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## **Chapter 050 Storage of Hazardous Substances in Tanks**

- **Section 010 Purpose and Intent**

A. The purpose of this chapter is to provide for implementation of the provisions of Chapter 6.7 (commencing with Section 25280) and Chapter 6.67 (commencing with Section 25270) of Division 20 of the Health and Safety Code, regarding the regulation of storage of hazardous substances in tanks and to establish a procedure for the issuance of permits related to this subject.

B. All provisions of this chapter shall be interpreted in accordance with those provisions of the Health and Safety Code cited in subsection A and the regulations adopted by the State Water Resources Control Board pursuant thereto.

C. It is further the intent of the Board of Supervisors in enacting this chapter to recognize the State's interest, as expressed in Health and Safety Code Section 25280.5, in implementing a program for the regulation of storage tanks in lieu of establishment of a federal program for that purpose.  
(Ord.1117 § 2, 2000)

- **Section 020 Administration**

The Director shall enforce the provisions of this chapter and of Chapters 6.7 (commencing with Section 25280) and 6.67 (commencing with Section 25270) of Division 20 of the Health and Safety Code.  
(Ord.1117 § 2, 2000)

- **Section 030 Permit Required**

A. No person shall operate a facility for the storage of any hazardous substance within Glenn County except by authority of a valid permit to operate and/or certificate of compliance issued to the tank owner and the operation of the facility is in conformance with the regulations adopted by the State Water Resources Control Board.

B. A person shall be deemed to operate a facility and be in violation of this section if such person, without a required permit, supervises, inspects, directs, organizes, manages, or controls or is in any way responsible for or in charge of the facility for which the permit is required.

C. This section does not obviate the requirements to obtain valid permits pursuant to other provisions of law, or to comply with other applicable ordinances, including, but not limited, the Glenn County Code. (Ord.1117 § 2, 2000)

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**Section 040 [Application Filing](#)**

All applications for a permit shall be filed in the office of the Administering Agency. (Ord.1117 § 2, 2000)

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**Section 050 [Application Contents](#)**

The application for a permit shall be filed on a State Water Resources Control Board form and contain all such information as is prescribed by the Director. Each applicant shall submit the form along with a package to comply with the requirements of the State Water Resources Control Board. This package shall contain any alternative method to be used in monitoring and the emergency plan to be employed by the applicant at the facility. (Ord.1117 § 2, 2000)

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**Section 060 [Issuance](#)**

The Director shall act upon the application not later than ninety days after the date it is accepted as complete unless the applicant has filed with the Director written notice of a request and received written approval for extension of the time within which action is taken on the grounds that additional time is required to prepare or present plans or other information, obtaining zoning variances or other permits, or make other corrections remedying inconsistencies with the provisions of this chapter; or on the grounds that the Director has on file a written notice from another public agency showing just cause for an extension of time, and the Director has approved an extension of time pursuant thereto. (Ord.1117 § 2, 2000)

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**Section 070 [Term of Permit](#)**

The term of the permit to operate shall be five years, at which time the permittee may apply in the manner prescribed herein for renewal of the permit for another five-year term. Temporary permits may be issued pursuant to regulations established by the State Water Resources Control Board. Such temporary permits shall have a term of not greater than six months. (Ord.1117 § 2, 2000)

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**Section 080 [Contents of Permit](#)**

A. The permit shall contain a complete description of the enterprise for which it is issued, the date of permit issuance, date of permit expiration, and a description of any and all conditions upon which the permit has been issued. A copy of the permit shall be kept on the storage premises and shall be made available to the Director or Director's agents upon request.

B. As a condition of any permit to operate a storage tank, the permittee shall notify the Director within thirty days of any changes in the usage of any storage tanks, including the storage of new hazardous substances, changes in monitoring procedure and changes in ownership or operation. The Director shall be notified within twenty four hours of any unauthorized release occurrences.  
(Ord.1117 § 2, 2000)

- **Section 085 Certificate of Compliance**

Facilities required to prepare a Spill Prevention Control and Countermeasure Plan pursuant to Health and Safety Code Section 25270.5(c) shall file a certificate of compliance annually with the Director.  
(Ord.1117 § 2, 2000)

- **Section 090 Monitoring**

The operator of the storage facility shall monitor the facility using the method specified on the permit for the facility. Methods of testing will be with the approval of the Director and stated on the permit. Records shall be kept in sufficient detail to enable the Director to determine that the operator has undertaken all monitoring activities required in the permit and pursuant to the regulations of the State Water Resources Control Board. (Ord.1117 § 2, 2000)

- **Section 100 Fees**

A. The Board of Supervisors shall establish by resolution a schedule of fees for applications, inspections, transfers of ownerships, closure, certification and other related fees to reimburse the County of Glenn for the costs of implementing this chapter.

B. The Administering Agency shall collect all such fees and may collect the state surcharge established by state law.  
(Ord.1117 § 2, 2000)

- **Section 110 Inspections**

The Administering Agency shall inspect every storage facility along with inventory records and conformance to monitoring requirements pursuant to applicable sections of the Health and Safety Code or more frequently as deemed necessary by the Director. (Ord.1117 § 2, 2000)

- **Section 120 Appeals**

A. Any decision of the Director may be appealed to the Board of Supervisors by a party with financial interest in the enterprise or a resident of the county.

B. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the Director not later than fifteen days after the date of the decision. If an appeal is not filed within the time or in the manner prescribed above, the right to review the action against which complaint is made shall be deemed to have been waived.  
(Ord.1117 § 2, 2000)

- **Section 130 Appeal Hearing**

Not later than thirty days, or as soon thereafter as the matter can be heard, following the date of filing an appeal within the time and in the manner prescribed by Section 20.05.120, the Board of Supervisors shall conduct a hearing on the appeal. Written notice of the time, date and place of the hearing shall be mailed to the appellant not later than ten days preceding the date of the hearing. (Ord.1117 § 2, 2000)

- **Section 140 Grounds for Revocation**

Any permit issued pursuant to this chapter may be revoked during its term upon one or more of the following grounds:

A. That an unauthorized release has occurred pursuant to Section 25294 or 25295 of the Health and Safety Code;

B. That modifications have been made to the storage tank system or facility in violation of the permit or the compliance certificate;

C. That the holder of the permit or certificate has violated one or more conditions upon which the document has been issued.

(Ord.1117 § 2, 2000)

- **Section 150 Method of Revocation**

The Administering Agency may revoke a permit or certificate by issuing a written notice of revocation, stating the reasons therefor, and serving same, together with a copy of the applicable provisions of this chapter and Chapter 6.7 or Chapter 6.67 of Title 20 of the Health and Safety Code, upon the permittee. The revocation shall become effective fifteen days after the date of service, unless the permittee files an

appeal in accordance with the provisions of Section 20.05.120. If an appeal is filed, the revocation shall not become effective until the appeal is decided by the Board of Supervisors. (Ord.1117 § 2, 2000)

- **Section 160 Variances**

The Director shall honor any variances granted by the State Water Resources Control Board or the Regional Water Control Board, providing such variances were issued in accordance with the regulations established by the State Water Resources Control Board and the term of the variance is not longer than one year without review.  
(Ord.1117 § 2, 2000)

- **Section 165 Violation**

Any person who fails to notify the Agency or Director when required to do so by this Chapter, the California Health and Safety Code, applicable state regulations, or the Agency, or who submits false information in a permit application, certificate of compliance, report, or to a request for information is liable for penalty as specified in Section 20.05.170. (Ord.1117 § 2, 2000)

- **Section 170 Penalties**

A. Every person who violates any provision of this chapter is guilty of a misdemeanor; however, if conduct prohibited by this chapter is also punishable under Chapter 6.7 (commencing with Section 25280) or Chapter 6.67 (commencing with Section 25270) of the Health and Safety Code, the penalties provided in that chapter shall apply to that conduct in lieu of the penalties provided in this code.

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, that 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.

C. Additional Penalties. In addition to any civil and criminal penalties prescribed under this ordinance the Director may impose administrative civil penalties for violation of this ordinance or regulation of the Agency adopted pursuant to Division 20, Chapter 6.95 of the Health and Safety Code. No administrative civil penalty levied pursuant to this section may exceed five hundred dollars (\$500) for each violation. However, nothing in this section is intended to restrict the authority of the agency to negotiate mutual settlement under any other penalty provision of law.  
(Ord.1117 § 2, 2000)

- **Section 180 Enforcement**

A. This chapter shall be enforced by the Director under direction of the Board of Supervisors, and by all officers named by the Director. Persons authorized to enforce this chapter are authorized to arrest without warrant as provided in Section 836.5 of the Penal Code.

B. For the purpose of enforcing or administering this chapter, the Director or an authorized representative of such officer, upon presentation of his credentials, or if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50), Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises on which a storage tank is located for the purpose of inspecting such tank, including securing samples associated therewith, or any records required to be maintained in connection therewith by the Director.

(Ord.1117 § 2, 2000)

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