

**ORDINANCE NO. 10317 (N.S.)**

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO COUNTY SUPERVISION OF CORRECTIVE ACTION AT CONTAMINATION SITES AND THE RECOVERY OF RELATED COUNTY COSTS**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it is in the best interests of the community for the County, to the extent permitted by law, to oversee corrective action required to address releases of hazardous waste or constituents at sites already within the County's regulatory jurisdiction under delegated state programs. County acceptance of a further delegation of such authority (which has occurred by resolution) requires a supporting local ordinance to ensure cost recovery and to set out the Department of Environmental Health's specific authority.

Section 2. Subsection (k) (21) is added to Section 65.107 of the San Diego County Code of Regulatory Ordinances to read as follows:

SEC. 65.107. FEES.

(k) UNIFIED PROGRAM FEES AND DEPOSITS:

(21) The responsible party or the person requesting the County's oversight of corrective action shall pay the County for its oversight costs. Funds to pay for Department of Environmental Health's (DEH) oversight of corrective action pursuant to section 68.915 of this code shall be advanced to and retained by the County as specified herein.

An initial deposit as specified in section (k)(21)(a) below shall be made by the responsible party or the person requesting oversight. Actual time expended by DEH in oversight shall be charged to this deposit account at the current labor rate.

Additional deposits shall be made to the deposit account by the responsible party or person requesting oversight as specified by the County, to maintain a positive balance sufficient to cover anticipated oversight costs in that case for two to three months. Upon completion of work and closure of the case, any funds not expended shall be returned to the responsible party or person seeking oversight.

(a) Corrective Action Initial Deposit: \$3,692

Section 3. Section 68.915 is added to the San Diego County Code of Regulatory Ordinances to read as follows:

**SEC.68.915. SITE SCREENING, SITE INVESTIGATION AND CORRECTIVE MEASURES**

(a) To the extent authorized by the State Department of Toxic Substances Control, DEH, in its capacity as a Certified Unified Program Agency, shall oversee site screening, site investigation and corrective measures required at sites in the County that are subject to the state Hazardous Waste Control Law and are within the regulatory jurisdiction of the County as a Certified Unified Program Agency.

(b) Definitions. For purposes of this section, the following definitions apply:

“Corrective action” means those activities taken to evaluate, investigate, remove, remediate, prevent, minimize or mitigate a release or threatened release of hazardous waste or constituents, as necessary to protect the public health or the environment. The term “corrective action” includes site screening, site investigation and corrective measures.

“Site screening” means those activities that are performed to determine whether current or past hazardous waste management practices at the site have resulted in a release or threatened release of hazardous waste or constituents that poses a threat to the public health or the environment.

“Site investigation” means those activities that are performed to determine the nature and extent of releases of hazardous waste or constituents at the site, identify and assess the risks to the public health or the environment posed by the release, and gather all necessary data on possible corrective measures.

“Corrective measures” means those activities that are performed to remove, remediate, prevent, minimize or mitigate a release of hazardous waste or constituents at the site.

(c) Authority

DEH may require corrective action at a site whenever DEH determines that there is or may be a release of hazardous waste or constituents into the environment at or from a site.

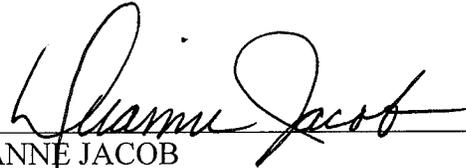
(d) The responsible party or the person requesting oversight shall make deposits and reimburse DEH for its oversight costs as set out in subsection (k)(21) of section 67.105 of this code.

(e) This section does not limit DEH's authority to oversee site investigations or remedial actions pursuant to Chapter 6.65 of Division 20 of the Health and Safety Code, Sections 33459 to 33459.8 of the Health and Safety Code, or Sections 101480 to 101490 of the Health and Safety Code, to the extent applicable.

Section 4. This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, or upon receipt of authorization from the State to conduct the activities described herein, whichever is later. A summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Union Tribune a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL  
BY  
Rodney F. Lorang, Senior Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 8<sup>th</sup> day of January, 2014.



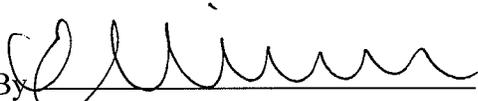
DIANNE JACOB  
Chairwoman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Jacob, D. Roberts, R. Roberts, Horn  
ABSENT: Cox

ATTEST my hand and the seal of the Board of Supervisors this 8<sup>th</sup> day of January, 2014.

THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors

By   
Elizabeth Miller, Deputy



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01-08-14 (5)