

ORDINANCE 651.5
(AS AMENDED THROUGH 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

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

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 (HSC), 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, Department of Environmental Health (DEH), as the administering agency (or Certified Unified Program Agency-CUPA) responsible for administering and enforcing Chapter 6.95 HSC.

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.

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 HSC 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 Plan Submittal”** means a separate business plan submitted electronically for each business location facility, site or branch of a business that meets the

- requirements of Chapter 6.95 HSC 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, 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 HSC section 113789. This commonly refers to restaurants, markets, delis, cafeterias, or similar operations.
 - H. **“Permittee”** means a business or person that holds a permit issued pursuant to this Ordinance.

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 Building

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 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, 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.

F. Safety Data Sheets

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

G. Employee Training

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

SECTION 4. PERMIT REQUIRED

A. Permit

Except as provided in Chapter 6.95 HSC 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 6 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.

B. Exemptions

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

1. Compressed Air

C. Requirements

For a business to handle hazardous materials in quantities specified in Section 6 of this Ordinance, a completed Business Plan shall be submitted electronically to the Statewide Information Management System and be accepted by the DEH. The Business Plan shall be submitted with the appropriate fee as specified in Ordinance 640 and referenced in Section 7 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 date.

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 HSC Section 25508(a)(1)(A).

D. Contents of Business Plan

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

E. 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 referenced in Section 7 of this Ordinance.

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

SECTION 5. BUSINESS PLAN REQUIREMENTS

A business shall report their hazardous material inventory as per Chapter 6.95 HSC or this Ordinance. A business shall review and update their business plan annually as per Chapter 6.95 HSC or this Ordinance, at least by the annual date of the business's permit issuance. In accordance with Chapter 6.95 HSC 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. Change of mailing address or phone number
4. Change in physical location of the business
5. Change of emergency contact person or emergency contact phone number
6. 100 percent or more increase in the quantity of a previously disclosed hazardous material
7. Any handling of a previously undisclosed hazardous material subject to the inventory requirements of this Ordinance

SECTION 6. HAZARDOUS MATERIALS HANDLING CLASSIFICATION SYSTEM

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

A. Categories of Hazardous Material Inventory

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. Compressed gases used in welding;
- h. Carbon dioxide liquid/gas when used in carbonation of beverages at a food facility;
- i. Dry cleaning chemical(s) stored above ground when used as a solvent for cleaning garments/textiles;
- j. 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;
- n. Businesses required to report as directed by the Director of Environmental Health;
- o. 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 HSC 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 HSC and this Ordinance.
- 3. CATEGORY C**
- a. Extremely or Acutely Hazardous Wastes as defined in Title 22 CCR;
 - b. Regulated Substance as defined in 40 CFR or Chapter 6.95 of the HSC;
 - 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 referenced in 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:

1. Agricultural Handler

Any business meeting the definition of an agricultural handler in Chapter 6.95 HSC, 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 HSC and this Ordinance.

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. Special Handler

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

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 HSC and this Ordinance but less than 550 gallons, or less than 5,000 pounds, or compressed gas less than 2,000 cubic feet of gas at standard temperature and pressure.

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. 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.

Any business handling materials listed in Category C of this Section 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. 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.

Any business handling materials listed in Category C of this Section 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.

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 HSC.

SECTION 7. 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 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 HSC 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 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 punished in accordance with Ordinance 725 and/or Ordinance 640.

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 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 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.”

EFFECTIVE DATE. This ordinance shall take effect 30 days after its adoption.

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)

651.5 Item 3.19 of 04/30/2019 (Eff: 05/29/2019)