



COUNTY OF SANTA BARBARA ENVIRONMENTAL HEALTH SERVICES

BOARD OF SUPERVISORS

SEPTEMBER 12, 2023 PUBLIC HEARING

*ORDINANCES AMENDING CHAPTERS 18 AND 18C OF SANTA BARBARA COUNTY CODE
RELATED TO THE CERTIFIED UNIFIED PROGRAM AGENCY (CUPA) AND
THE RELEASE OF WASTE*

PROPOSED ORDINANCE AMENDMENTS

Environmental Cleanups Related to the Release of Waste

- Site investigation and cleanup of released waste (Senate Bill 304, 2021)
- Methamphetamine and fentanyl lab-contaminated property cleanup (Assembly Bill 1596, 2019)

Administrative Changes Related to the Certified Unified Program Agency (CUPA)

- Updates to reflect the California Health & Safety Code as directed by Cal-EPA (2021)

ENVIRONMENTAL CLEANUP OVERSIGHT

Authority – Assembly Bill 304 (Quirk), 2021

- Per AB 304, whenever a release of waste occurs and remedial action is required, a responsible party may request the County Health Officer or County Director of Environmental Health Services (EHS) to supervise the investigation and remedial action.
- Each year, approximately 5-10 contaminated properties are cleaned up under EHS oversight.
- Recommendations a) and b) propose the repeal of outdated sections of Chapter 18, and add Article IV Release of Waste under EHS oversight in Chapter 18C.



CONTAMINATED PROPERTY CLEANUP OVERSIGHT

Authority – Assembly Bill 1596 (Committee on Environmental Safety and Toxic Materials), 2019

- Per AB 1596, Fentanyl has been added to the Methamphetamine Contaminated Property Cleanup Act of 2005
- Legislation imposes duties on the County Health Officer or authorized representative to ensure that contaminated properties have been cleaned and deemed safe for human re-occupancy.
- Recommendation b) adds to Chapter 18C delegated authority for the local Health Officer and County Director of Environmental Health Services to jointly implement required noticing and property cleanup oversight.



(Not in Santa Barbara County) 4

CUPA AUDIT FINDING

Audit-Driven Updates to Chapter 18C

- Cal-EPA and state program agencies conduct a performance evaluation of the Santa Barbara County CUPA every three (3) years.
- The final performance evaluation report issued by CalEPA to Santa Barbara County on March 5, 2021 directed updates to local ordinance in Chapter 18C, Article III, related to State underground storage tank regulations and the Health and Safety Code.
- Recommendation b) amends local ordinance provisions to ensure continued consistency with current State laws and regulations.



RECOMMENDATIONS

On September 12, 2023

- a) Approve the introduction (First Reading) of an Ordinance to repeal Santa Barbara County Code, Chapter 18, titled Health and Sanitation, Article VI Reporting Requirements, sections 18-41 through 18-44, and Article VII Monitoring, section 18-49;
- b) Approve the introduction (First Reading) of an Ordinance to amend Santa Barbara County Code, Chapter 18C, titled Environmental Health Services, Article III Certified Unified Program Agency (CUPA), sections 18C-32, 18C-46.2, 18C-46.5, 18C-47, and 18C-49, and to add Article IV Release of Waste, sections 18C-54 through 18C-62;
- c) Read the titles of each of the above Ordinances and waive full reading of each of these Ordinances; and
- d) Continue the hearing to the Administrative Agenda of September 19, 2023 to consider adoption of the ordinance amendments.

RECOMMENDATIONS

On September 19, 2023

- i) Adopt the Ordinance (Second Reading) to repeal Santa Barbara County Code, Chapter 18, titled Health and Sanitation, Article VI Reporting Requirements, sections 18-41 through 18-44, and Article VII Monitoring, section 18-49;
- ii) Adopt the Ordinance (Second Reading) to amend Santa Barbara County Code, Chapter 18C, titled Environmental Health Services, Article III Certified Unified Program Agency (CUPA), sections 18C-32, 18C-46.2, 18C-46.5, 18C-47, and 18C-49, and to add Article IV Release of Waste, sections 18C-54 through 18C-62; and
- iii) Determine that the recommended actions are not a Project within the meaning of California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(5) of the CEQA Guidelines, because the actions are organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment.



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