



Legislation Details (With Text)

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Title: Environmental Management Department recommending the Board provide conceptual review and approval, as required by Board Policy A-3, for the Environmental Management Department, to amend the Ordinance Code Chapter 8.38 - Hazardous Materials, repeal Ordinance Code Chapter 8.40 - Underground Storage Tanks, and repeal Ordinance Code Chapter 8.41 - Fuel Containing MTBE, in order to better align with and comply with revisions to local and state regulations.

FUNDING: Non-General Fund / Regulated Facility Permit Fees.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/23/2019	1	Board of Supervisors	Approved	Pass

Environmental Management Department recommending the Board provide conceptual review and approval, as required by Board Policy A-3, for the Environmental Management Department, to amend the Ordinance Code Chapter 8.38 - Hazardous Materials, repeal Ordinance Code Chapter 8.40 - Underground Storage Tanks, and repeal Ordinance Code Chapter 8.41 - Fuel Containing MTBE, in order to better align with and comply with revisions to local and state regulations.

FUNDING: Non-General Fund / Regulated Facility Permit Fees.

DISCUSSION / BACKGROUND

In order to incorporate and comply with local and state regulations, the Environmental Management Department (Environmental Management) recommends the Board conceptually approve changes to County Ordinance Code Chapter 8.38 - Hazardous Materials. Pursuant to Board Policy A-3, amendments to County ordinance code must be presented to the Board for conceptual review and authorization. Below is a brief summary of the revisions and consolidation of hazardous materials programs and practices into one ordinance.

Chapter 8.38 - Hazardous Materials

The Board first adopted Chapter 8.38 - Hazardous Materials in 1990. This ordinance has since been revised in 1992 and most recently in 1997. The 1997 version allowed the County to align its hazardous materials program with the State's requirements under the Certified Unified Program Agency (CUPA) as provided for under California Code of regulations Title 27, Division 1, Subdivision 4. The current program only permits Underground Storage Tanks (USTs), which is addressed in a separate ordinance under Chapter 8.40 - Underground Storage Tanks. This new revision will repeal Chapter 8.40 in its entirety and replace it with an ordinance that will fully support the CUPA program by the introduction of a consolidated hazardous materials permit, which will cover all regulated elements of the CUPA program.

Chapter 8.40 - Underground Storage Tanks

The Board first adopted Chapter 8.40 - Underground Storage Tanks in 1997. As part of the proposed ordinance revision, the 1997 version will be repealed in its entirety and will be replaced by the revised Hazardous Materials ordinance. Upon repeal and consolidation into the proposed general Hazardous Materials ordinance, the County's practices and regulations will better align with the State of California Health and Safety Code sections 25280 through 25299.8, and Title 23 of the California Code of Regulations. The UST program will also become part of the consolidated CUPA program.

Chapter 8.41 - Fuel Containing MTBE

The Board first adopted Chapter 8.41 - Fuel Containing MTBE in 2000 and it was specific to the Lake Tahoe Basin. In 2004, the State of California banned fuel containing methyl tertiary butyl ether (MTBE). The current County ordinance will be repealed in its entirety and will not be replaced or consolidated into the general Hazardous Materials ordinance as these specific matters are now dealt with at the State level.

With the Board's approval, Environmental Management will return to the Board with the amended ordinance for the Board's consideration (first and final readings).

ALTERNATIVES

The Board may choose not to authorize the amendments to Chapter 8.38 - Hazardous Materials, the consolidation of Chapter 8.40 into Chapter 8.38, and the repeal of Chapter 8.40 and Chapter 8.41. The purpose of amending the current ordinance is to comply with various local and state regulations. By not amending the ordinance, Environmental Management would continue to be out of compliance making it more difficult to carry out enforcement actions as required.

PRIOR BOARD ACTION

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item. The proposed revised ordinance incorporates changes to better align with State requirements, including cost recovery based on fees authorized by the State.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Healthy Communities

CONTACT

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