

ORDINANCE NO. 990

APPROVED AND ADOPTED BY THE SANTA FE SPRINGS CITY COUNCIL

APRIL 9, 2008

CHAPTER 97: ENVIRONMENTAL PROTECTION

GENERAL PROVISIONS

§ 97.001 TITLES FOR CITATION.

(A) The ordinance codified in Chapter 97 (hereafter the "Chapter") of Title 9 of the Code, shall be known as the "Environmental Protection Ordinance" and may be referred to as such. References to the Chapter shall include all state and other laws and regulations that are adopted herein.

(B) For convenience of reference in the Environmental Protection Ordinance, any provisions and standards administered under the authority of this Chapter may be referred to as "Environmental Protection Programs."

(C) For convenience of reference this Chapter, the provisions of Title 20, Division 2, of the Los Angeles County Code, entitled "Sanitary Sewers and Industrial Waste," and all future amendments thereto, will hereinafter be referred to as the "County Code Provisions."

§ 97.002 FINDINGS AND PURPOSE

The City Council finds and declares:

(A) The purpose of this Chapter is to implement provisions of the California Unified Hazardous Waste and Hazardous Material Management Regulatory Program Act (the "Act"), Chapter 6.11, Division 20, California Health and Safety Code, commencing with Section 25404.

(B) That the purpose of this Chapter is also to consolidate all hazardous waste and material regulatory authority and compliance requirements within one chapter of the Santa Fe Springs Municipal Code.

(C) That the consolidation of the programs identified in the Act will reduce excessive and duplicative regulatory requirements that business concerns experience at different levels of government, thereby easing the regulatory burdens of doing business in the City.

(D) It is the intent of the City Council that the Santa Fe Springs Fire Department, effective March 1, 1997 and thereafter, administers and enforces all unified program elements which have been consolidated under the Act. These program elements consist of:

(1) *Hazardous Waste Control*. Chapter 6.5 of Division 20 of the H&SC § 25100 et seq., and California Code of Regulations (“CCR”), Title 22, Division. 4.5, relating to hazardous waste generators and hazardous waste generators conducting on-site waste treatment conditionally exempted, conditionally authorized, and under permit by rule;

(2) *Underground Storage of Hazardous Substances*. Chapter 6.7 § 25280 et seq. and 6.75 of Division 20 of the H&SC, CCR, Title 23 Division 3, Chapters 16 and 18;

(3) *Hazardous Materials Release Response Plans and Inventory*. Article 1 of Chapter 6.95 of Division 20 of the H&SC § 25500 et seq., and CCR, Title 19, Division 2, Chapter 4;

(4) *California Accidental Release Prevention Program*. Article 2 of Chapter 6.95 of Division 20 of the H&SC § 25531 et seq., and CCR, Title 19, Division 2, Chapter 4.5;

(5) *Hazardous Materials Management Plan and Inventory Statement*. H&SC § 13143.9 and Uniform Fire Code (UFC), Sections 8001.3.2 and 8001.3.3;

(6) *Aboveground Storage of Petroleum*. Chapter 6.67 of Division 20 of the H&SC § 25270.5 et seq.;

(7) All other provisions of law enforceable by the “Certified Unified Program Agency” [“CUPA”], including any amendments to the statutes and regulations listed in (1) through (6) of this subsection 97-105(D), above.

(E) In addition to the CUPA program elements, the following environmental protection programs shall be administered and enforced by the Division of Environmental Protection in the Fire Department:

(1) *Industrial waste*. The County Code Provisions [Title 20, Division 2, of the Los Angeles County Code, entitled "Sanitary Sewers and Industrial Waste"], and all future amendments thereto are adopted herein by reference.

(2) *Site Mitigation*. The Standards in § 97.230 of this chapter entitled Site Assessment/remedial Investigation and Remedial Action.

(3) *Storm Water*. Industrial/Commercial facilities that are defined as critical sources in accordance with § 52.25 of the City’s Code, and by Order No. 01-182, NPDES Permit No. CAS004001 issued by the California Regional Water Quality Control Board, Los Angeles Region, and all future amendments thereto are adopted herein by reference.

(F) This Chapter applies to all handlers of hazardous materials, as well as to all owners and persons in the City.

§ 97.003 ENFORCEMENT.

(A) *Violations.* Unless otherwise specified in this Chapter or in controlling state law, any violation of any provision or requirement of this Chapter, or of any permit, approval, condition or corrective order made pursuant to this Chapter, is unlawful and a misdemeanor punishable in accordance with § 10.97 of the Santa Fe Springs Municipal Code, as well as pursuant to applicable county and state laws (including, but not limited to, the administrative remedies set forth in *California Health & Safety Code §25404.1.1*). The Fire Department may exercise any or all of the remedies that are authorized by this Code, concurrently or otherwise, to address violations of this Chapter, as well as those remedies that are authorized by the laws and regulations that are adopted herein by reference. The Fire Department’s imposition of civil fines or penalties, as authorized by law, for a violation of this Chapter, shall not preclude the imposition of additional sanctions, or the exercise of additional remedies against responsible persons as allowed by law. Each and every day a violation continues shall constitute a new and separate offense. Any person committing, continuing or permitting such an offense may be charged with a new and separate offense for each day such violation is continued.

(B) *Power of arrest.* Subject to complying with the requirements of Penal Code § 832 and/or § 31.01 of the Code, Fire Department Personnel, may make arrests of responsible persons who violate this Chapter.

(C) *Administrative enforcement.* Pursuant to the requirements and limits set forth in *California Health & Safety Code § 25404.1.1*, if the Fire Chief determines that a person has committed, or is committing, a violation of any law, regulation, permit, information request, order, directive, variance, or other requirement that the CUPA is authorized to enforce or implement pursuant to this Chapter, the Fire Chief may issue an “Administrative Enforcement Order” requiring that the violation be corrected and imposing an appropriate administrative penalty. The administrative enforcement shall not be exclusive, but are cumulative with all other remedies available by law and under this Chapter. Such orders may be appealed as set forth in §97-110(F) of this Chapter as mandated under *California Health & Safety Code § 25404.1.1*.

(D) *Injunctions.* When any person has engaged in, is engaged in, or threatens to engage in, any acts or practices which violate this Chapter, or any resolution, rule, or regulation adopted pursuant to this Chapter, the City Prosecutor may, in addition to any other available remedy, apply to any court of competent jurisdiction for an order enjoining those acts or practices, or for an order directing compliance.

(E) *Notices to cease and desist.* Nothing in this Chapter shall prohibit the Fire Chief from electing to issue notices to cease and desist, notices of violations, or other types of warning notices as a precursor to more formal enforcement actions. The Fire Chief may issue such notices requiring the owner or operator of any facility, or any other responsible person for any violation of this Chapter, to make any required corrective actions, including, but not limited to, the following:

(1) Immediately discontinue any prohibited discharge of a hazardous material, liquid industrial grade materials and/or waste,

(2) Immediately discontinue any other violation of this Chapter.

(3) Remediate the area affected by the violation to the satisfaction of the Fire Department.

(F) *Appeals.* Any person served with a notice of violation, notice of denial or notice of revocation or suspension of a Permit pursuant to this Chapter who has been unable to resolve any violation with the Fire Chief, may within fifteen (15) days after service of the order, request a hearing by filing a “Notice of Defense” with the Fire Chief as set forth in *California Health & Safety Code § 25404.1.1*. All hearing procedures, timelines, and related appeal requirements are as set forth in *California Health & Safety Code § 25404.1.1 and its subparts*—including the requirement that once properly requested, an appeal must be heard no later than ninety (90) days from the date of the request. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which the complaint is made shall be deemed to have been waived.

DEFINITIONS

§ 97.100 DEFINITIONS.

For purposes of this Chapter, the following definitions shall apply:

ACT. “Act” means the California Unified Hazardous Waste and Hazardous Materials Management Regulatory Program Act (commencing with Section 25404), as stated in Chapter 6.11, Division 20, of the California Health and Safety Code (hereafter the “H&SC”). References to the Act and the H&SC in this Chapter shall include all future state amendments thereto.

ADMINISTERING AGENCY. “Administering Agency” means the City of Santa Fe Springs Department of Fire – Rescue (hereafter the “Fire Department”).

ADMINISTRATIVE ENFORCEMENT ORDER. “Administrative Enforcement Order” means a formal written order of the Fire Chief made pursuant to *California Health & Safety Code §25404.1.1* to any person who has committed, or is committing, a violation of any law, regulation, permit, information request, order, directive, variance, or other requirement of this Chapter, and directing such person(s) to correct the violations and/or pay an administrative penalty. Any such “Administrative Enforcement Order” MUST be served by personal service OR certified mail and shall inform the person served of the right to a hearing within fifteen (15) days. Any such “Administrative Enforcement Order” must ALSO include a statement as to whether the person served has the option, or not, to choose the proposed hearing officer (Administrative Law Judge, or CUPA hearing Officer) as set forth in *§25404.1.1(e)*.

ASSESSMENT/REMEDIAL INVESTIGATION. “Assessment/Remedial Investigation” means and includes, without limitation, those actions that: are reasonably necessary, as determined by the Fire Department, to (i) determine the nature and full extent of a hazardous material release at a site, including hazardous substance contamination or potential

contamination of air, soil, soil gas, surface water and ground water at the site; (ii) identify the public health and environmental threat posed by the release; (iii) collect data on possible remedies; or, (iv) otherwise evaluate the site for purposes of developing a remedial action plan.

BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES. “Board of Supervisors of the County of Los Angeles” means the City Council of the City of Santa Fe Springs whenever this board is referred to in Los Angeles County code provisions that are applicable to the City.

BUSINESS. “Business” means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, or association. “Business” includes a business organized for profit and a non-profit business. “Business” also includes every government agency.

BUSINESS CONCERN. “Business Concern” means and includes any sole proprietorship, corporation, association, firm, partnership, trust, and all other forms of commercial organization or operation.

CERTIFIED UNIFIED PROGRAM AGENCY OR CUPA. “Certified Unified Program Agency” or “CUPA” means the City of Santa Fe Springs Fire Department (hereafter the “Fire Department”).

CITY. “City” means the City of Santa Fe Springs.

CODE. “Code” means the Santa Fe Springs Municipal Code, and all un-codified adopted ordinances, as well as all technical, uniform and other codes that are incorporated by reference therein.

COUNTY ENGINEER. “County Engineer” means the Director of Public Works of the City of Santa Fe Springs, or his or her duly authorized representative, whenever this term is referred to in Los Angeles County Code provisions that are applicable to the City.

COUNTY OF LOS ANGELES. “County of Los Angeles” as recited in Los Angeles County codes that are applicable to the City means the City of Santa Fe Springs.

DULY AUTHORIZED REPRESENTATIVE. “Duly Authorized Representative” means the Director of Environmental Protection whenever the term is referred to in Los Angeles County code provisions that is applicable to the City.

FINE or FINES. “Fine” or “Fines” mean a monetary sum, penalty, or sanction imposed as a punishment for a violation of this chapter or applicable federal, state, or local laws, regulations, or codes.

FIRE CHIEF. “Fire Chief” means the chief officer of the Fire Department, or his or her authorized representative.

HANDLE. “Handle” means to use, generate, transport by any means including by pipeline, rail, or vehicle, as well as to process, produce, package, treat, store, emit, discharge, or dispose of, a hazardous material in any fashion. In the appropriate context, this term may include “handling.”

HANDLER. “Handler” means a person who handles hazardous material.

HAZARDOUS MATERIAL. “Hazardous Material” means and includes any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a present or potential hazard to human health and safety or to the environment, if released into the workplace or to the environment. Hazardous material includes, but is not limited to, hazardous substances, hazardous waste as defined in H&SC § 25117, and California Code of Regulations (CCR), Title 22, Div. 4.5, Ch. 10, and any material which the Department determines would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment.

IMMEDIATE NOTIFICATION. “Immediate Notification” means and refers to the duty of a handler, or any employee, authorized representative, agent, or designee of a handler, to upon discovery, immediately report any release or threatened release of a hazardous material to the Department, to the Office of Emergency Services, and to all other local, state and federal agencies as required by law. Each handler and any employee, authorized representative, agent, or designee of a handler, shall provide all state, city, or county fire or public health or safety personnel and emergency rescue personnel with complete access to the handler's facilities that involve or concern a release or threatened release of a hazardous material.

LIQUID INDUSTRIAL GRADE MATERIALS AND WASTEWATER. “Liquid Industrial Grade Materials and Wastewater” means and includes any non-hazardous liquid, from nonhuman origins, which, if released, may be deleterious to the environment or to public health, safety and welfare.

LEAD AGENCY. “Lead Agency” means the City of Santa Fe Springs Fire Department (hereafter the “Fire Department”).

LOCAL IMPLEMENTING AGENCY. “Local Implementing Agency” means the City of Santa Fe Springs Fire Department (hereafter the “Fire Department”).

NOTICE OF DEFENSE. “Notice of Defense” means a written request for an appeal hearing made by a person served with an “Administrative Enforcement Order” pursuant to *California Health & Safety Code §25404.1*. Such “Notice of Defense” MUST be filed with the department issuing the original Order within fifteen (15) days of service of the Order. A postmark within said fifteen (15) day period will be deemed timely. Such “Notice of Defense” MUST contain the following information: the applicant’s name, signature, address and telephone information; the date; a copy of the Order being appealed; a brief statement as to the reason the applicant believes the order should be overturned or modified; and, the applicant’s choice for the proposed hearing officer (if such a choice was presented in the original Order).

NOTICE OF DENIAL. “Notice of Denial” means a formal written Notice of the Fire Chief made pursuant to §97-405 of this Chapter to any person denying a permit application or part thereof. Any such “Notice of Denial” MUST be served by personal service OR certified mail and shall inform the person served of the right to a hearing within fifteen (15) days.

NOTICE OF REVOCATION/SUSPENSION. “Notice of Revocation/Suspension” means a formal written Notice of the Fire Chief made pursuant to §97-420 of this Chapter to any person revoking or suspending an existing permit or part thereof. Any such “Notice of Revocation/Suspension” MUST be served by personal service OR certified mail and shall inform the person served of the right to a hearing within fifteen (15) days.

OWNER. “Owner” means and includes any person as defined in this Chapter, who:

(i) Has legal title to, or who leases, rents, occupies or has charge, control or possession of, any real property in the City, including all persons shown as owners on the last equalized assessment roll of the Los Angeles County Assessor’s Office.

(ii) Has legal title to, or who otherwise possesses, controls or has responsibility for, a business concern in the City.

(iii) Has legal title to, or who otherwise possesses, controls or has responsibility for, personal property in the City.

PERSON. “Person” has the meaning as set forth in H&SC § 25118 and includes an individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation, including, but not limited to, a government corporation. Person also includes any city, county, city and county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law. Person also includes those with powers of attorney, executors of estates, trustees, or who are court-appointed administrators, conservators, guardians or receivers.

PROGRAM ELEMENTS. “Program Elements” means and includes those programs which have been consolidated under the Act.

REMEDIAL ACTION. “Remedial Action” means and includes those actions that the Department deems reasonably necessary to prevent, minimize or mitigate damage that might otherwise result from a release of hazardous material or that are consistent with a permanent remedy of that damage or potential damage.

RELEASE. “Release” means and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of a hazardous material into the environment, unless permitted in writing by a regulatory agency.

RESPONSIBLE PERSON OR PERSONS. “Responsible Person or Persons” means and includes all owners, handlers and other persons, as well as their agents, employees and

representatives, who violate any provision of this Chapter, whether by an affirmative action or due to a failure to undertake an action or to perform a duty that is required by law or regulation. Employers and principals shall be responsible for the acts or omissions of their employees, agents, contractors and representatives in connection with a violation of this Chapter and such liability shall be joint and several. Responsible person or persons shall also include all owners, handlers and persons who maintain, or who allow or permit, any condition, use or activity in violation of this Chapter to occur or continue in the City.

SITE. “Site” means and includes any area where a hazardous material has been spilled, released, stored, disposed, placed or otherwise comes to be located.

SITE MITIGATION WORK. “Site Mitigation Work” means and includes any assessment/remedial investigation or remedial action conducted at any site of hazardous material contamination.

THREATENED RELEASE. “Threatened Release” means and includes a condition or activity creating a substantial probability of harm, or as determined by the Department, when the probability and potential extent of harm makes it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to person, property or the environment.

UNIFIED PROGRAM FACILITY OR FACILITY. “Unified Program Facility or Facility” means all contiguous land and structures, other appurtenances, and improvements on the land which are subject to the requirements of paragraph (1) of subdivision (c) of H&SC Section 25404(c).

UNIFIED PROGRAM FACILITY PERMIT OR PERMIT. “Unified Program Facility Permit or “Permit” means a consolidated permit issued pursuant to Section 25404 (a) (6) of Chapter 6.11 of Division 20 of the H&SC. For the purposes of this Chapter, a unified program facility permit encompasses the permits or licenses issued pursuant to Section 25284 of the H&SC, and Section 97.400 of this Chapter.

VIOLATION. “Violation” shall mean and include the failure to comply with any requirement or prohibition in this Chapter, or in any law or regulation that is adopted herein. Violation shall also include the failure to comply with any permit, or any condition thereof.

STANDARDS

§ 97.200 GENERAL.

(A) *Conflicting provisions.* The Environmental Protection Programs contained in this Chapter shall, except as hereafter stated, follow the standards identified in this section in addition to those standards that are contained in the laws, codes, regulations and policies adopted in §97.105. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply. This Chapter is not intended to replace or be less restrictive

than any federal, state, county or local laws, regulations, or codes that pertain to environmental protection.

(B) *Independent third party review.* The Fire Chief may require and select an independent third party professional consultant to review required reports and related information which require additional technical expertise, when needed to complete a timely review of reports and related information regarding the Environmental Protection Programs, or as deemed necessary by the Fire Chief. When required, the responsible party shall pay for all costs incurred by the Fire Department that are directly related to the specific review.

(C) *Gas detection system required.* Facilities that store or handle hazardous materials with a NFPA rating of 3 or 4 in any category, or regulated substances as defined by of the H&SC § 25532 (g), which may emit gas or vapors, shall have an approved gas detection system as required by the Fire Chief. Additionally, the gas detection system shall be certified and calibrated at least annually and in accordance with manufacturer's specifications. This must be performed by an a Fire Department approved third party when deemed necessary by the Fire Chief. Calibration certification records shall be maintained by the business and available for review by the Fire Department for a period of 5 years. Compliance with ICC requirements and Fire Department conditions shall also apply. Failure to maintain and operate the gas detection system in accordance with this section shall result in the gas detection system being monitored by an approved continually manned offsite central station when required by the Fire Chief. Failure of any responsible person to comply with such a monitoring requirement, or with any Fire Department conditions that are imposed pursuant to this section or the City's Fire Code, shall constitute a violation of this Chapter.

(D) *Notification requirements.* Immediate notification, as defined in this Chapter, is required, but not limited to, releases or threatened releases of hazardous materials from pipelines, railcars, tanks, tank vehicles, drums, containers, cylinders, tote bins, process vessels and lines, scrubbers, emergency relief valves, electrical transformers, and oil wells. Immediate notification is also required for releases of crude oil, and liquid industrial grade materials and wastewater.

(E) *Inspections.* The Fire Department may make periodic inspections of premises where hazardous materials, industrial liquid waste, and/or hazardous waste is generated, stored, handled, disposed, treated or recycled, and to inspect aboveground and underground storage tank systems, commercial and industrial critical sources of pollutants, hazardous waste haulers, and all persons or businesses where the Fire Department has reasonable cause to believe that hazardous materials or hazardous waste is generated, stored, handled, disposed, treated, or recycled.

§ 97.205 ABOVEGROUND STORAGE TANK STANDARDS.

(A) Aboveground storage tanks shall be maintained in accordance with guidelines set forth by the Division of Environmental Protection, the requirements contained in the City's Fire Code, the standards identified in this section in addition to those standards that are contained in the laws, codes, regulations and as deemed necessary by the Fire Chief.

(B) The installation of below grade vaulted tanks containing a Class I, II or IIIA liquid is prohibited unless approved in writing by the Fire Chief.

§ 97.210 INDUSTRIAL MATERIAL AND WASTE STANDARDS

(A) The Division of Environmental Protection shall enforce the provisions of the Los Angeles County Code adopted by reference pertaining to industrial waste disposal with the following amendments:

(1) The industrial waste disposal permit fees in § 20.36.230 of the county code provisions are amended as set by City Council resolution. In all other respects, § 20.36.230 is unchanged.

(2) The industrial waste disposal plan review fees in Section 20.36.245 of the county code are amended as set by City Council resolution. In all other respects, § 20.36.245 is unchanged.

(3) The annual inspection fees in paragraph A of § 20.36.250 of the county code provisions are amended as set by City Council resolution. § 20.36.250 is amended with the addition of Inspection Fee Class S. The annual inspection fee in Paragraph C shall be increased as set by City Council resolution for each approved rainwater diversion system. In all other respects, § 20.36.250 is unchanged.

(4) § 20.36.265 of the county code provisions is repealed.

(5) § 20.36.270 of the county code provisions is repealed.

(6) § 20.36.280 of the county code provisions is repealed.

(7) § 20.36.290 of the county code is repealed.

(8) § 20.36.310(D) of the county coded is repealed.

(B) Immediate notification to the Fire Department is required for releases or threatened releases of hazardous material, including liquid industrial grade materials and/or waste.

(C) Secondary containment is required for liquid industrial grade materials and/or waste. Secondary containment for industrial and hazardous materials shall comply with the General Guidelines for Secondary Containment that are approved by the Fire Chief in writing.

§ 97.215 FACILITY CLOSURE STANDARDS.

(A) *Facility closure.* A facility permanently out of service shall submit a Facility Closure Plan to the Division of Environmental Protection to terminate the storage, dispensing, handling or use of hazardous materials at least thirty (30) days prior to facility closure. The

closure plan shall be approved by the Division of Environmental Protection and a facility closure permit obtained by a responsible person before the removal of hazardous or potentially hazardous materials or waste. The closure work plan shall describe procedures for terminating the storage, dispensing, handling or use of hazardous materials in a manner that:

- (1) Eliminates or minimizes the need for further maintenance;
- (2) Controls to the extent that a threat to public health or safety or to the environment from residual hazardous materials and/or hazardous wastes in the facility is minimized or eliminated; and
- (3) Demonstrates that the hazardous materials and/or hazardous wastes that were stored in the facility will be removed, disposed, neutralized, or reused in an appropriate manner.
- (4) If underground storage tanks are also being removed, a separate tank removal permit must be obtained from the Fire Department and must be referenced in the overall closure plan.

(B) *Industrial waste treatment unit closure.* A permit shall be obtained by a responsible person to close an industrial waste treatment unit. Industrial waste treatment unit closures shall comply with established Fire Department guidelines. The Division of Environmental Protection may impose conditions and other requirements in connection with such a permit and a permittee and all other responsible persons shall comply therewith.

(C) *Aboveground storage tank demolishing, removal or closure.* A permit shall be obtained by a responsible person to demolish, remove or close an aboveground storage tank. Aboveground storage tank closures shall comply with established Fire Department guidelines. Soil sampling and analysis may be required as part of an aboveground storage tank closure permit. The Division of Environmental Protection may impose conditions and other requirements in connection with such a permit and a permittee and all other responsible persons shall comply therewith.

§ 97.220 HAZARDOUS MATERIALS RELEASE RESPONSE PLANS and INVENTORY STANDARDS AND CALIFORNIA ACCIDENTAL RELEASE PREVENTION STANDARDS.

(A) Every business shall comply with reporting requirements as set forth by the Fire Department relating to hazardous materials, regulated substances and stationary sources under Chapter 6.95 of Division 20, of the H&SC. For all purposes of this Chapter, the City's requirements contained in this Chapter shall supersede any conflicting state amendments, as allowed. In accordance with Chapter 6.95 of Division 20, of the H&SC § 25500 the Fire Department sets forth the following additional reporting requirements:

(B) The form for the Hazardous Materials Business Plan shall be developed by the Fire Department and completed by the handler, owner or other person, and shall include a

detailed site map. A copy of the Hazardous Materials Business Plan shall be maintained at the unified program facility location at all times.

(C) Initial submission of the business plan and inventory within 30 days of the commencement of operation of the business.

(D) Electrical transformers containing polychlorinated biphenyl, oil wells, crude oil in storage or use, and pipelines and railcars which contain hazardous materials, including crude oil, shall be disclosed on the appropriate Fire Department forms.

(E) Notwithstanding H&SC § 25501.2, the Fire Department shall regulate railcars, which store, and/or use, dispense and handle hazardous materials. For clarification, the term "store" as used in H&SC § 25501 (m) shall also apply to the term "store" used in H&SC § 25501.2. The definitions of "Use," "dispense" and "handle" in the Santa Fe Springs Building and Fire Codes shall supersede state law definitions of these terms.

(F) In addition to H&SC § 25534.5, the handler, owner or other person shall submit within 30 days to the Fire Department any additional supporting technical information to clarify information submitted pursuant to subdivision § 97.200 (B).

(G) Except as specified in H&SC § 25536 (a), the Fire Department requires the handler to implement all activities and programs specified in the Risk Management Plan (RMP) within one year following the submission of the RMP pursuant to H&SC § 25535.1. Implementation of the RMP shall include carrying out all operating, maintenance, monitoring, inventory control, equipment, inspection, auditing, record keeping and training programs as required by the RMP. The handler shall install safety systems as deemed necessary by the Fire Chief in writing. The Fire Department may grant an extension of this deadline in writing upon showing of good cause, as determined by the Fire Department in its sole discretion.

(H) Any risk management plan or supporting technical information requested by the Fire Department pursuant to § 25536 (b) of the H&SC shall be submitted in accordance with the schedule established by the Fire Department.

(I) The Fire Department finds pursuant to § 25503.5 (c) (3) of the H&SC, that the following hazardous materials, under stated circumstances, would not pose a present or potential danger to the environment or to human health and safety if released into the environment. Therefore, the following hazardous materials warrant exemption from provisions of this Chapter and Chapter 6.95 of the H&SC.

(1) Helium compressed gas in quantities of not more than one thousand (1,000) cubic feet at standard temperature and pressure for the purpose of filling party balloons.

(2) Carbon dioxide compressed gas used for carbonation of beverages and stored in quantities of not more than six thousand (6,000) cubic feet at standard temperature and pressure.

(3) Fluorocarbons, chlorocarbons and chlorofluorocarbons in a closed cooling system used for the purpose of air conditioning and refrigeration.

(4) Closed fire suppression systems.

(5) Compressed air and oxygen in cylinders, bottles, and tanks used by Fire Departments and other governmental emergency response agencies for the purposes of emergency response and safety.

§ 97.225 HAZARDOUS WASTE GENERATOR AND ON SITE TREATMENT STANDARDS.

(A) *Special permit for very small quantity generators of hazardous waste.* Business concerns that generate less than or equal to one gallon or ten pounds of hazardous waste per month (less than 12 gallons or 120 pounds per year) as defined in the H&SC and in the CCR, and the waste is disposed through a household collection facility or by a consolidated manifest, are eligible for a Very Small Quantity Hazardous Waste Generator Special Permit (VSQG Special) from the City. Waste material cannot be an extremely hazardous waste as listed in 40 CFR. The Very Small Quantity Hazardous Waste Generator Special Permit is allowed, provided the business concerns certify annually that they meet all applicable requirements per CCR Title 22. Application for a Very Small Quantity Hazardous Waste Generator Special Permit shall be made in writing on a Fire Department approved form by the business concern and is subject to approval in writing by the Fire Department. Additionally, an annual Very Small Quantity Hazardous Waste Generator Special Permit fee shall be paid by the business concern to the Fire Department, to cover the time involved in reviewing the request for the permit. No person regulated by this section shall dispose of hazardous material or waste in any manner without first obtaining a special permit, nor shall any such person violate any condition or requirement thereof.

(B) *Self-audit program.* The City hereby enacts a self-audit program for business concerns with ten employees or less, that will allow them a reduction in their hazardous waste generator fees. The fee reduction will be set by resolution of the City Council and will become part of the annual hazardous waste generator fees. The implementation of this program is subject to the approval of the Fire Chief and may be discontinued at the Fire Chief's discretion. Additional business concerns can qualify to participate in the program if approved in writing by the Fire Chief. The self-audit program is a voluntary program and all of the following eligibility and operational requirements must be met in order for the business to participate:

(1) Business concerns that generate hazardous waste must have a current Hazardous Waste Generator Permit from the Fire Department.

(2) Generators of hazardous waste must have one employee complete the Self Audit Compliance training offered by the Fire Department. If a company has multiple facilities or addresses, only one employee is required to attend the training.

(3) All past and present Fire Department fees must have been fully paid.

(4) A Fire Department self-audit checklist form must be completed and received by the Fire Department within the required period and signed by the employee who completed the compliance training. For business concerns that are required to do self-inspections or audits as required in CCR Title 22, documentation of these must be available for at least three years on the premises of the business concern for inspection by the Fire Department.

(5) The business concern cannot be a large quantity generator as defined by federal and state laws and regulations.

(6) The business concern must maintain compliance with all applicable federal, state, county and City laws and regulations at all times.

(7) Failure of a responsible person to comply with any of the foregoing operational requirements at all times shall constitute a violation of this Chapter.

(C) *Conditionally exempt small quantity generator silver waste only permit.* Business concerns that generate less than 27 gallons per month of hazardous waste and the waste is hazardous solely due to the content of silver are eligible for a Conditionally Exempt Small Quantity Generator Silver Waste Only Permit (CESQG Silver). No person regulated by this section shall dispose of hazardous material or waste in any manner without first obtaining this permit, nor shall any such person violate any condition or requirement thereof.

(D) *Excluded recyclable waste only permit.* Business concerns that generate more than 100 kg (27 gallons) of hazardous waste that is recycled using an approved exclusion or exemption found in § 25143.2 of the H&SC, and do not generate any other hazardous waste that is not recycled per the exclusion in § 25143.2, are eligible for an Excluded Recyclable Waste Only Permit. To qualify for this permit, the generator must submit a Recyclable Materials Report to the Fire Department every even numbered year and upon request by the Fire Department. No person regulated by this section shall dispose of hazardous material or waste in any manner without first obtaining this permit, nor shall any such person violate any condition or requirement thereof.

(E) *Hazardous waste haulers permit.* Business concerns lawfully registered with the state as a hazardous waste hauler and having a location within the City of Santa Fe Springs where trucks, trailers, or vehicles containing hazardous material or waste are to be parked or stored, shall first obtain a Hazardous Waste Haulers Permit from the Fire Department before engaging in this use. Such business concerns shall undergo and must pass periodic inspections by the Fire Department to ensure that hazardous material or waste is being handled in compliance with all local, county and state laws and regulations. No person regulated by this section shall park trucks, trailers or vehicles containing hazardous material or waste in the City without first obtaining this permit, nor shall any such person violate any condition or requirement thereof, or to pass an inspection.

§ 97.230 SITE ASSESSMENT/REMEDIAL INVESTIGATION AND REMEDIAL ACTION STANDARDS.

(A) A site assessment/remedial investigation is required whenever there is an actual or suspected release of hazardous materials, industrial waste or crude oil or residue of an unauthorized release of a hazardous material, industrial waste, or crude oil into the environment. A remedial action is required when the release into the environment may pose a threat to public health and safety of the environment. No person shall engage in the process of site assessment/remedial investigation or remedial action on a site, where an actual or suspected hazardous material release has occurred and which is under the jurisdiction of the City, until an application for the oversight by the Fire Department has been submitted and first accepted in writing by the Fire Chief.

(B) No person shall engage in site assessment/ remedial investigation or remedial action work pursuant to this Chapter without first submitting and obtaining Fire Department written approval for appropriate work plans and documents, as determined by the Fire Chief and as outlined in the Environmental Protection Divisions “Soil Assessment and Remediation Guidelines for Commercial/Industrial Sites.”

(C) The Fire Chief may order assessment, analysis or examination of any apparent, threatened, or suspected releases or release residues to determine the nature, concentration, lateral and vertical extent, potential for migration, and risk to public health or the environment from the release or release residual. Responsible persons for the threatened or suspected release shall oversee the services of qualified and state licensed service providers to perform such actions and their analysis, findings, conclusions, determinations and recommendations shall be tendered to the Fire Chief in a period required by the Fire Chief. Failure of responsible persons to comply with this section shall constitute a violation of this Chapter.

(D) The results and reporting of any site assessment/remedial investigation or remedial action shall be acceptable to the Fire Chief. Failure of responsible persons to comply with this section shall constitute a violation of this Chapter.

(E) No person shall engage in site assessment/remedial investigation or remedial action work without the appropriate education, experience, training, equipment, and professional certifications as determined by the Fire Chief.

(F) The Fire Chief may order responsible persons to prepare a Soils Management Plan that is acceptable to the Fire Chief, prior to a responsible person’s commencement of remedial action or earthwork activities at sites with known, suspected or residual contamination.

§ 97.235 SPILL CONTAINMENT AND SECONDARY CONTAINMENT STANDARDS.

(A) Spill containment, as required by this Chapter, or pursuant to the laws and regulations incorporated herein, is required for any operation, process, or equipment, use, or

storage of liquid industrial grade materials and wastewater; as well as crude oil, and hazardous materials which includes hazardous waste.

(B) A plan submittal, plan review fee and an issued permit from the Fire Department is required prior to installing fixed spill containment or secondary containment systems, devices, structures or improvements. Annual permit fees, as set by City Council resolution, are required for underground storage tanks used for spill containment or secondary containment. Failure to pay this annual fee in a timely manner shall cause the permit to expire without further action by the City. Permits to install fixed spill containment or secondary containment systems, devices, structures or improvements shall be valid for 180 days from the date of permit issuance, unless the Fire Chief mandates a shorter time frame in writing. Procurement of a permit pursuant to this section shall not excuse a business concern, handler, owner or other person from complying with all permit and other requirements of Title XV [Land Usage] of the Code.

(C) Secondary containment for industrial and hazardous materials shall comply with the General Guidelines for Secondary Containment that are approved by the Fire Chief in writing.

§ 97.240 UNDERGROUND STORAGE TANK STANDARDS.

(A) No person shall own or operate an underground storage tank within the City unless by authority of a valid, unexpired, unsuspended and unrevoked permit for such ownership or operation, or a unified facility permit issued to the owner or operator pursuant to the provisions of this Chapter, except as otherwise provided in subdivisions (c) and (d) of § 25248, and § 25283.5 of the H&SC.

(B) Underground storage tanks, their installation, repair, upgrade, removal, closure, and modification, shall, at all times, comply the guidelines, standards, and forms that have been established in the Fire Department's Underground Storage Tank Installation Application Package and Underground Storage Tank Closure Application Package, and pursuant to this Chapter, adopted laws and regulations.

(C) It shall be unlawful for any business concern, handler, owner or other person, to construct, install, modify, repair, upgrade, maintain, temporarily close, remove or abandon in place any underground storage tank, any associated piping or any monitoring methods without first obtaining a permit and written approval from the Fire Department. Procurement of a permit pursuant to this section shall not excuse a business concern, handler, owner or other person from complying with all permit and other requirements of Title XV [Land Usage] of the Code.

(D) Fill risers and any remote fill lines to underground storage tanks storing a waste that meets the definition of a hazardous substance as defined in H&SC, Chapter 6.7, §25281 (g) shall, at all times, have watertight secondary containment and overflow protection consisting of an audible and visual high level alarm and a ball float vent valve to help prevent hazardous material releases and overfills unless an equal or superior alternative is first approved by the Fire Chief in writing. An underground tank lawfully installed before 12/22/98 for the purpose of storing a

waste that meets the definition of a hazardous substance as defined in H&SC Chapter 6.7, § 25281 (g), may be exempt from this requirement.

(E) Secondary Containment Testing shall, at all times, be performed in accordance with the City's "Standard for Secondary Containment Testing of Underground Storage Tank Systems." Variations to this standard may be requested in writing and are subject to the Fire Chief's written approval.

(F) Spill Container Testing shall, at all times, be performed in accordance with the City's "Standard for Annual Spill Container Testing". Variations to this standard may be requested in writing and are subject to the Fire Chief's written approval

(G) Sensors used to detect liquid for purposes of detecting a leak from an underground storage tank system shall, at all times, be retestable.

(H) In accordance with H&SC § 25299.2 (a), the Fire Department hereby adopts the following local regulations in addition to the California Underground Storage Tank Regulations Title 23, Division 3, Chapter 16, CCR and Chapter 6.7 of the H&SC:

(1) Interior tank lining referenced in 23 CCR § 2662 (c) and 2663 is not allowed unless approved by the Fire Chief in writing.

(2) The use of bladder systems referenced in 23 CCR §2662 (c) and § 2664 is not allowed unless approved by the Fire Chief in writing.

(3) Cathodic protection for underground piping referenced in 23 CCR § 2662(c) and § 2666 (b) is not allowed unless approved by the Fire Chief in writing.

(4) An underground emergency containment tank kept empty to receive accidental spills is not exempt from 23 CCR § 2621 (a) 12 unless approved for exemption by the Fire Department in writing.

(5) Installation of discriminating sensors for purposes of meeting the requirements for underground storage tanks system monitoring as described in 23 CCR § 2632 (c) (2) (A) and 2643 (f) is prohibited.

§ 97.245 INDUSTRIAL/COMMERCIAL FACILITIES CONTROL PROGRAM STANDARDS.

(A) Industrial/Commercial facilities that are defined as critical sources of pollutants of storm water shall be inspected by the City to ensure compliance with applicable elements of § 52.25 of the City's Code.

(B) Critical source facilities are defined by Order No. 01-182, NPDES Permit No. CAS004001 issued by the California Regional Water Quality Control Board, Los Angeles

Region on December 13, 2001. This definition shall include all subsequent amendments of this order.

(C) Facilities that acquire or apply for certification as having no exposure of pollutants as allowed under the State of California's General Industrial Storm Water Permit provisions are subject to inspection to verify their eligibility.

CLEAN UP RESPONSIBILITY

§ 97.300 CLEAN UP OF HAZARDOUS MATERIAL; LIABILITY FOR COSTS.

(A) Any handler, owner, or other person who intentionally or negligently releases or causes or allows a release or threatened release of a hazardous material shall be liable for all clean up, abatement, repair, securing of the site from public entry, posting of notices of adequate warning, replacement and remediation costs, charges, expenses and/or fees (collectively "costs") incurred by the City and/or the City's contractor for services provided in the event of a response to the release. For purposes of this section, costs incurred by the City shall include, but shall not be limited to, the following: actual labor costs of city personnel, including worker's compensation benefits, employment and benefits and administrative overhead; cost of equipment operation; cost of materials obtained directly by the city; cost of any contract labor and materials; and the cost to legally dispose of the hazardous material. The liability established in this section shall be joint and several as to all responsible persons and the City may collect such costs in any manner allowed by law. A City action to recover such costs shall be in addition to any other remedies provided by law that may be exercised by the City to address a violation of this Chapter.

PERMITS

§ 97.400 PERMIT REQUIRED

(A) *Generally.* No handler, owner or other person, shall commence, conduct, carry on, continue, engage in, or undertake any of the following activities, uses, or create or maintain any condition that is regulated by this Chapter without first obtaining a valid and current unified program facility permit ("Permit") from the Fire Department pursuant to this section. The Division of Environmental Protection may impose conditions on the Permit to ensure that the purposes of this Chapter are achieved.

- (1) Store, handle or use hazardous materials or generate and/or haul hazardous waste.
- (2) Treat hazardous waste on-site under conditionally exempt, conditionally authorized or permit-by-rule.

- (3) Generate, dispose and/or discharge liquid industrial wastewater.
- (4) Operate underground tanks for the storage of hazardous substances.
- (5) Construct, install, repair, modify, upgrade, temporarily close, remove or abandon in place any underground storage tank system.
- (6) Install fixed containment or secondary containment systems, devices, structures or improvements.
- (7) Demolish, remove or close an aboveground storage tank.
- (8) Permanently remove hazardous materials storage or use under a facility closure plan.
- (9) Close or remove an industrial waste treatment unit.
- (10) Operate an industrial or commercial facility defined as critical source of pollutants of storm water.

(B) *Permit Application.* The following requirements for a new Permit shall be completed prior to the commencement of activities or the creation of conditions in the City that are regulated by this Chapter:

(1) Applications, as well as all reports, certifications, plans and records that are required by this Chapter, shall be received and approved by the Fire Department.

(2) All Permit fees, as established by resolution of the City Council, as well as all required state fees and charges, shall be tendered in full by the applicant and received by the Fire Department.

(3) Any additional actions that are required by the Division of Environmental Protection or the City (including but not limited to, a site inspection and procurement of all other license, Permits and approvals as required by the Code) shall be completed. Tender of an application for a Permit to the Fire Department shall not constitute a permit.

(C) *Permit Renewal.* The following requirements for renewal of a Permit shall be completed by a permittee at least thirty (30) calendar days BEFORE the expiration date of an existing Permit:

(1) All applications and renewal forms, reports, and plans that are required by this Chapter, shall be received by the Fire Department.

(2) All Permit fees and late payment penalties, as established by resolution of the City Council, as well as all required state fees and charges, shall be received by the Fire Department.

(D) *Permit Issuance.* Upon completion of the foregoing requirements, the Division of Environmental Protection shall issue a Permit, which may be delivered by first class mail to the applicant.

(E) *Expired Permit.* Any permittee, who conducts, carries on, continues, engages in, or undertakes any activity or use, or who creates or maintains any condition that is regulated by this Chapter with an expired Permit, is in violation of this Chapter.

(F) Any Permit that is issued pursuant to this Chapter is not transferable to another person, entity, business or location. A Permit issued pursuant to this Chapter does not authorize any activity or use or condition that is not expressly covered thereby in writing, or which is otherwise unlawful under any applicable local, county, state or federal law.

(G) No handler, owner or person shall make any false statement, omission or representation in any application, record, permit or other document filed or used for purposes of compliance with this Chapter.

(H) A Permit issued pursuant to this Chapter shall be posted and conspicuously displayed at the unified program facility location at all times.

(I) Owners and operators of a permitted facility shall report in writing any change of business address or change of business name. The report shall be filed on the Unified Program Consolidated Form with the Fire Department within thirty (30) calendar days of such change.

§ 97.405 DENIAL

(A) A Permit shall not be issued, renewed or extended if the Fire Department determines upon inspection that the facility or the submitted application materials do not comply with this Chapter or any other applicable laws. A Permit may not be issued, renewed, or extended if the Permit fees and/or state surcharges have not been paid.

(B) *Notice of Denial. Appeals.* All procedures for denial and appeal of any denial are to be the same as those set forth in § 97.110 (F) of this Chapter (referencing and incorporating the requirements of *California Health & Safety Code §25404.1.1*). The Fire Chief may deny a permit or permit element by issuing a written “Notice of Denial” stating the reasons therefore, and serving same upon the applicant by personal service or certified mail. The denial shall become effective fifteen (15) days after service of the notice, unless the permittee enters into a settlement agreement with the Fire Chief or appeals the notice by filing a “Notice of Defense” in accordance with § 97.110 (F).

§ 97.410 PERMIT CONDITIONS

Permits issued pursuant to the Chapter shall be subject to conditions imposed by statute and regulation and such additional conditions as the Fire Department determines are necessary to promote the purposes and objects of this Chapter.

§ 97.415 TERM OF PERMIT

The Permit shall identify the effective date and term, the program elements for which issued, the specific conditions where applicable for which the permit is issued, the address where the program elements are located, and the person, business or business concern to whom the permit is issued. If a person, business, or business concern changes activities such that program elements no longer apply at the Unified Program facility or new program elements or activities apply to the facility, the person, business or business concern shall notify the CUPA in writing within thirty days of the change and program elements or activities that have been added, deleted or modified. Permits issued under Sections 97.400 (5), (6), (7), (8), and (9) shall be effective for one hundred eighty (180) days from date of issuance unless modified in writing by the Fire Chief.

§ 97.420 REVOCATION OR SUSPENSION OF PERMIT

(A) Any Permit issued pursuant to this Chapter may be revoked or suspended during its term, upon one or more of the following grounds:

(1) Violation of any of the terms or conditions of the Permit, including nonpayment of fees.

(2) Obtaining the Permit by misrepresentation or intentional failure to fully disclose all relevant facts.

(3) A change in condition, including, but not limited to, the conduct or implementation of previously un-contemplated activities at the premises, which requires the termination of the permitted activity to protect the public health, safety and welfare and to comply with the purposes of this Chapter.

(4) Violation of any provision of this Chapter, including the state laws and regulations incorporated by reference in this Chapter.

(B) *Notice of Revocation or Suspension. Appeals.* All procedures for revocation and/or suspension, and for appeal there from, are to be the same as those set forth in § 97.110 (F) of this Chapter (referencing and incorporating the requirements of *California Health & Safety Code §25404.1.1*). The Fire Chief may revoke or suspend a Permit or permit element for the reasons set forth in this Chapter by issuing a written “Notice of Revocation/Suspension” stating the reasons therefore, and serving same upon the applicant by personal service or certified mail. The revocation or suspension shall become effective fifteen (15) days after service of the notice, unless the permittee enters into a settlement agreement with the Fire Chief or appeals the notice by filing a “Notice of Defense” in accordance with § 97.110 (F).

(C) Any activities related to the program elements for which a unified program facility Permit has been suspended or revoked, shall be discontinued immediately and shall not be restarted until the suspended Permit has been reinstated or the revoked Permit reissued.

(D) A suspended Permit may be reinstated or a revoked Permit reissued if the Fire Chief determines that conditions which prompted the suspension or revocation no longer exist.

(E) The suspension or revocation of a Permit issued pursuant to this Chapter shall not preclude the imposition of any other penalty prescribed by this Chapter or the prosecution of any violation of this Chapter as prescribed in 97.515 (A).

§97.425 NUMBER OF PERMITS

A business which operates or conducts an enterprise at more than one address or location shall apply for and comply with all requirements necessary to obtain a separate Permit issued pursuant to this Chapter for each location where an enterprise is maintained. Each place where a different street address is assigned to an enterprise shall be deemed to constitute prima facie separate location. With respect to an enterprise conducted at a single location whose operation involves the handling of different and multiplicity of types of hazardous materials in functions which are different from each other, or involves functions that are separated by significant physical distances, the Fire Department may, in its discretion, require more than one Permit and as many Permits as it deems necessary and appropriate to effectively administer the provisions of this Chapter.

FEES

§ 97.500 FEES

(A) *Fees Required.* Fees are hereby imposed on all handlers, owners and other persons who are subject to this Chapter for required Permits and to recover the costs of the Division of Environmental Protection in administering the regulations of the Environmental Protection Ordinance. The City Council shall establish such fees and may subsequently amend them in a schedule of fees that is adopted by resolution. In no event, however, shall such fees exceed those prescribed under state law as set forth in *California Health & Safety Code §25404.1.1*. Fees for a unified program facility Permit are due annually on a date established in this section or by Resolution. Fees for non-recurring permits issued pursuant to § 97.400 (5), (6), (7), (8), and (9) are due at the time of application.

(B) The fees imposed by this section are nonrefundable and a permittee who terminates operations or regulated activities that are regulated by the Permit shall not be entitled a refund of fees for any remaining portion of that Permit period. Fees that are due from newly established handlers, owners or other persons in the City may be prorated pursuant to Section 97.505 of this Chapter.

(C) *Consolidated Bill.* All annual fees shall be consolidated by the Division of Environmental Protection into a single annual invoice. The annual invoice shall also include Fire Department fees for programs and Permits that are not administered under subsection

97.400 of this Chapter, as well as any state-mandated service charges. Invoice means any bill issued by the CUPA for the fees assessed under this Chapter.

(D) Fees for new Permits are due with their application. Fees for renewal of a Permit are due by the renewal due date stated in Section 97.400 (C) of this Chapter. Fees not received by the permit expiration date are delinquent and a late payment penalty shall be due and owing the City in an amount that is established, or modified, by a resolution of the City Council. The delinquent fee amount increases if the fees are still unpaid 30 days past the permit expiration date and becomes due and owing the City in an amount established, or modified by a resolution of the City Council. Late payment penalties may not be waived unless the Fire Chief determines that the Division of Environmental Protection imposed them in error. Failure to pay a Permit fee in a timely manner is a violation of this Chapter and imposition of a late payment penalty shall not bar the City from concurrently exercising any of its remedies in connection with said violation. Delinquent fees and late payment penalties are recoverable by the City in any manner allowed by law.

(E) Any State imposed service charge applied by Cal EPA as determined by the Secretary shall be listed as a separate item on each invoice issued to unified program facilities by the Division of Environmental Protection. Any such State imposed service charge shall be collected by the Division of Environmental Protection and transmitted to the State in accordance with the Act and related regulations.

(F) The annual fees required for Hazardous Materials Business Plans are based upon the information contained in the most recent required submission of the inventory of hazardous materials or Regulated Substance Reporting Form. The quantity reported is considered to be current inventory or potential inventory unless amended as required pursuant to § 25505(c) of the Health and Safety Code. There are no provisions for partial year fees or refund of fees. Any person who fails to submit a Hazardous Materials Business Plan within the time limits set forth pursuant to subsection 97.220 or upon notice of the Fire Chief or his authorized representative, shall pay a penalty for said late filing as established pursuant to § 97.220. Said penalty shall be submitted with the Hazardous Materials Business Plan and shall be in addition to regularly assessed fees, if any. The imposition or payment of the penalty imposed by this section shall not prevent the imposition of any other penalty prescribed by this code or any ordinance nor prosecution for violation of this code or any ordinance.

(G) The Division of Environmental Protection may impose a re-inspection fee on any handler, owner or other person who violates this Chapter for a third and each successive inspection of a facility or premises on which the violation is detected. The City Council shall establish such fees, and may subsequently amend them, by resolution. In the event such fees are not paid, the Division of Environmental Protection may decline to issue a renewal permit until such fees are paid. In this event, the permittee shall not continue, maintain or resume the activity, use or condition that the expired permit had previously authorized. The City may recover such fees in any other manner provided by law.

§ 97.505 FEE PRORATION.

Should Environmental Protection Division documentation be received by the City Fire Department after January 1, the annual fee may be prorated in half.

§ 97.510 FEE MODIFICATION

(A) Beginning July 1, 1999, and thereafter on each succeeding July 1st, the amount of the fee(s) in Section 97.500 of this Chapter may be adjusted by the following method:

(1) The percentage of movement between April of the previous year and March of the current year in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Anaheim, Riverside areas, as published by the United States Government Bureau of Labor Statistics shall be calculated, and each fee shall be adjusted by said percentage amount and rounded off to the nearest one dollar (\$1.00). Notwithstanding any change in the CPI, no such adjustment shall decrease any fee, and further, no fee increase shall exceed the reasonable cost of providing the services for which the fee is collected.

(2) Notwithstanding Subsection (1) above, the Fire Chief, with the concurrence of the City Council, may prospectively modify the fees charged for permits at particular types of facilities if the Fire Chief in his discretion, believes that the standard fee(s) for such facilities are insufficient to reasonably defray the costs to the Division of Environmental Protection for administration of the Environmental Protection Ordinance.

§ 97.515 PENALTIES

(A) *Penalties.* Criminal, civil, and administrative penalties apply to violations defined by this Chapter.

(B) *Late payment penalty.* If any fee required to be paid pursuant to this Chapter is not paid in full prior to the delinquency date, in addition to such fee(s), the facility or permittee shall pay a late payment penalty. Said penalty shall be in addition to regularly assessed fees.

(C) *Late submittal penalty.* If any responsible person fails to submit a Hazardous Materials Business Plan, Consolidated Contingency Plan, Unified Program Consolidated Form(s) and/or Regulated Substance Registration within the time limits set forth in this Chapter or regulation or upon notice of the Fire Chief, shall pay a late penalty for said late filing as established pursuant to § 97.500. Said penalty shall be submitted with the required report or form, and shall be in addition to regularly assessed fees, if any.

(D) *Fee exemption.* Any person, business or business concern which conducts, exclusively for charitable purposes, an activity for which a permit is required under this chapter, and from which no person benefits through the distribution of profits, payment of excessive charges or compensation, or the more advantageous pursuit of their business or profession shall obtain all required permits, and not be charged any fee for such permit. Facts showing entitlement to such exemption from a fee requirement shall be shown by affidavit filed with the

Fire Chief. A person, business or business concern which conducts an activity for which a permit is required by this chapter shall be deemed to qualify for a no-fee permit if it complies with § 214 of the California Revenue and Taxation Code as now or hereafter amended.

§ 97.520 JUDICIAL REVIEW

(A) Unless otherwise specified under state or federal law, the timeframes for judicial review of any final administrative order under this Chapter are as set forth in California Code of Civil Procedure Section 1094.6.