

County of San Mateo Environmental Health Services

Ordinance 4.92 Proposed Revisions

April 6, 2018



COUNTY OF SAN MATEO
HEALTH SYSTEM

Background

- 1983 – County Ordinance chapter 4.92 was enacted
 - Has had only minimal changes in over 30 years
 - Only applies to underground storage tanks containing hazardous materials
 - Language duplicates and contradicts state laws and regulations
 - Requires that all UST system components be disposed as hazardous waste

Background

- 1997 – San Mateo County became a Certified Unified Program Agency, with authority over the following sets of State regulations:
 - Hazardous Waste generation and onsite treatment
 - Underground Storage Tanks
 - Hazardous Materials Business Plans
 - California Accidental Release Prevention
 - Aboveground Petroleum Storage Tanks (added in 2009)

4.92.010 – Purpose (Existing and *Proposed*)

The purpose of this Chapter is to protect health, life, the environment, and property through the prevention and control of the unauthorized discharge of Hazardous Substances.

This Chapter is a supplement to, not a replacement for, applicable state and federal laws and regulations.

4.92.020 Definitions (adding, deleting and clarifying)

- Previously 4.92.040
- Removed definitions that are clearly defined in State law or regulations
- Added a few definitions to clarify the use of the term in the ordinance

4.92.030 Hazardous Substances Regulated

- Previously 4.92.050
- Removed redundant definitions

4.92.040 – Safety and Care

- Previously 4.92.020

4.92.050 Requirement for CUPA Permit

- Required to submit an Hazardous Materials Business Plan by CA HSC 25507
- Generates, treats, stores or disposes of hazardous waste (other than household)
- Owns or operates a Underground Storage Tank (UST)
- Stores petroleum products in aboveground tanks regulated under Chapter 6.7, Division 20 (APSA)
- Operation of a process regulated by Chapter 6.95, Division 20 (CalARP)

4.92.050 - CUPA Permit Required

- Apply prior to commencing regulated activity (existing 4.92.200)
- Apply within 30 days of assuming ownership of existing facility (existing 4.92.200)
- Notify Environmental Health at least 10 business days prior to closing facility (some state regulations require greater notice, so this is a minimum)
- Current permit holders do not need to apply for existing permitted facilities

4.92.050 (e) Permit Denial

- Environmental Health may deny a permit if hazardous substance storage area is not suitable (original language is in 4.92.060)
 - Denial may be appealed

4.92.060 -Permit Suspension

- Environmental Health may suspend a permit if
 - Repeated failure to comply with permit conditions or applicable state laws/regulations
 - Imminent hazard based on inspection findings
 - Failure to pay annual fee or enforcement penalties.
 - Failure to make the facility available for inspection, after repeated attempts
- There is an appeal process
- Permit may be reinstated upon payment of all overdue fees/penalties and correction of violations



4.92.070 – Cleanup Responsibility

Existing language in 4.92.130

4.92.080 UST Permits

- Removed language that was redundant of State law and regulation
- Removed requirement that UST system components be disposed as hazardous waste

4.92.090 - Fees

- CUPA permit fees are due annually
- UST permit fees are due upon application
- Fee amounts are set by the Board of Supervisors per County Ordinance Chapter 5.64 (existing, 4.92.180)

4.92.100 Inspection Authority (Existing 4.92.170)

- Conduct unannounced inspections during normal business hours, M-F (7am-6pm)
 - Alternate times can be requested for valid reasons, with supervisor approval, but we may charge hourly rate for inspections outside these hours
- Any facility storing or reasonably suspected of storing regulated hazardous substances
- Facility still has right to deny entry, forcing Environmental Health to seek a judge's permission (inspection warrant)

4.92.120 Concealment

- Existing 4.92.260

4.92.140 Civil Penalties

- Owner/operators are responsible for the actions of their employees that violate the ordinance (existing 4.92.240)
- Violations of the ordinance can lead to civil penalties (existing 4.92.270)

4.92.150 Administrative Enforcement

- Existing 4.92.280
- Establishing specific procedures (new)
- Appeals process (new)

4.92.160-190

- Standard legal language
 - Remedies not Exclusive
 - Disclaimer of Liability
 - Conflict with Other Laws
 - Severability

Next steps

- Send comments to me by 4/15/18
- Incorporate, as appropriate, any comments we receive
- Post updated version by 4/30 (depending on number of comments received) and send out notification via e-mail
- Revised Ordinance is considered by Board of Supervisors on May 22 (tentative)

Contact Information

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If you have questions, please call or e-mail

If you have comments, please e-mail so I can capture your comments accurately.