued pursuant to this Ordinance should be revoked or suspended, the Department of Environmental Health shall prepare a written notice of such proposed denial, suspension or revocation, setting forth therein a brief statement of the facts and applicable statute, regulation or provisions of this Ordinance which have been violated.

**(b) Service of Notice**

A notice of proposed denial, suspension or revocation shall be served personally on the applicant or holder of the permit, or alternatively, may be sent by registered mail, postage prepaid, return receipt requested within 30 days of when the completed appropriate permit application form and appropriate permit fees have been received by the Department of Environmental Health.

**(c) Right of Hearing**

Any person whose application for a permit issued pursuant to this Ordinance is denied, or whose permit to operate issued pursuant to this Ordinance is proposed to be suspended or revoked, shall have the right to appeal such denial, proposed suspension, or revocation by filing with the Department of Environmental Health, within ten (10) days after receipt of notice of such denial, suspension or revocation, a written notice of appeal setting forth the reasons the appellant believes such denial, proposed suspension or revocation is to be improper.

**(d) Scheduling of Hearing.**

Upon receipt of such notice of appeal, the Department of Environmental Health shall schedule a hearing of said appeal before the Riverside County Hazardous Materials and Waste Review Panel (Panel) and shall give notice, in writing, to the appellant, of the date, time and place of such hearing by personally delivering such notice on the appellant, or alternatively, by sending such notice to the appellant by registered mail, postage prepaid, return receipt requested. A date for the hearing shall be established at a time not later than thirty (30) days from the date the Department of Environmental Health receives the notice of appeal, and written notice thereof by the Department of Environmental Health to the appellant shall be given not later than ten (10) days prior to the date of the hearing.

**(e) Waiver of Hearing**

When an underground tank system owner or operator fails to file with the Department of Environmental Health a written notice of appeal within ten (10) days of receipt of notice of such denial, proposed suspension or revocation, the owner or operator thereby is deemed to have waived the right to a hearing before the Panel. The Department of Environmental Health may forthwith implement the proposed action without a hearing and the Panel is not required to hear an appeal for a denial of a permit.

**Section 20 IMMEDIATE SUSPENSION**

**(a) For Imminent Hazard or Threat**

Notwithstanding the above, in those instances where the Director of the Department of Environmental Health or his designee, makes a determination based upon written findings that violations of the Health and Safety Code, Division 20, Chapter 6.7, and the regulations adopted pursuant to that law, set forth in Title 23, Division 2, Chapter 16 of the California Code of Regulations, as it is amended, or violations of this Ordinance, presents an imminent hazard to or threatens the public health and safety or the environment, the Department of Environmental Health may immediately suspend the permit to operate. In such instances, the Department of Environmental Health shall afford the permit holder an opportunity for an office hearing within ten (10) calendar days following the action of suspension. The hearing shall be before at least one member of the Panel who is not a representative of the Department of Environmental Health.

**(b) Right to be Heard by Panel**

A permit to operate holder who makes use of the Office Hearing procedures may still pursue the hearing process before the Hazardous Materials Review Panel established in Section 16 of this Ordinance when the suspension continues in effect.

**Section 21. HAZARDOUS MATERIALS REVIEW PANEL; APPEAL HEARINGS.**

**(a) Members of the Review Panel**

The County of Riverside, Hazardous Materials Review Panel (Panel) is hereby established and shall be composed three (3) regular members and two (2) alternate members. Two (2) of the regular members and (2) alternate members shall be appointed by the Board of Supervisors. The third regular member shall be a representative of the Department of Environmental Health who shall serve as Chairman of the Panel. The remainder of the membership shall consist of one (1) regular member and one (1) alternate member chosen from that portion of the academic community which has technical expertise in the management of hazardous waste and one (1) regular member and one alternate member chosen from establishments which generate hazardous waste or store hazardous substances within the County of Riverside.

**(b) Purpose of the Review Panel**

The purpose of the Panel shall be to hear and determine appeals from denials, proposed suspensions and revocations of permits and appeals from immediate suspension of permits to operate applied-for or issued pursuant to this Ordinance. The panel shall meet at such time and at such places as designated by the

Department of Environmental Health and shall establish its own procedures not inconsistent with this Ordinance or any other law or regulation. No act of the Panel shall be valid or binding unless a majority of the members or their respective alternates who are present, concur therewith.

**(c) Functions of the Panel**

Appeals from the denial, immediate suspension, the proposed suspension or revocation of permits to operate issued pursuant to this Ordinance, shall be heard by the Panel, which may affirm, modify or reverse the denial, suspension or revocation, except that no suspension period shall exceed ninety (90) days.

**(d) Evidence to be Received**

At the appeal hearing, a representative of the Department of Environmental Health shall set forth facts and the applicable statutes, regulations or provisions of this Ordinance which have been violated. The appellant may appear in person or through or by agent or legal counsel and may present such evidence as may be relevant and show cause why the application for a permit should be granted, why the permit should be reinstated or why the permit should not be suspended or revoked, as the case may be. In conducting the hearing, the Panel shall receive such information, evidence, and testimony as is relevant to the alleged violation, and the formal rules of evidence shall not apply but evidence shall be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs.

**(e) Burden of Proof**

The Department of Environmental Health has the burden of proof by the preponderance of the evidence to substantiate a cause for the denial, immediate suspension, proposed suspension or revocation as provided in Sections 17 and 18 of this Ordinance.

**(f) Record Keeping**

Appeal hearings shall be tape-recorded and such recordings shall be transcribed and these transcripts shall be the official records of such hearings and shall be retained in the custody of the Department of Environmental Health.

**(g) Panel Decisions**

The Panel shall render its decision, not later than fifteen (15) working days following the conclusion of the hearing and a copy of the written decision including findings of the Panel shall be personally delivered or sent by the Department of Environmental Health, to the appellant by registered mail, postage prepaid, return receipt requested, not later than ten (10) days following the rendering of said decision.

**Section 22. VIOLATION; PENALTIES.**

**(a) Infraction**

Any person who violates any of the provisions of this Ordinance shall be guilty of an infraction and upon conviction thereof shall be punished 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 the foregoing in subsection (a) of this section, a first and or subsequent violation of this Ordinance that is not also a violation of the Health and Safety Code or the California Code of Regulations may be charged and prosecuted as a misdemeanor and upon conviction thereof shall be punished as provided by Penal Code, Section 19 as it is amended. Each day such violation is committed or permitted to continue shall constitute a separate offense.
- (c) **Other Penalties Not Superseded**  
Penalties under this Section are in addition to, and do not superseder or limit, any other legal remedies and penalties, civil or criminal, which may be applicable under other laws.
- (d) **Correction of Violations**  
Payment of any late fee or penalty established by this Ordinance shall not relieve a person from the responsibility of correcting any violation of this Ordinance, or from correcting a violation of any statute or regulation.

**Section 23. PUBLIC NUISANCE**

The installation, operation, repair, or modification of any underground tank system contrary to the provisions of this Ordinance, is hereby declared to be a public nuisance.

**Section 24. SEVERABILITY**

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

**Section 25. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after its adoption.

**Adopted:** 617 04/23/1985 Item 3.13 of 04/23/1985 (Eff: 05/23/1985)

**Amended:** 617.1 Item 3.8 of 07/28/1987 (Eff: 08/27/1987)

617.2 Item 10.5 of 02/05/1991 (Eff: 03/07/1991)

617.3 Item 11.3 of 03/30/1993 (Eff: 04/29/1993)

617.4 Item 12.2 of 10/11/1994 (Eff: 11/11/1994)