



CITY OF SACRAMENTO

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September 4, 1986

Law and Legislation Committee
Sacramento, CA 95814

Re: Hazardous Materials Clean-Up Ordinance

Members in Session:

SUMMARY

This report recommends adoption of an ordinance which authorizes the Fire Department to clean up, or supervise and verify the clean-up of, hazardous wastes and substances, and to recover the cost thereof from defined responsible parties.

BACKGROUND

On August 19, 1986, the City Council referred to the Toxics Commission and this Committee for further review a proposed Hazardous Materials Clean-Up Ordinance. You previously reviewed this matter on July 31, 1986.

On September 2, 1986, the Toxics Commission held a hearing and discussion on the ordinance. The Commission recommends enactment of the ordinance with the following amendments:

1. Specify that releases, discharges or deposits into water may also trigger application of the ordinance (fourth line of 15.601(a) and fourth line of 15.601(b));
2. Revise definition of hazardous substance or waste (15.601(c));
3. Clarify that the ordinance is not intended to limit authority of any other city agency or department (first line of 15.601(a)).

The attached version of the ordinance incorporates the recommendations of the Toxics Commission.

RECOMMENDATION

It is recommended that the Committee approve the ordinance for enactment by the City Council.

Very truly yours,

JAMES P. JACKSON
City Attorney

By *Diane B. Balter*
DIANE B. BALTER
Deputy City Attorney

Districts: All
Law & Legislation: 9/11/86

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING ARTICLE VI TO CHAPTER
15 OF THE SACRAMENTO CITY CODE, RELATING
TO THE CLEANUP OF HAZARDOUS MATERIAL

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article VI (Section 15.601) is hereby added to Chapter 15 of the Sacramento City Code to read as follows:

ARTICLE VI. Hazardous Materials Cleanup

Sec. 15.601. Hazardous materials cleanup--liability for costs.

(a) Without limiting the authority of any other city agency or department, the fire chief is authorized to clean up or abate the effects of any hazardous substance or waste unlawfully released, discharged, or deposited upon or into any property, water or facilities within the city. The following described persons shall be jointly and severally liable to the city for the payment of all costs incurred by the city as a result of such cleanup or abatement activity:

- (i) The person or persons whose negligent or willful act or omission proximately caused such release, discharge or deposit; and
- (ii) The person or persons who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge, or deposit, without regard to fault or proximate cause; and
- (iii) The person or persons who owned or had custody or control of the container which held such hazardous waste or substance at the time of or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause.

(b) In the event that any person undertakes, either voluntarily or upon order of the fire chief or other city official, to clean up or abate the effects of any hazardous substance or waste unlawfully released, discharged or deposited upon or into any property, water or