

**MARK-UP VERSION OF**

**AMENDMENT TO SANTA BARBARA COUNTY CODE**

**CHAPTER 18 – Article III. - Hazardous Materials Storage Ordinance  
and**

**Chapter 18 – Article IV Hazardous Waste Generator Ordinance**

**~~Article III. – Hazardous Materials Storage Ordinance~~**

**~~Sec. 18-21. – Enforcement agency.~~**

~~The County of Santa Barbara shall implement and enforce chapter 6.7 entitled Underground Storage of Hazardous Substances of division 20, section 25280 et seq., of the Health and Safety Code. The Santa Barbara County Board of Supervisors designates the Santa Barbara County fire department as the county agency responsible for implementing and enforcing said chapter 6.7 in the County of Santa Barbara. The designation of the county agency or department responsible for implementing and enforcing said chapter 6.7 may subsequently be changed by resolution of the Santa Barbara County board of supervisors.~~

~~(Ord. No. 3873, § 2; Ord. No. 4215, § 3)~~

**~~Sec. 18-22. – Fees.~~**

~~The Santa Barbara County board of supervisors may by resolution adopt such fees as are allowable under chapter 6.7, Underground Storage of Hazardous Substances, of division 20, section 25280 et seq. of the Health and Safety Code, including section 25287 of said chapter 6.7, to enable the County of Santa Barbara to recover the reasonable and necessary costs incurred by the county in administering and enforcing said chapter 6.7.~~

~~A resolution adopting said fees may prescribe such terms and conditions as may be necessary for the county to recover its costs of administering and enforcing said chapter 6.7 including the imposition of annual fees to be paid during the term of a five-year permit issued under said chapter 6.7.~~

~~Failure to pay the fees established and set forth in any fee resolution adopted by the board of supervisors pursuant to this section and to said chapter 6.7 shall constitute cause for revocation or modification of a permit issued pursuant to section 25284 of said chapter 6.7.~~

~~Any obligation to pay the fees established and set forth in any resolutions adopted by the board of supervisors pursuant to article III entitled Hazardous Materials Storage Ordinance of chapter 18, sections 18-21 through 18-28.3, which article has been repealed by this ordinance, shall continue in effect and due and owing to the county after the effective date of this ordinance and the failure to pay the fees established by any such resolutions shall constitute cause for revocation or modification of a permit issued pursuant to section 25284 of said chapter 6.7.~~

~~(Ord. No. 3873, § 2)~~

## **Article IV. -- Hazardous Waste Generator Ordinance**

~~Sec. 18-30. -- Scope, intent, definitions.~~

~~See sections 18-30.1 through 18-30.3.~~

~~(Ord. No. 3503, § 1)~~

### **Sec. 18-30.1. -- Scope.**

~~This article applies to all businesses which produce a hazardous waste.~~

~~(Ord. No. 3503, § 1)~~

### **Sec. 18-30.2. -- Intent.**

~~It is the intent of this article to insure that hazardous waste producers are in compliance with the State Statutes and the Minimum Standards and Regulations.~~

~~(Ord. No. 3503, § 1)~~

### **Sec. 18-30.3. -- Definitions.**

~~The following terms wherever used in this article shall have the meanings hereafter set forth unless the context requires a different meaning:~~

~~"Business" means the conduct of activity and is not limited to a commercial or proprietary activity.~~

~~"Director" shall only mean, for the purposes of implementing the duties and administrative functions that are vested in the "director" under this article IV, the Santa Barbara County fire chief or his duly authorized representative.~~

~~"Hazardous waste" means any waste, or combination of waste which are regulated or defined by federal or state statutes and regulations and the Minimum Standards and Regulations.~~

~~"Health officer" shall only mean, for the purposes of administering, enforcing and implementing the powers, duties and functions that are vested in the "health officer" under this article IV, the Santa Barbara County fire department.~~

~~"Minimum Standards and Regulations" means the provisions of title 22, division 4, chapter 30 of the California Administrative Code.~~

~~"Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, or association. "Person" also includes any city, county, city and county, district, the state, any department or agency thereof or the United States Government, any department or agency thereof, to the extent authorized by federal law.~~

~~"Producer" means any person who produces or generates hazardous waste.~~

~~"State statutes" means the provisions of the California Health and Safety Code, division 20, chapter 6.5.~~

~~(Ord. No. 3503, § 1; Ord. No. 3917, § 1; Ord. No. 4215, § 4)~~

### **~~Sec. 18-31. - Permit to generate hazardous waste.~~**

~~See sections 18-31.1 through 18-31.7.~~

~~(Ord. No. 3503, § 1)~~

### **~~Sec. 18-31.1. - Permit.~~**

~~Every person as owner, lessee, agent, or otherwise who operates, carries on or engages in any business which produces a hazardous waste or hazardous wastes shall possess a "hazardous waste generator permit" issued by the health officer.~~

~~(Ord. No. 3503, § 1)~~

### **~~Sec. 18-31.2. - Same—Applications.~~**

~~Every person carrying on or conducting a business which generates a hazardous waste or hazardous wastes shall make a written application to, and upon forms furnished by, the health officer. Such application shall be made under penalty of perjury and state the name and address of the applicant, the address at which such business is proposed to be carried on, a brief description of the business or waste producing process, and a description of the types and quantities of hazardous waste or wastes produced including chemical composition, physical states, the volume or amounts generated, and the method or proposed method of handling, transporting, storing, treating and disposal of the waste or wastes.~~

~~All persons engaging in existing businesses covered by the requirements of this article shall submit an application within ninety days of the effective date of this article. If said application is not received within ninety days, the business is in violation of section 18-31.1 and enforcement action pursuant to section 18-32.1 et seq. shall be initiated by the health officer.~~

~~All persons engaging in a business covered by the requirement of this article which will commence operations on or after the effective date of this article, shall submit an application thirty days prior to commencing operations.~~

~~(Ord. No. 3503, § 1)~~

### **~~Sec. 18-31.3. - Same—Issuance of permit.~~**

~~The health officer shall make or cause to be made an investigation of said applicant and the proposed place of business, and the manner in which the hazardous waste or wastes are produced, handled, transported, stored, treated and disposed of. If the health officer finds that all provisions of this article, and of~~

~~Federal and the State Statutes and Regulations and of the Minimum Standards and Regulations have been and will be complied with, he shall issue such permit; otherwise the health officer shall order the applicant to bring the operation into compliance with all requirements within a period of time established by the health officer. Upon failure to comply, the application shall be denied.~~

~~Such permits shall be good for one year from date of issuance, and shall be annually renewed in the same manner as that provided for the securing of a new permit; provided, however, that no application fee shall be charged for a renewal of any permit. Such permits shall be nontransferable and nonassignable. Every business covered by the requirements of this article existing prior to the effective date of this article shall apply for a hazardous waste generator permit in the manner required by section 18-31.2.~~

~~It shall not be necessary for the health officer to investigate said applicant of business prior to issuance of the permit. Said existing businesses are required to comply with the provisions of this article and the provisions of the State Statutes, and of the Minimum Standards and Regulations.~~

~~(Ord. No. 3503, § 1)~~

#### **~~Sec. 18-31.4. - Same—Revocation of permit—Hearing.~~**

~~Whenever the health officer shall determine from his investigation, examination or inspection of any business covered by the requirements of this article, that the holder of any permit issued under the provisions of this article has violated any of the provisions of this article, or any provisions of the State Statutes, or any provisions of the Minimum Standards and Regulations regarding the production, handling, transportation, storage, treatment or disposal of hazardous wastes, and has not complied with the orders of the health officer to provide corrections, he may serve a written notice upon such permittee to appear before the director to show cause why such permit shall not be revoked. Such notice shall contain a brief statement of the alleged violation, and the time and place of the hearing, which shall be held within ten days after the receipt of the notice. The permittee may appear in person or with counsel and present such evidence as he may desire regarding the alleged violation and show cause why the permit shall not be revoked. The director shall receive such information, evidence and testimony as may concern the circumstances of the alleged violation, and the formal rules of evidence shall not apply. If the director shall determine that any of the provisions of this chapter, or any of the provisions of the State Statutes, or any of the provisions of the Minimum Standards and Regulations have been or are being violated, he may revoke or temporarily suspend such permit, until such time as the act, default or omission has been remedied.~~

~~(Ord. No. 3503, § 1)~~

#### **~~Sec. 18-31.5. - Same—Summary suspension.~~**

~~Any permit issued pursuant to this article may be summarily suspended by the director for cause. Cause shall be any violation of this chapter, or any violation of the provisions of the State Statutes or of the Minimum Standards and Regulations which, in the opinion of the director, poses an imminent hazard to, or threatens the public health and safety, or the environment. Reinstatement of said permit shall not be effected~~

~~unless the act, default or omission which was the grounds for summary suspension shall have been remedied prior to the time of reinstatement.~~

~~The holder of any permit so summarily suspended pursuant to this section shall have the right to file a written request to the director requesting a hearing to be held within ten days after the effective date of such suspension. The hearing shall be held as set forth in section 18-31.4 and the director shall determine whether or not cause exists, for such suspension. If he should so determine that cause exists for such suspension he may suspend such permit until such time as the act, default or omission has been remedied.~~

~~(Ord. No. 3503, § 1)~~

### **Sec. 18-31.6. -- Same -- Exemptions.**

The following are exempted from the requirements of this article:

~~(a) Any business which produces a hazardous waste and receives a nonhazardous classification for that waste pursuant to section 66305 of the Minimum Standards and Regulations. (b) Any business which does not normally produce a hazardous waste, but must dispose of a hazardous waste caused by the occasional accidental discharge or accidental spillage of a hazardous material onto the land. For the purposes of this section, "occasional" means not more than one time in any calendar quarter.~~

~~(Ord. No. 3503, § 1)~~

### **Sec. 18-31.7. -- Variance.**

~~The health officer may grant variances to the permit and fee provisions of this article only if the waste produced is insignificant as a potential hazard to humans, domestic livestock or wildlife due to its small quantity, low concentration and/or its physical or chemical characteristics. Any variance granted does not exempt the producer from any other applicable laws and regulations governing the management of hazardous wastes.~~

~~(Ord. No. 3503, § 1)~~

### **Sec. 18-32. -- Enforcement and penalties.**

~~See sections 18-32.1 through 18-32.4.~~

~~(Ord. No. 3503, § 1)~~

### **Sec. 18-32.1. -- Enforcement by health officer.**

~~The health officer is hereby authorized and directed to enter, at any reasonable time, any place of business covered by or reasonably believed to be covered by this article, to verify compliance with these provisions of this article. The health officer shall have the duty of enforcing the provisions of this article. The health officer may ask the county counsel or the district attorney of the county to seek injunctive relief to enjoin violations of the ordinance codified in this article or any permit or order issued hereunder or any rule, regulation, or requirement promulgated hereunder. Civil penalties of up to five hundred dollars per day of~~

violation may be imposed. All enforcement actions hereunder are cumulative to one another and to any other applicable penalties.

~~(Ord. No. 3503, § 1)~~

### **~~Sec. 18-32.2. - Penalties.~~**

~~Any person who violates any provision of this article is guilty of a misdemeanor pursuant to section 1-7 of this Code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued, or permitted by such person and shall be punishable accordingly. Any person convicted of a misdemeanor under the provisions of this article shall be punishable accordingly. Any person convicted of a misdemeanor will be subject to a mandatory fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.~~

~~(Ord. No. 3503, § 1)~~

### **~~Sec. 18-32.3. - Distribution of fines.~~**

~~All penalties or fines collected by any court or judge for any violation of any provisions of this article shall be paid into the county general fund with fifty percent earmarked for the Santa Barbara County fire department for the purposes of purchasing supplies, equipment and reference materials to be used in the enforcement of the state statutes, and the Minimum Standards and Regulations.~~

~~(Ord. No. 3503, § 1; Ord. No. 4215, § 5)~~

### **~~Sec. 18-32.4. - Other remedies and penalties.~~**

~~The remedies and penalties provided by this article shall not be construed as restricting any other remedy or penalty provided by the State Statutes, the Minimum Standards and Regulations, or any other law, regulation, or ordinance.~~

~~(Ord. No. 3503, § 1)~~

### **~~Sec. 18-33. - Permit and application fees.~~**

#### **~~See sections 18-33.1 through 18-33.4.~~**

~~(Ord. No. 3503, § 1)~~

#### **~~Sec. 18-33.1. - Application fee.~~**

~~Each person applying for a hazardous waste generator permit pursuant to section 18-31.1 shall, at the time of filing the application form therefor, pay to the health officer a nonrefundable application fee, as set forth by the board of supervisors resolution, for each place of business said permit is required.~~

~~(Ord. No. 3503, § 1)~~

**~~Sec. 18-33.2. - Hazardous waste generator permit fee.~~**

~~Each person who is required to have a hazardous waste generator permit issued pursuant to section 18-31.1, shall pay a nonrefundable annual permit fee as set forth by the board of supervisors resolution for each place of business said permit is required.~~

~~(Ord. No. 3503, § 1)~~

**~~Sec. 18-33.3. - Persons liable for fees.~~**

~~Each of the persons whose duty it is to obtain, or cause to be obtained, a permit from the health officer, as herein provided, shall be, and is hereby declared and made to be, jointly and severally liable for the payment of the fee required to be paid to the health officer for such permit.~~

~~(Ord. No. 3503, § 1)~~

**~~Sec. 18-33.4. - Fees—Collection by suit.~~**

~~In the event of the nonpayment of any fee required by this article to be paid the health officer, the health officer shall proceed to collect such fee from any such person so liable by appropriate action in a court of competent jurisdiction.~~

~~(Ord. No. 3503, § 1)~~

~~Sec. 18-34. - Other provisions.~~

~~See sections 18-34.1 and 18-34.2.~~

~~(Ord. No. 3503, § 1)~~

**~~Sec. 18-34.1. - Hearing panel.~~**

~~For the purposes of any public hearings required to be conducted pursuant to the State Statutes or the Minimum Standards and Regulations, the board of supervisors or a committee thereof, shall act as hearing panel.~~

~~(Ord. No. 3503, § 1)~~

**~~Sec. 18-34.2. - Health officer—Promulgation of rules, regulations and requirements.~~**

~~The health officer shall prescribe rules, regulations and requirements not in conflict with the general law, for the implementation and enforcement of this chapter.~~

~~(Ord. No. 3503, § 1)~~