

ORDINANCE NO. 3355

AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, AMENDING VARIOUS SECTIONS IN CHAPTER 8.40 OF THE CORONA MUNICIPAL CODE REGARDING HAZARDOUS MATERIALS DISCLOSURE

WHEREAS, Chapter 8.40 of the Corona Municipal Code regulates businesses that handle hazardous materials by implementing and enforcing the standards pertaining to hazardous materials response plans and disclosures set forth in the Chapter 6.95 of Division 20 of the California Health & Safety Code; and

WHEREAS, the City Council desires to amend certain section in Chapter 8.40 to clarify the categories and classification of hazardous materials, which are used to determine the permitting and fee requirements that apply to businesses that handle hazardous materials.

**THE CITY COUNCIL OF THE CITY OF CORONA DOES ORDAIN AS
FOLLOWS:**

SECTION 1. Amendment – Section 8.40.020. Section 8.40.020 (Definitions) of Chapter 8.40 (Hazardous Materials Disclosure) of Title 8 (Health and Safety) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“8.40.020 Definitions.

The words and phrases used in this chapter, unless otherwise apparent from the context, shall be as defined in the Hazardous Materials Release Response Plans and Inventory Law set forth in Division 20, Chapter 6.95 of the California Health & Safety Code as amended, and the Hazardous Materials Release Reporting, Inventory and Response Plans Regulations as specified in Title 19, Division 2, Chapter 4 of the California Code of Regulations, as amended, except for the following:

(A) **"Business"** means an employer, person, self-employed individual, trust, firm, joint stock company, limited liability company, corporations, partnership or association, a business organized for profit or nonprofit and any agency, department, office, board, commission, or bureau of a city, county, state, federal or special district. For purposes of this chapter, households that generate, store, handle, dispose, treat or recycle hazardous materials of the kind and in the amounts customary for traditional households, do not constitute a business.

(B) "**Business plan**" means a separate electronic plan for each business location within the city of Corona that satisfies the requirements of Chapter 6.95.

(C) "**Chapter 6.95**" means Chapter 6.95 of Division 20 of the HSC, as amended or superseded.

(D) "**CUPA**" means the Certified Unified Program Agency, which is the agency certified by the Secretary for Environmental Protection to implement the unified program specified in Chapter 6.11 of Division 20 of the HSC. For purposes of this chapter, the DEH is the CUPA.

(E) "**Department of Environmental Health (DEH)**" means the County of Riverside Department of Environmental Health.

(F) "**HSC**" means the California Health and Safety Code.

(G) "**Unified Participating Agency**" or UPA means the participating agency that has a written agreement with the CUPA pursuant to subdivision (d) of Health and Safety Code section 25404.3, and is approved by the Secretary for Environmental Protection, to implement or enforce one or more of the unified program elements specified in paragraphs (4) and (5) of subdivision (c) of HSC section 25404, in accordance with the provisions of HSC sections 25404.1 and 25404.2. For purposes of this chapter, the City of Corona, by and through the Corona Fire Department, is the UPA."

SECTION 2. Amendment – Section 8.40.030(C)(7). Subsection (C)(7) (Employee training) of Section 8.40.030 (Requirements for handling hazardous materials) of Chapter 8.40 (Hazardous Materials Disclosure) of Title 8 (Health and Safety) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“(7) Employee training. Initial employee training as required by Chapter 6.95 shall be conducted prior to handling hazardous materials regulated by this chapter. Documentation shall be maintained available for inspection.”

SECTION 3. Amendment – Section 8.40.040. Section 8.40.040 (Permits required) of Chapter 8.40 (Hazardous Materials Disclosure) of Title 8 (Health and Safety) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“8.40.040 Permits required.

(A) **Permit.** Except as provided in Chapter 6.95 and this chapter, no person shall operate or maintain a business where hazardous materials, or a mixture containing hazardous materials, are handled in a quantity that is equal to or greater than an amount specified in Chapter 6.95 without a valid permit issued by the DEH.

The owner or operator of a business that was not previously subject to the permit requirements of this chapter shall obtain a permit for handling hazardous materials from the DEH at the time a hazardous material, or a mixture containing a hazardous material, in a quantity that is equal to or greater than an amount specified in Chapter 6.95 is first handled at the business.

All permits shall expire annually on the one-year anniversary of the date of permit issuance and shall be renewed annually thereafter at least (30) calendar days prior to the permit expiration date.

The owner or operator of a business that is subject to the requirements of this chapter may also be required to obtain other permits, as set forth in Chapter 1, Section 105 of the California Fire Code, as determined by the Fire Chief.

(B) **Business plan required.** The owner or operator of a business that handles hazardous materials in quantities specified in Chapter 6.95 shall submit a completed business plan electronically to the California Environmental Reporting System (CERS). The DEH and the Corona Fire Department shall review the components of the business plan that are within the jurisdiction of the CUPA and the UPA, respectively, and accept the Business Plan if it complies with the requirements of Chapter 6.95 and this chapter. The business plan shall be submitted with the appropriate fee payable to DEH. The business plan shall be updated and submitted annually no later than the permit expiration date.

(C) **Contents of business plan.** The business plan required by §8.40.040(B) shall include all the information required by Chapter 6.95. In addition, the following shall be required:

- (1) Site map and storage map
 - a. The site map and storage map shall have all text oriented in the same direction on the page.
 - b. If hand drawn, a ruler or straight edge shall be used.
 - c. If symbols are used, a legend shall be provided.

(2) Emergency notification

(3) Additional information, as Fire Chief deems necessary to meet the intent of this chapter and Chapter 6.95 in protecting the public health, safety or the environment.

(D) **Permit issuance.** The DEH will issue a permit to handle hazardous materials when the following requirements have been met:

(1) The business plan has been electronically submitted to the California Environmental Reporting System (CERS) and reviewed and accepted by DEH and the Corona Fire Department.

(2) The applicable fees have been paid in full to DEH.

(E) **Nontransferable permit.** A permit to handle a hazardous material is not transferable.

(F) **Maintaining permit and business plan on premises.** A permit issued pursuant to this chapter shall be posted or made available for inspection at the permitted place of business. A copy of the approved business plan shall be maintained on-site, clearly identified and easily accessible to employees.”

SECTION 4. Amendment – Section 8.40.060. Section 8.40.060 (Hazardous materials classification system) of Chapter 8.40 (Hazardous Materials Disclosure) of Title 8 (Health and Safety) of the Corona Municipal Code is hereby deleted in its entirety.

SECTION 5. CEQA Findings. This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action makes minor text amendments to the CMC to clarify the classification and categories of hazardous materials for purpose of permitting and disclosure, and there is no possibility that adopting this Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

SECTION 6. Severability. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City

Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 7. Conflicting Ordinances. This Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Ordinance.

SECTION 8. Effective Date. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published in the City of Corona. This Ordinance shall take effect and be in force 30 days after its adoption.

PASSED, APPROVED AND ADOPTED this 5th day of October, 2022.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California duly held on the 21st day of September 2022 and thereafter adopted at a regular meeting held on the 5th day of October 2022, it was duly passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 5th day of October 2022.

City Clerk of the City of Corona, California

[SEAL]