

MARK-UP VERSION OF
AMENDMENT TO SANTA BARBARA COUNTY CODE
CHAPTER 15 – Article VII. - Fire Department Administration of Hazardous
Materials/Wastes Laws

~~Sec. 15-126. - Fire department enforcement.~~

~~The Santa Barbara County fire department shall be vested with such powers, functions, duties and responsibilities with respect to hazardous materials, hazardous substances and hazardous wastes set forth in this article VII. Any references or similar references in any law for the regulation of hazardous materials, hazardous substances or hazardous wastes to "administering agency," "local enforcement agency," "local agency," "local public officer," "health officer" or "local health officer" or similar phrase, which references are intended to mean or to identify the local agency designated to administer, implement and/or enforce said law, shall mean the Santa Barbara County fire department for purposes of this article VII.~~

~~(Ord. No. 4215, § 1; Ord. No. 4494)~~

~~Sec. 15-127. - Transfer of authority.~~

~~The administration, application, implementation and enforcement of various federal and state laws and regulations and local ordinances on the control and regulation of hazardous materials, hazardous substances and hazardous wastes are hereby transferred out of the environmental health services division of the Santa Barbara County department of health care services (hereinafter "environmental health services"), and into the Santa Barbara County fire department (hereinafter "fire department").~~

~~(Ord. No. 4215, § 1; Ord. No. 4494)~~

~~Sec. 15-128. - Successor of authority.~~

- ~~(a) The fire department succeeds to and is vested with the duties, purposes, responsibilities and jurisdiction, imposed by law or contract or memoranda, heretofore exercised by environmental health services, health officers, local health officers or county health departments as defined in state law and the Santa Barbara County Code and ordinances as they relate to hazardous materials, hazardous substances and hazardous wastes, including, but not limited to, the following state laws, together with their implementing regulations, and the following provisions of the Santa Barbara County Code and ordinances:~~

- ~~(1) Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory), §§ 25500 et seq., of division 20 of the Health and Safety Code;~~

- (2) ~~Chapter 6.7 (Underground Storage of Hazardous Substances), §§ 25280 et seq., of division 20 of the Health and Safety Code;~~
 - (3) ~~Chapter 6.75 (Petroleum Underground Storage Tank Cleanup), §§ 25299.10 et seq., of division 20 of the Health and Safety Code;~~
 - (4) ~~Chapter 6.5 (Hazardous Waste Control), §§ 25100 et seq., of division 20 of the Health and Safety Code;~~
 - (5) ~~Chapter 6.11 (Unified Hazardous Waste and Hazardous Materials Regulatory Program), §§ 25404 et seq., of division 20 of the Health and Safety Code;~~
 - (6) ~~Chapter 6.65 (Unified Review of Hazardous Materials Release Sites), §§ 25260 et seq., of division 20 of the Health and Safety Code;~~
 - (7) ~~Chapter 6.67 (Aboveground Storage of Petroleum), §§ 25270 et seq., of division 20 of the Health and Safety Code;~~
 - (8) ~~Chapter 6.8 (Hazardous Substance Account), §§ 25300 et seq., of division 20 of the Health and Safety Code;~~
 - (9) ~~Article III (Hazardous Materials Storage Ordinance), §§ 18-21 et seq., of chapter 18 of the Santa Barbara County Code;~~
 - (10) ~~Article IV (Hazardous Waste Generator Ordinance), §§ 18-30 et seq., of chapter 18 of the Santa Barbara County Code; and~~
 - (11) ~~Article VI (Reporting Requirements), §§ 18-41 et seq., of chapter 18 of the Santa Barbara County Code.~~
- (b) ~~Chapter 6.6 (Safe Drinking Water and Toxic Enforcement Act of 1986), §§ 25249.5 et seq., of division 20 of the Health and Safety Code; and article VII (Monitoring), §§ 18-49 et seq., of chapter 18 of the Santa Barbara County Code, are excluded and excepted from the transfer of authority of hazardous materials, substances, and wastes laws and regulations to the fire department.~~

(Ord. No. 4215, § 1; Ord. No. 4494)

Sec. 15-129. – Local health officer.

~~Whenever, in any statute, rule, regulation, resolution, order or Santa Barbara County Code or ordinance a power is granted to or a duty is imposed upon the Santa Barbara County health department or upon environmental health services or upon the county health officer or health officer or local health officer pertaining to hazardous materials, hazardous substances and/or hazardous wastes and/or to regulatory~~

~~programs transferred by the board of supervisors pursuant to this article VII, such powers and duties shall thereafter be administered, applied, implemented and enforced by the fire department.~~

~~(Ord. No. 4215, § 1; Ord. No. 4494)~~

~~Sec. 15-130. -- Power and duties of county health officer.~~

~~(a) Nothing contained herein shall be deemed to limit or otherwise restrict the Santa Barbara County health officer during a state of emergency as provided in Health and Safety Code section 1158. (b) The Santa Barbara County health officer shall also retain such authority as is necessary to meet all state and local requirements and responsibilities relating to the protection of public health set forth in section 452 of the Health and Safety Code other than those requirements and responsibilities transferred pursuant to this article VII to the Santa Barbara County fire department.~~

~~(Ord. No. 4215, § 1; Ord. No. 4494)~~

~~Sec. 15-131. -- Fees.~~

~~The fee resolutions for environmental health services for the regulation of hazardous materials/substances/wastes that are effective on the date of the adoption of this article VII shall remain in effect. The fire department shall administer and implement said fee resolutions and collect the fees authorized by said resolutions until such time as said resolutions are superseded by fee resolutions that are hereafter adopted by the board of supervisors for the fire department's implementation of this article VII.~~

~~(Ord. No. 4215, § 1; Ord. No. 4494)~~

~~Sec. 15-132. -- Violations—Legal actions.~~

~~Article VI, §§ 15-121 et seq., of chapter 15 of the Santa Barbara County Code shall not apply to this article VII. The respective enforcement provisions for each of the programs transferred to the fire department pursuant to this article VII shall be those that are set forth in each respective program so transferred.~~

~~(Ord. No. 4215, § 1; Ord. No. 4494)~~