



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Health  
**Department No.:** 041  
**For Agenda Of:** January 8, 2019  
**Placement:** Set Hearing  
**Estimated Time:** First Reading (D) on  
Jan. 29, 2019 (30 min);  
Second Reading (A) on  
Feb. 5, 2019  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

---

**TO:** Board of Supervisors  
**FROM:** Department Van Do-Reynoso, MPH, PhD., Director  
Director Public Health Department  
Contact Info: Lawrence Fay, Jr. Environmental Health Director (346-8463)  
**SUBJECT: Set Hearing to Adopt Ordinances Repealing Certain Articles in Chapters 15 and 18, Adopting Chapter 18C, Article III, and Amending Chapter 24A for Environmental Health Services**

---

**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Fire Department

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors consider the following recommendations:

On January 8, 2019, set a public hearing on the Departmental Agenda of January 29, 2019 to consider recommendations regarding ordinances to repeal certain Articles in Chapters 15 and 18, adopt Chapter 18C, Article III and amend Chapter 24A of the Santa Barbara County Code.

On January 29, 2019:

- a) Receive and file a presentation (Attachment H) regarding ordinances to repeal certain Articles in Chapter 15 and Chapter 18, to adopt Chapter 18C, Article III entitled "Certified Unified Program Agency" and to amend Chapter 24A to correct Chapter and Articles references;
- b) Approve the introduction (First Reading) of an Ordinance (Attachment A) to repeal Chapter 15, Article VII, entitled "Fire Department Administration of Hazardous Materials/Wastes Laws", section 15-126 through 15-132;

**Auditor-Controller Concurrence**

As to form: Yes

- c) Approve the introduction (First Reading) of an Ordinance (Attachment C) to repeal Chapter 18, Article III, entitled “Hazardous Waste Materials Storage Ordinance”, sections 18-21 and 18-22 and Article IV, entitled “Hazardous Waste Generator Ordinance”, section 18-30 through 18-34.2;
- d) Approve the introduction (First Reading) of an Ordinance (Attachment E) to adopt Chapter 18C, Article III, entitled “Certified Unified Program Agency”;
- e) Approve the introduction (First Reading) of an Ordinance (Attachment F) to repeal Chapter 18, Article V, entitled “Infectious Waste Generator Ordinance”, section 18-36 through 18-40.2;
- f) Approve the introduction (First Reading) of an Ordinance (Attachment H) to amend Chapter 24A entitled “Administrative Fines” with corrected Chapter and Article references;
- g) Read the titles of each of the above Ordinances into the record and waive full reading of each of these Ordinances; and
- h) Continue the hearing to the Administrative Agenda for February 5, 2019 to consider recommendations, as follows:

On February 5, 2019

- i) Consider and approve the adoption (Second Reading) of an Ordinance (Attachment A) to repeal Chapter 15, Article VII, entitled “Fire Department Administration of Hazardous Materials/Wastes Laws”, section 15-126 through 15-132;
- ii) Consider and approve the adoption (Second Reading) of an Ordinance (Attachment C) to repeal Chapter 18, Article III, entitled “Hazardous Waste Materials Storage Ordinance”, sections 18-21 and 18-22 and Article IV, entitled “Hazardous Waste Generator Ordinance”, section 18-30 through 18-34.2;
- iv) Consider and approve the adoption (Second Reading) of an Ordinance (Attachment E) adopting Chapter 18C, Article III, entitled “Certified Unified Program Agency”;
- iii) Consider and approve the adoption (Second Reading) of an Ordinance (Attachment F) to repeal Chapter 18, Article V, entitled “Infectious Waste Generator Ordinance”, section 18-36 through 18-40.2;
- v) Consider and approve the adoption (Second Reading) of an Ordinance (Attachment H) amending Chapter 24A entitled “Administrative Fines”;
- vi) Determine that the recommended activities are not a Project and are exempt from California Environmental Quality Act review per CEQA Guideline Sections 15378(b)(4) and 15378(b)(5) because the actions are administrative activities of a local government and government fiscal activities which do not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment and direct staff to file a notice of exemption (Attachment K).

**Summary Text:**

This item is on the agenda for the approval of five Ordinances; all of which correct current code regarding infectious waste and the authority and oversight of hazardous waste generation and storage programs in the Public Health Department's Environmental Health Services, Certified Unified Program Agency (CUPA).

Santa Barbara County is certified by the California Environmental Protection Agency as the Unified Program Agency for the County of Santa Barbara. CUPA regulates businesses that handle hazardous materials, and generate or treat hazardous waste or operate aboveground or underground storage tanks. CUPA's primary goal is to protect public health and the environment by ensuring compliance with applicable laws and regulations in relation to hazardous substances.

The Santa Barbara County CUPA is responsible for the following six consolidated environmental programs:

1. Hazardous Materials Release Response Plans & Inventory (Business Plan) - HSC Chapter 6.95, & Title 19 CCR
2. Underground Storage Tanks (UST) - HSC Chapter 6.7 & Title 23 CCR,
3. Hazardous Waste Generators - HSC Chapter 6.5 & Title 22 CCR
4. Onsite Hazardous Waste Treatment (Tiered Permitting) - HSC Chapter 6.5 & Title 22 CCR
5. Aboveground Petroleum Storage Act (APSA) - HSC Chapter 6.67
6. California Accidental Release Prevention (CalARP) - Chapter 6.95 & Title 19

In 2013, the CUPA was transferred from the County Fire Department to the Public Health Department's Environmental Health Services via that year's Budget hearings. The actions recommended in this board letter will update the Santa Barbara County Code to properly reflect the CUPA's inclusion within the Environmental Health Services program.

Additionally, this board action would also remove the Infectious Waste program from County Code. The County has not operated an infectious waste program since 1990. Infectious waste for Santa Barbara County is regulated by the California Department of Public Health, per Health and Safety Code Division 104, Part 14 entitled "Medical Waste".

Lastly, this board action would amend Chapter 24A, "Administrative Fines" to remove references to the repealed Articles above and add references to Chapter 18C and all of its articles therein.

**Background:**

The Ordinances attached to this Board Letter are intended to repeal code that is outdated and no longer reflective of the current practices and regulations within Environmental Health Services (EHS). EHS is proposing these changes to the County Code in the interest of efficiency and to provide clear public direction regarding official Santa Barbara County regulations. The proposed County Code changes are as follows:

Chapter	Changes Needed	Reason
Chapter 15 Article VII Section: 15-126 through 15-132	Repeal	Cites authority for the administration and oversight of hazardous materials and/or waste with the County Fire Department. Actual authority and oversight is under the jurisdiction of EHS, CUPA.
Chapter 18 Article III Sections: 18-21 and 18-22	Repeal	Cites authority for oversight of hazardous materials storage with the County Fire Department. Actual authority for oversight for the storage of hazardous materials is under the jurisdiction of EHS, CUPA.
Chapter 18 Article IV Section: 18-30 through 18-34.2	Repeal	Cites authority for oversight of hazardous waste generators with the County Fire Department. Actual oversight for generators of hazardous waste is under the jurisdiction of EHS, CUPA.
Chapter 18C Article III Section: 18C-31 through 18C-34	Adopt	Cites authority, oversight and administration for hazardous materials waste storage and generation under the jurisdiction of EHS CUPA.
Chapter 18 Article V Sections: 18-36 through 18-40.2	Repeal	Cites authority for administration and oversight of an Infectious Waste Generator program in Santa Barbara County code whereas such administration and oversight is under the jurisdiction of the California Department of Public Health as set forth in Health and Safety Code Division 104, Part 14, entitled “Medical Waste”.
Chapter 24A	Amend	Strikes out references to repealed Chapter 18, Articles III, IV and V; adds references to Chapter 18C, including specific references to existing Articles I and II and the new Article III.

**Fiscal and Facilities Impacts:**

Budgeted: N/A

**Fiscal Analysis:**

There is no fiscal impact by approving the recommended actions to amend Chapters 15, 18, 18C and 24A of Santa Barbara County Code.

**Special Instructions:**

1. Request the Clerk of the Board to publish notice of this hearing, per the attached Notice (Attachment J), in a newspaper of general circulation, five (5) and ten (10) days prior to the hearing, in accordance with Government Code §6062a.
2. Request the Planning and Development Department to post the Notice of Exemption (Attachment K) for the ordinances in the County Planning and Development Department at least six (6) days prior to consideration of the activity by the Board of Supervisors to comply with the County CEQA guidelines.
3. Request the Clerk of the Board to publish in a newspaper, within 15 days of passage of the ordinances, the ordinances along with names of members voting for and against the ordinance, in accordance with Government Code section 25124(a).

**Attachments:**

- A. Ordinance to Repeal Chapter 15, Article VII, “Fire Department Administration of Hazardous Materials/Wastes Laws”
- B. Ordinance to Repeal Chapter 15, Article VII, “Fire Department Administration of Hazardous Materials/Wastes Laws” – MARK-UP VERSION
- C. Ordinance to Repeal Chapter 18, Article III, “Hazardous Waste Materials Storage Ordinance” and Article IV, “Hazardous Waste Generator Ordinance”
- D. Ordinance to Repeal Chapter 18, Article III, “Hazardous Waste Materials Storage Ordinance” and Article IV, “Hazardous Waste Generator Ordinance” – MARK-UP VERSION
- E. Ordinance to Adopt Chapter 18C Article III, “Certified Unified Program Agency”
- F. Ordinance to Repeal Chapter 18, Article V, “Infectious Waste”
- G. Ordinance to Repeal Chapter 18, Article V, “Infectious Waste” – MARK-UP VERSION
- H. Ordinance to Amend Chapter 24A, “Administrative Fines”
- I. Ordinance to Amend Chapter 24A, “Administrative Fines” – MARK-UP VERSION
- J. Public Notice for Ordinances to Repeal Chapter 15, Article VII, Chapter 18, Article III-IV; Chapter 18, Article V; to Adopt Chapter 18C, Article III; and to Amend Chapter 24A
- K. CEQA Notice of Exemption
- L. Presentation on Recommendations Regarding Ordinances

**Authored by:**

Larry Fay, Environmental Health Services Director