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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING CHAPTER 9.48 OF THE RIVERSIDE MUNICIPAL CODE.

The City Council of the City of Riverside does ordain as follows:

Section 1: Section 9.48.020 of the Riverside Municipal Code is hereby amended as follows:

**“Section 9.48.020 Definitions.**

*Business* means all of the following:

...

*Emergency response personnel* means a public employee, including, but not limited to, a firefighter or emergency rescue personnel, or personnel of a local emergency medical services (EMS) agency, as designated pursuant to HSC Section 1797.200, who is responsible for response, mitigation, or recovery activities in a medical, fire, or hazardous material incident, or natural disaster where public health, public safety, or the environment may be impacted.

...

*Substantial change* means any change in a regulated facility that would inhibit immediate response during an emergency by either site personnel or emergency response personnel, or that could inhibit the handler's ability to comply with HSC Section 25507, change the operational knowledge of the facility, or impede implementation of the Business Plan.

...

*Unified Program Agency* or *UPA* means the City of Riverside Fire Department which has been designated by the CUPA, pursuant to a written agreement, to implement or enforce a particular unified program element specified in HSC Section 25404(c). The UPA has the responsibility and authority to implement and enforce the requirements listed in 25404(c), and the regulations adopted to implement the requirements listed in 25404(c), to the extent provided by HSC Chapter 6.5 (commencing with Section 25100), Chapter 6.67 (commencing with Section 25270), Chapter 6.7 (commencing with Section 25280), Chapter 6.95 (commencing with Section 25500), and Sections 25404.1 and 25404.2.

After a CUPA has been certified by the secretary, the unified program agencies and the state agencies

1 carrying out responsibilities under this chapter shall be the only agencies authorized to enforce the  
2 requirements listed in subdivision 25404(c) within the jurisdiction of the CUPA.

3 ...”

4 Section 2: Section 9.48.030 of the Riverside Municipal Code is hereby amended as  
5 follows:

6 **“Section 9.48.030 Hazardous materials release response plans and inventories. (Business Plans)**

7 A. Any business or facility in the city that handles a hazardous material or waste, except  
8 as provided in subsection H, which handles hazardous materials or mixtures containing hazardous  
9 materials, equal to, or greater than, a total volume of 55 gallons for materials that are liquids,  
10 500 pounds for solids, or a total volume of 200 cubic feet for compressed gas, as defined in  
11 subdivision (i) of HSC, Section 25501 shall be regulated under this program. The physical state  
12 and quantity present of mixtures shall be determined by the physical state of the mixture as a whole,  
13 not individual components, at standard temperature and pressure. Any amount of an extremely  
14 hazardous substance (EHS), as defined in Section 355.61 of Title 40 of the Code of Federal  
15 Regulations, including but not limited to explosives, organic peroxides, pyrophoric, unstable and  
16 water reactive, or radioactive materials must submit an annual Business Plan electronically using  
17 the California Environmental Reporting System (CERS). The form and content of the disclosure  
18 shall conform to the requirements of Sections 9.48.040 and 9.48.060 of this chapter. For the  
19 purpose of this section, for compressed gases, if a hazardous material or mixture is determined to  
20 exceed threshold quantities at standard temperature and pressure, it shall be reported in the physical  
21 state at which it is stored. If the material is an EHS, as defined in Section 355.61 of Title 40 of the  
22 Code of Federal Regulations, all amounts shall be reported in pounds.

23 ...

24 G. If the business handles perchlorate material, as defined in subdivision (c) of Section  
25 25210.5, in a quantity at any one time during the reporting year that is equal to, or greater than, the  
26 thresholds listed in paragraph (A) of this section shall be regulated under this program.

27 ...”

1           Section 3:     Section 9.48.040(C)(4) of the Riverside Municipal Code is hereby amended as  
2 follows:

3 **“Section 9.48.040 Content of the Business Plan.**

4           C.     Emergency response plans and procedures in the event of a release or threatened  
5 release of a hazardous material, including, but not limited to, all of the following:

6                     4.     Training for all new employees and annual training, including refresher  
7 courses, for all employees in safety procedures in the event of a release or threatened release  
8 of a hazardous material, including, but not limited to, familiarity with the plans and  
9 procedures specified in subsections (C)(1)—(3) of this section. These training programs may  
10 take into consideration the position of each employee.”

11           Section 4:     Section 9.48.070 of the Riverside Municipal Code is hereby amended as  
12 follows:

13 **“Section 9.48.070 Exemptions.**

14           A.     Refrigerant gases, other than ammonia or flammable gas in a closed cooling system  
15 that are used for comfort or space cooling for computer rooms.

16     ...

17           L.     Notwithstanding HSC Sections 25505 and 25507, a one-time business plan, except  
18 for the emergency response plan and training elements specified in paragraphs (3) and (4) of  
19 subdivision (a) of Section 25505, is submitted to the statewide information management system.  
20 This one-time business plan submittal is subject to a verification inspection by the unified program  
21 agency and the unified program agency may assess a fee not to exceed the actual costs of processing  
22 and for inspection, if an inspection is conducted.

23           M.     The Fire Department has adopted procedures in Section 16.32.172 of this Code  
24 (Board of Appeals) to provide for public input when approving any applications submitted pursuant  
25 to subsections H and I of this section.

26     ...”

27     //

28     //

1           Section 5:     Section 9.48.120(A) of the Riverside Municipal Code is hereby amended as  
2 follows:

3           **“Section 9.48.120 Responsibility for unauthorized release.**

4           A.     As soon as any person in charge of a facility, of transportation to or from a facility,  
5 or responsible for emergency response at a facility, has knowledge of any unauthorized release or  
6 threatened release of a hazardous material, such person shall take all necessary steps to ensure the  
7 discovery, containment and cleanup of such release and shall notify the Fire Department. In  
8 addition, notification shall be made to the California Office of Emergency Services (CalOES) in  
9 accordance with the law.”

10          Section 6:     Section 9.48.140(A) of the Riverside Municipal Code is hereby amended as  
11 follows:

12          **“Section 9.48.140 Permit required.**

13          A.     Except as provided in Chapter 6.5; Chapter 6.67; Chapter 6.7; and Chapter 6.95 of  
14 Health and Safety Code, no person shall operate or maintain a business where hazardous materials,  
15 or a mixture containing hazardous materials, are handled without a valid hazardous materials permit  
16 issued by the CUPA. The owner or operator of a business shall obtain a permit for handling  
17 hazardous materials or hazardous waste from the DEH. A permit may be issued at any time during  
18 the year. A permit is considered valid after fees have been paid and the required hazardous materials  
19 business plan submission into CERS has been accepted by the UPA.”

20          Section 7:     Section 9.48.160 of the Riverside Municipal Code is hereby amended as  
21 follows:

22          **“Section 9.48.160 Inspections.**

23          A.     The UPA or Fire Department will make periodic inspections of persons or businesses  
24 where hazardous materials and/or hazardous waste is generated, stored, handled,  
25 disposed, treated or recycled and to inspect aboveground and underground storage tank systems and  
26 all persons or businesses where the UPA has reasonable cause to believe that hazardous materials  
27 or hazardous waste is generated, stored, handled, disposed, treated or recycled. Such inspections  
28 may be made without prior notice to the owner or operator of such business.”

1           Section 8:     Section 9.48.200 of the Riverside Municipal Code is hereby amended as  
2 follows:

3 **“Section 9.48.200 Administration and enforcement**

4           A.     The City of Riverside Fire Department and its representatives shall have the authority  
5 and responsibility to administer and implement the provisions of this chapter on behalf of the UPA.

6     ...

7           J.     Due to the significant risks of certain violations to public health, safety and welfare,  
8 the amount of fine to be imposed for the following violations of this Code and assessed by means  
9 of an administrative citation shall be \$500.00 for the first and each subsequent occurrence of the  
10 same type of violation. Notwithstanding this section, the amount of fine to be assessed by means  
11 of an administrative citation may be established by resolution of the City Council.

12     ...

13                 3.     RMC [16.32.020](#), HSC 25189; Abandonment of a hazardous material.

14     ...

15                 5.     RMC [16.32.020](#), CFC, 105.6.8; Failure to obtain a permit to install, alter,  
16 remove, abandon or otherwise dispose of a flammable, combustible or any hazardous  
17 materials liquid tank, container or cylinder.

18     ...”

19           Section 9:     The City hereby finds that this ordinance is not subject to review under the  
20 California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060,  
21 subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical  
22 change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in  
23 question may have a significant effect on the environment). In addition to the foregoing general  
24 exemptions, the City Council further finds that this ordinance is categorically exempt from review  
25 under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of  
26 the environment), CEQA Guidelines section 15308.

27           Section 10:    The City Clerk shall certify to the adoption of this ordinance and cause  
28 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter

1 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its  
2 adoption.

3 ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

4  
5 \_\_\_\_\_  
6 PATRICIA LOCK DAWSON  
7 Mayor of the City of Riverside

8 Attest:

9 \_\_\_\_\_  
10 DONESIA GAUSE  
11 City Clerk of the City of Riverside

12 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the  
13 foregoing ordinance was duly and regularly introduced and adopted at a meeting of the City Council  
14 on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote, to wit:

15 Ayes:

16 Noes:

17 Absent:

18 Abstain:

19 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
20 City of Riverside, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

21 \_\_\_\_\_  
22 Donesia Gause  
23 City Clerk of the City of Riverside  
24  
25  
26  
27

28 22-0350.2 RMS 09/21/22