

ORDINANCE NO. 3281

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

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

SECTION 1. Chapter 8.40 (Hazardous Materials Disclosure) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“Chapter 8.40

HAZARDOUS MATERIALS DISCLOSURE

- 8.40.010 Purpose and title.**
- 8.40.020 Definitions.**
- 8.40.030 Requirements for handling hazardous materials.**
- 8.40.040 Permits required.**
- 8.40.050 Business plan update requirements.**
- 8.40.060 Hazardous materials classification system.**
- 8.40.070 Fees.**
- 8.40.080 Maintenance of records.**
- 8.40.090 Conflict with other laws.**
- 8.40.100 Recovery of costs of emergency response to hazardous materials spills or releases.**
- 8.40.110 Violations and penalties.**

8.40.010 Purpose and title.

The purpose of this chapter is to implement, within the City of Corona, the Hazardous Materials Release Response Plans and Inventory Law, Chapter 6.95 of the Health & Safety Code, to permit businesses that handle hazardous materials, to enforce minimum standards respecting such materials and to designate the City of Corona Fire Department, Fire Prevention Division as the administering agency responsible for administering and enforcing such law.

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 Chapter 6.95 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 (“CCR”), 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 of CH&SC.

(C) **"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 CH&SC. For purposes of this chapter, the DEH is the CUPA.

(D) **"CFR"** means the Code of Federal Regulations.

(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 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 Health and Safety Code section 25404, in accordance with the provisions of Health and Safety Code 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.

8.40.030 Requirements for handling hazardous materials.

(A) **Manner of handling.** No person or business shall cause or allow the handling of hazardous materials:

- (1) In a manner that violates any provision of this chapter;
- (2) In a manner that causes an unauthorized release of hazardous materials; or
- (3) In a manner that poses a significant risk of unauthorized release of hazardous materials.

(B) **Correction of unsafe conditions.** Whenever the owner or an employee of a business discovers or becomes aware of any condition involving the storage, use or handling of hazardous materials that is likely to cause injury to the public, employees of the business, or damage to either property or the environment, the owner or operator of the business shall immediately correct that

condition. If the condition is a hazard likely to cause serious injury or death to the public, employees, or is a hazard likely to cause substantial damage to property or the environment, the business owner shall immediately cease the operation of the unsafe portion of the business until the unsafe condition has been corrected.

(C) **Storage.** The owner or operator of a business where hazardous materials are stored shall accomplish all of the following:

(1) Physical Separation of Materials. The separation or protection of a hazardous material from any other material of factor that may cause or contribute to a fire, explosion, production of a flammable, toxic, or poisonous gas, or the deterioration of any primary or secondary containment required.

(2) Physical Separation from Building. Hazardous materials storage areas shall be separated by distance or physical barriers from residences and other buildings when the quantities of materials or their hazardous characteristics constitute a fire or health hazard, per the California Fire Code Chapter 50, Outdoor control areas.

(3) Restricted access. Hazardous materials handling areas shall be secured against unauthorized entry.

(4) Warning signs. Hazard identification signs specified and in conformity with the National Fire Protection Association (NFPA) Standard 704 shall be placed in locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit by either the Fire Code and/or HSC. Signs shall be placed at entrances to the business and business property and locations where hazardous materials are stored, dispensed, used or handled. Above ground storage tanks containing a hazardous material shall be posted with the appropriate NFPA Standard 704 sign(s) on a visible side or sides, and such signs shall be readable. For the purpose of this section, the term aboveground storage tank shall exclude mobile containers.

(5) Posting and labeling. The following areas of the business premises shall be posted with the appropriate signage as required by NFPA Standard 704 and chapter 15.12 of this code: entrances and exits; hazardous materials storage areas; emergency equipment; and pesticide storage areas. Emergency contact information shall be posted in a conspicuous location. Containers holding hazardous materials shall be labeled as to the contents. Other information may be required on the label by the Corona Fire Department as stipulated in the business' current business plan.

(6) Safety data sheets. Safety data sheets as defined in CCR Title 8 shall be readily accessible electronically or maintained on the business premises for each hazardous material stored or handled at the facility.

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

(8) **California Fire Code.** To the extent that more specific requirements are otherwise established in the California Fire Code, as adopted and amended in chapter 15.12 of this code, the storage, transportation, handling or use of hazardous materials shall be in accordance with the such requirements.

8.40.040 Permits required.

(A) **Permit.** Except as provided in Chapter 6.95 of HSC 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 Section 8.40.060 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 §8.40.060 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 (CFC), 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 §8.40.060 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 of HSC 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 of HSC. In addition to the HSC, 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 of HSC 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.

8.40.050 Business plan update requirements.

(A) **Hazardous materials inventory update.** The owner or operator of a business that is subject to the requirements of this chapter shall update and submit to CERS its hazardous materials inventory pursuant to Sections 2654 and 2655 of Title 19 of the California Code of Regulations, as amended or superseded.

(B) **Review and update to the business plan.** At least once every year, the owner or operator of a business that is subject to the requirements of this chapter shall certify to the DEH and the Corona Fire Department that a review of the business plan was made and that any necessary changes have been made to the plan. Any changes to the business plan shall be submitted electronically to CERS.

(C) **Changes to business plan.** The owner or operator of a business that is subject to the requirements of this chapter shall update the business plan and the hazardous materials inventory disclosure form and submit such updates electronically to CERS within thirty (30) calendar days as required by the HSC. In addition, the owner or operator of a business that is subject to the requirements of this chapter shall update the business plan when any of the following events occur:

- (1) Change of mailing address or phone number.
- (2) Change of emergency contact person or emergency contact phone number.

8.40.060 Hazardous materials classification system.

For purposes of permitting businesses pursuant to this chapter, categories of hazardous materials shall be as follows:

- (1) Category G: Review and inspection of 6 chemicals or less / 5,000 sq. ft or less
- (2) Category H: Review and inspection of 7 to 12 chemicals / 10,000 sq. ft. or less

- (3) Category I: Review and inspection of 13 chemicals or more / 10,001 sq. ft or more

8.40.070 Fees.

(A) **Permit fees.** The City Council shall establish by resolution, and from time to time may amend, the fees for the administration of this chapter, including without limitation a fee for permits required pursuant to §8.40.040, which shall be collected by DEH.

(B) **Penalties.** Businesses that are delinquent in filing a business plan, paying the permit fee, or both, shall be subject to penalties as established by resolution of the City Council.

(C) **Other penalties not precluded.** The imposition or payment of a penalty imposed pursuant to this section shall not preclude the imposition of any other penalty prescribed by this chapter or state law or the prosecution of any violation of this chapter or state law.

8.40.080 Maintenance of Records.

Businesses that are subject to the requirements of this chapter shall maintain all records required by this chapter for a period of not less than three (3) years following the expiration of the permit issued pursuant to §8.40.040. Such records shall be made available to the DEH and the Corona Fire Department during normal business hours.

8.40.090 Conflict with other laws.

Notwithstanding any other provisions of this chapter, a handler regulated by any state or federal agency will be exempt from any conflicting provision of this chapter. Whenever any provision of this chapter conflicts with a provision in the chapter 15.12, the more restrictive provision shall prevail.

8.40.100 Recovery of costs of emergency response to hazardous materials spills or releases.

(A) **Penalties.** In addition to the penalties described in Section 8.40.110, any person or business that commits the violations described herein shall also be subject to the penalties set forth in this section.

(B) **Emergency response costs.** The expense of an emergency response to any spill, or release of a hazardous material, which poses a significant threat or potential hazard to human life, property or environment, shall be a charge against the person, business or entity whose conduct, or conduct of its employees, agents or contractors, caused or permitted the incident resulting in the emergency response.

(C) **Fees.** The City Council shall establish by resolution, and from time to time may amend, the fees to be charged for an emergency response to a hazardous materials spill or release pursuant to Section 8.40.100(B) above. The fees established for an emergency response to a hazardous materials spill or release shall be reasonably commensurate to the verifiable costs involved in

emergency response to or prevention, abatement, mitigation or confinement of spills or releases of hazardous materials within city limits.

(D) **Administration.** The Fire Chief is hereby designated as the person responsible for administering and enforcing this section.

8.40.110 Violations and penalties.

(A) **Separate offense.** Failure to comply with any section of this chapter shall constitute a violation of this chapter. Each day a violation is committed or permitted to continue shall constitute a separate offense.

(B) **Enforcement.** Violations of this chapter may be enforced pursuant to the provisions of chapter 1.08 of this code.

(C) **Correction of violation.** Payment of any penalty shall not relieve a person or business from the responsibility of correcting any violation of this chapter, statute of regulation, not shall it relieve a person or business from the payment of a penalty fee imposed in accordance with this chapter.

(D) **Public nuisance.** The handling of any hazardous material in violation of the provisions of this chapter is declared to be, unlawful and a public nuisance, and the city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such nuisance and restrain and enjoin any person or business from operating, conducting or maintaining a business contrary to the provisions of this chapter.”

SECTION 2. 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 3. This Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Ordinance.

SECTION 4. In accordance with California Government Code section 36933(a), within fifteen days after its passage the City Clerk shall cause this Ordinance to be published at least once, with the names of those City Council members voting for or against it, in a newspaper of general circulation published and circulated within the City. If there is no such newspaper, the City Clerk shall cause the Ordinance to be posted in at least three public places in the City or

published in a newspaper of general circulation printed and published in the county and circulated in the City.

SECTION 5. This Ordinance shall become effective thirty (30) days from and after its final passage.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2018.

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 the ____ day of _____ 2018 and adopted by the City Council of the City of Corona, California, at a regular meeting thereof held on the ____ day of _____ 2018, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this ____ day of _____ 2018.

City Clerk of the City of Corona, California

(SEAL)

