File #: 22-0735, **Version:** 1

REQUEST FOR CITY COUNCIL ACTION

DATE: 09/21/2022

TO: Honorable Mayor and City Council Members

FROM: Fire Department

SUBJECT:
Updating sections of Chapter 8.40 of the Corona Municipal Code relating to hazardous materials disclosure.

EXECUTIVE SUMMARY:

City Council consideration of adopting Ordinance No. 3355 to update Chapter 8.40 of the Corona Municipal Code (CMC) to remove 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 and to make Chapter 8.40 consistent with the City's recently adopted master fee recovery schedule (fee schedule). The fee schedule is based on the volume and degree of hazard potential of the hazardous materials handled by the businesses subject to CMC Chapter 8.40. The attached Ordinance removes the hazardous materials categories from CMC Section 8.40.060 since they are reflected in the City's fee schedule. Removing CMC Section 8.40.060 allows the master fee recovery schedule to be evaluated on a regular basis and not conflict with the CMC.

RECOMMENDED ACTION:

That the City Council introduce, by title only, and waive full reading of Ordinance No. 3355, first reading of an ordinance amending various sections of Chapter 8.40 of the Corona Municipal Code regarding hazardous materials disclosure.

BACKGROUND & HISTORY:

Chapter 8.40 of the Corona Municipal Code (CMC) was enacted to implement the Hazardous Materials Release Response Plans and Inventory Law set forth in Chapter 6.95 of Division 20 of the California Health and Safety Code. This chapter helped establish a system of permitting and regulating businesses that handle hazardous materials, and it provided a mechanism for the enforcement of a minimum set of standards that businesses must follow. The City is authorized, pursuant to Health and Safety Code Section 25513(a), to adopt fees that are collected from these

business types in an amount sufficient to cover the costs incurred in carrying out the provisions of CMC Chapter 8.40, including assistance from the Riverside County Department of Environmental Health. The fee schedule must be based on the volume and degree of hazard potential of the hazardous materials handled by the businesses that are subject to the requirements of CMC Chapter 8.40.

ANALYSIS:

Historically, the hazardous materials classification system consisted of the following three categories, which are outlined in CMC Section 8.40.060:

- Category G: Review and inspection of businesses handling six chemicals or less, 5,000 square feet or less
- Category H: Review and inspection of businesses handling seven to 12 chemicals, 10,000 square feet or less
- Category I: Review and inspection of businesses handling 13 chemicals or more, 10,001 square feet or more.

As part of the most recent city-wide master fee recovery schedule (Resolution No. 2022-021) adopted on March 16, 2022, it was determined that the review and inspection of businesses handling 13 chemicals took less time than other facilities with over 400 chemicals. Therefore, additional categories were created in the fee schedule to allocate the cost to review and inspect businesses based on the volume of chemicals that the business handles. Category I was modified and Categories J through L were added as follows:

- Category I: Review and Inspection of businesses handling 13-20 chemicals, 10,001 sq ft or more
- Category J: Review and Inspection of businesses handling 21-50 chemicals, 10,001 sq ft or more
- Category K: Review and Inspection of businesses handling 51-200 chemicals, 10,001 sq ft or more
- Category L: Review and Inspection of businesses handling 201 or more chemicals, 10,001 sq ft or more

The attached Ordinance removes the hazardous materials categories from CMC Section 8.40.060 since they are reflected in the City's fee schedule. Removing CMC Section 8.40.060 allows the master fee recovery schedule to be evaluated on a regular basis and not conflict with the Corona Municipal Code.

In addition to the removal of CMC 8.40.060, Sections 8.40.020 through 8.40.040 were amended to clean up references to the Hazardous Materials Release Response Plans and Inventory Law.

FINANCIAL IMPACT:

There is no financial impact associated with the recommended action.

ENVIRONMENTAL ANALYSIS:

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 commonsense 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 the 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.

PREPARED BY: CINDI SCHMITZ, FIRE MARSHAL

REVIEWED BY: BRIAN YOUNG, FIRE CHIEF

Attachments:

1. Exhibit 1 - Ordinance No. 3355 (Redline)
2. Exhibit 2 - Ordinance No. 3355 (Final)