

**ORDINANCE NO. 10099 (N.S.)
12/08/2010 (23)**

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE RELATING TO
THE HAZARDOUS WASTE AND HAZARDOUS MATERIALS REGULATORY
PROGRAM**

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

Section 1: Title 6, Division 8, Chapter 9 of the San Diego County Code is amended by adding Section 68.904.5, to read as follows:

SEC. 68.904.5. DEFINITIONS

The following definitions apply to Chapters 9, 10, 11 and 12 of Title 6 of this Code.

- a. “Certified Uniform Program Agency” or “CUPA” means the agency certified by the Secretary of the California Environmental Protection Agency to implement the unified program in the County of San Diego.
- b. “Program elements” mean the unified program elements specified in Health and Safety Code section 25404(c), the administration of which have been consolidated under California State Law as the unified program. “Program element” refers to any of the program elements.
- c. “Unified program facility” means all contiguous land and structures, other appurtenances and improvements on the land, which are subject to the requirements listed in Health and Safety Code section 25404(c).
- d. “Unified program facility permit” means the permit issued by the Department of Environmental Health pursuant to Chapters 9, 10, 11 and 12 of Title 6 this Code, to implement and enforce unified program elements.

Section 2: Section 68.1114 of the San Diego County Code is amended to read as follows:

SEC. 68.1114. PENALTIES.

Violations of this Chapter that are also violations of Chapter 6.95 of Division 20 of the Health and Safety Code are subject to the administrative, civil , and criminal penalties specified in State law. Violation of this Chapter that are not violations of

Chapter 6.95 of Division 20 of the Health and Safety Code are subject to the following criminal, civil and administrative penalties:

(a) **Penalty for Misdemeanor.** Violations of this Chapter are misdemeanors punishable by a fine not exceeding one thousand dollars (\$1000), imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

(b) **Civil Penalty.** Any person who violates any provision of this Chapter is liable for a civil penalty of not more than two thousand dollars (\$2,000) for each day, or part thereof, such violation occurs. Any person who knowingly violates any provision of this Chapter, after reasonable notice of the violation is liable for a civil penalty of not more than five thousand dollars (\$5,000) for each day, or part thereof, that such violation occurs. The County Counsel or District Attorney is authorized to bring a civil action in any court of competent jurisdiction to recover such civil penalties for the County.

(c) **Administrative Penalties.** The Director DEH may impose administrative civil penalties for violations of this Chapter in the same manner as for violations of Chapter 6.95 of Division 20 of the Health and Safety Code.

(d) **Continuing Violation.** Each and every day a violation of this chapter continues shall constitute a separate offense. The person committing or permitting such offenses may be charged with a separate offense for each such violation and punished accordingly.

Section 3: Section 68.1115 of the San Diego County Code is amended to read as follows:

SEC. 68.1115. ADMINISTRATIVE ENFORCEMENT POLICY.

By written policy the Department of Environmental Health shall adopt procedures for enforcing this Chapter and Section 25514.5 of the California Health and Safety Code. Such procedures shall contain those elements required by, and shall be consistent with the provisions stated in, Health and Safety Code section 25514.5, or any successor statute thereto. The administrative enforcement procedures adopted shall not be exclusive, but are cumulative with all other remedies available by law and under this Chapter.

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, 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 Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego
this 8th day of December, 2010.