

ORDINANCE NO. 745

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA, STATE OF CALIFORNIA, ADDING CHAPTER 8.20 TO THE SIERRA COUNTY CODE RELATING TO THE STORAGE OF HAZARDOUS SUBSTANCES IN UNDERGROUND TANKS

The Board of Supervisors of the County of Sierra, State of California, does ORDAIN as follows:

SECTION 1. Chapter 8.20 of the Sierra County Code is hereby added to read as follows:

CHAPTER 8.20

**STORAGE OF HAZARDOUS SUBSTANCES
IN UNDERGROUND TANKS**

SECTIONS:

8.20.010	Purpose and Scope
8.20.020	Adoption of State Law & Regulations
8.20.030	Definition of Underground Storage Tank
8.20.040	Designation of Agency
8.20.050	Permit Required
8.20.060	Permit Procedure
8.20.070	Permit Fees
8.20.080	Appeals
8.20.090	Violations: Penalties: Remedies
8.20.100	Severability

Section 8.20.010 PURPOSE

The purpose of this chapter is to implement Chapter 6.7 of the California Health and Safety Code, Sections 25280 et seq., and any amendments thereto, and to provide for the collection of fees necessary to pay the cost incurred by the County of Sierra in administering a program for the purpose of preventing contamination from and improper storage of, hazardous substances stored underground; to ensure that newly constructed underground storage tanks meet appropriate standards; and that existing underground storage tanks be maintained, inspected and tested to protect the public health, property and resources.

The provisions of this chapter shall apply to the incorporated and unincorporated areas of Sierra County excepting any city which has assumed responsibility for implementation of such program enacted pursuant to Section 25283 of the California Health and Safety Code.

In implementing the aforementioned program, the County of Sierra, through its Health Department, will be acting as a local agency as that term is defined in Section 25281(e) of the California Health and Safety Code. This Chapter shall be further implemented according to such regulations as the Board of Supervisors shall, by resolution, adopt.

Section 8.20.020 ADOPTION OF STATE LAW & REGULATIONS BY REFERENCE

The County of Sierra hereby adopts by reference the requirements of Chapter 6.7 of Division 20 of the California Health and Safety Code, Section 25280 through 25299.6 and amendments inclusive and the regulations as adopted pursuant thereto by the State of California Water Resources Control Board for the underground storage of hazardous substances.

Section 8.20.030 DEFINITION OF UNDERGROUND STORAGE TANK

The term "underground storage tank" means any one or combination of tanks, including pipes connected thereto, which is used for the storage of hazardous substances as defined in Health and Safety Code Section 25280(d) and amendments and which is substantially or totally beneath the surface of the ground. The term "underground storage tank" does not include any of the following:

A. A tank used for the storage of hazardous substances used for the control of external parasites of cattle and subject to the supervision of the county agricultural commissioner if the county agricultural commissioner determines, by inspection prior to use that the tank provides a level of protection equivalent to that required by Health and Safety Code Section 25291, if the tank was installed after June 30, 1984, or protection equivalent to that provided by Health and Safety Code Section 25292, if the tank was installed on or before June 30, 1984.

B. A tank which is located on a farm and stores motor vehicle fuel which is used only to propel vehicles used primarily for agricultural purposes.

C. A tank which holds 1,100 gallons or less, is located at a residence of a person, and stores home heating fuel used exclusively for personal and nonincome producing purposes.

D. A tank which is used for aviation or motor vehicle fuel, which is located within one mile of a farm and used exclusively for personal and nonincome producing purposes.

Section 8.20.040 DESIGNATION OF AGENCY

The Sierra County Health Department shall be responsible for:

A. Administration and enforcement of this chapter; and

B. Administration and enforcement of any regulations per-

taining thereto as adopted by the Board of Supervisors; and,

C. Administration and enforcement of State Law and the regulations adopted pursuant thereto by the California Water Resources Control Board; and

D. Collection of fees, permit processing, inspection, revocation and administration/clean up of unauthorized releases as provided herein.

Section 8.20.050 PERMIT REQUIRED

A. No persons shall install, operate, construct, modify, close or abandon an underground storage tank within the unincorporated and incorporated areas of Sierra County unless by authority of a valid, unexpired and unrevoked permit issued to the owner/operator by the Sierra County Health Office of his designee.

B. A permit shall not be issued for any underground storage tank unless the tank or facility meets the appropriate requirements of Chapter 6.7 of the California Health and Safety Code, Subchapter 16 of Title 23 of the California Administrative Code, and any regulations adopted by the Board of Supervisors.

Section 8.20.060 PERMIT PROCEDURE

A. An application for the permit shall be filed with the Sierra County Health Department on a form prescribed by the Sierra County Health Officer, and shall be accompanied by all required and requested information together with any fee for such permit as established by the Board of Supervisors.

B. All permits shall be valid for a period ending June 30th of each year.

C. The Sierra County Health Officer or his designee shall act upon the application not later than thirty (30) days after the date it is accepted as complete unless the applicant has filed with Health Officer a written notice for extension of time and an extension of time has been granted by the Health Officer or his designee.

D. All applications for permits shall be accompanied by evidence that the landowner of the subject land upon or under which the tank is to be installed, operated, constructed, modified, abandoned or closed consents to the application for and the issuance of the permit by the Sierra County Health Department.

E. Any person applying for a permit to construct, install, or modify an underground storage tank shall submit complete plans and specifications for such construction, installation or modification to the Sierra County Health Department. The Health Department shall review the plans to determine compliance with all

prescribed fee, and stating therein the reasons why the decision of the Health Officer should be amended, modified or reversed.

C. The Clerk shall set the matter for hearing before the Board of Supervisors within fifteen (15) days of the filing of the appeal and shall give the appellant and the Health Officer notice of the time, place and purpose of the hearing. Notice shall also be published in a newspaper of general circulation in the County at least ten (10) days prior to the hearing. The Board may sustain, modify, or overrule the decision of the Health Officer. The decision of the Board is final.

Section 8.20.090 VIOLATIONS: PENALTIES: CIVIL REMEDIES

Violations of this chapter, including the provisions of the California Health and Safety Code as adopted by reference herein in Section 8.20.020 shall be punished as provided for in California Health and Safety Code Section 25299 and any subsequent amendments thereto.

In addition to all other penalties and remedies provided by law, if such persons fail to take appropriate action within the time provided, the County Counsel, upon order of the Board of Supervisors, shall bring an action in the name of the County of Sierra in the Superior Court under provisions of the California Code of Civil Procedure, Section 523 et seq., to enjoin violations of this chapter.

Section 8.20.100 SEVERABILITY

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.

SECTION 2. URGENCY STATUS

This ordinance is declared to be an urgency measure for the preservation of the public health and safety in accordance with the provisions of the Government Code of the State of California and shall take effect immediately upon its adoption.

SECTION 3. PUBLICATION

This ordinance shall become effective and in full force and effect upon the adoption thereof, and prior to fifteen days from the passage thereof shall be published once in newspaper of general circulation, published and printed in the County of Sierra, State of California, together with the names of the members of the Board of Supervisors voting for and against same.

PASSED and ADOPTED this 21st day of March, 1989 by the Board of Supervisors of the County of Sierra, State of California, by the following vote of said Board:

AYES: Supervisors McIntosh, Lewis, Bowling and McHenry.

Noes: None

ABSTAIN: None

ABSENT: Supervisor McCaffrey

Jerry McCaffrey
JEROME McCAFFREY, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:
CLERK OF THE BOARD OF SUPERVISORS

Sandra Loving
SANDRA LOVING

APPROVED AS TO FORM:
COUNTY COUNSEL

Claude Biddle
CLAUDE BIDDLE

CK1\ORDIN745.CK1