



CITY OF SACRAMENTO

4

DEPARTMENT OF FIRE

FIRE ADMINISTRATION

William R. Powell
Fire Chief

July 22, 1986

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: PROPOSED HAZARDOUS MATERIALS CLEAN-UP ORDINANCE

SUMMARY

Attached is the proposed Resolution and Hazardous Materials Clean-Up Ordinance prepared by the Department of Law:

BACKGROUND

The City of Sacramento has no legal mechanism for cost recovery resulting from a hazardous material clean-up. The Fire Department's current practice is to initiate the clean-up and bill the responsible party for voluntary compliance. Per the Department of Law, this ordinance will provide the means to recover all costs associated with the clean-up and/or to initiate abatement proceedings. A Negative Declaration was published by law with no significant impact.

RECOMMENDATION

Approve the proposed Resolution and Ordinance and forward them to the City Council for adoption.

Respectfully submitted

WILLIAM R. POWELL
Fire Chief

Attachments

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION APPROVING NEGATIVE DECLARATION FOR THE HAZARDOUS MATERIALS CLEAN-UP ORDINANCE

WHEREAS, the Environmental Coordinator of the City of Sacramento has determined that the proposed Hazardous Materials Clean-up Ordinance will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. The Negative Declaration has been prepared in compliance with CEQA, State and City Guidelines and the Council has reviewed and considered the information contained thereon.
2. There is no substantial evidence that the proposed ordinance will have a significant effect on the environment.
3. The Negative Declaration is approved.

MAYOR

ATTEST:

CITY CLERK

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) 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 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 or facilities within the city, the fire chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in subsection (a) shall be liable to the city for all costs incurred as a result of such supervision or verification.

(c) For purposes of this section, "hazardous substance or waste" shall be as defined in Sections 71.110(g) and 71.110(h) of this Code.

(d) For purposes of this section, costs incurred by the city shall include, but shall not necessarily be limited to, the following: actual labor costs of city personnel, including benefits and administrative overhead; cost of equipment operation; cost of materials obtained directly by the city; and cost of any contract labor and materials.

(e) The remedies provided by this section shall be in addition to any other remedies provided by law.

(f) The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the fire department.

MAYOR

ATTEST:

CITY CLERK

NEGATIVE DECLARATION

Pursuant to Division 6, Title 14, Chapter 3, Article 7, Section 15083 of the California Administrative Code and pursuant to the Procedures and Guidelines for preparation and processing of Environmental Impact Reports (Resolution 78-172) adopted by the City of Sacramento, pursuant to Sacramento City Code Chapter 63, the Environmental Coordinator of the City of Sacramento, California, a municipal corporation, does prepare, make, declare, publish, and cause to be filed with the County Clerk of Sacramento County, State of California this Negative Declaration regarding the project described as follows:

1. Title and Short Description of Project:
*ORDINANCE RELATING TO CLEAN UP OF HAZARDOUS MATERIAL.
DEFINES RESPONSIBLE PARTIES AND ESTABLISHES LIABILITY
FOR COST OF CLEAN UP.*

2. Location of Project:
PROJECT WILL BE EFFECTIVE WITHIN THE SACRAMENTO CITY LIMITS.

3. The Proponent of the Project: City of Sacramento

4. It is found that the project will not have a significant effect on the environment. A copy of the initial study is attached, which documents the reasons supporting the above finding and any mitigation measures included in the project to avoid any potentially significant effects identified in the initial study.

5. The Initial Study was Prepared by GARRETT D. CRISPELL

6. A copy of the Initial Study and this Negative Declaration may be obtained at 915 - I Street, Room 207, Sacramento, California 95814.

ENDORSED

JUL 11 1986

DATED: JULY 10, 1986

JOYCE RUSSELL SMITH, CLERK
By S. MORITA, Deputy
Environmental Coordinator of
the City of Sacramento,
California, a municipal
corporation

By *Thomas M. Guley*

CITY OF SACRAMENTO

INITIAL STUDY

References are to California Administrative Code, Title 14, Division 6, Chapter 3, Article 7, Section 15063

- 1. Title and Description of Project (15063 (d) (1))

ORDINANCE RELATING TO CLEANUP OF HAZARDOUS MATERIAL -
DEFINES RESPONSIBLE PARTIES AND ESTABLISHES LIABILITY FOR
THE COST OF HAZARDOUS MATERIAL CLEANUP

- 2. Environmental Setting (15063 (d) (2))

THE PROJECT WILL BE EFFECTIVE WITHIN THE SACRAMENTO
CITY LIMITS

- 3. Environmental Effects - Attached checklist must be completed by person conducting initial study (15063 (d) (3))

- 4. Mitigation Measures - Attached list of mitigation measures must be completed by person conducting initial study (15063 (d) (4))

- 5. Compatibility with Existing Zoning and Plans (15063 (d) (5))
THE PROJECT IS COMPATIBLE WITH THE ZONING ORDINANCE AND GENERAL
PLAN OF THE CITY OF SACRAMENTO.

Date JULY 10, 1986

Janett D. Ciofell
(Signature)

Title ADMINISTRATIVE ASSISTANT

CITY OF SACRAMENTO
INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM

C.C. No. _____

Date: 7/10/86

I. BACKGROUND

1. Name of Project ORDINANCE RELATING TO CLEANUP OF HAZARDOUS MATERIAL
2. City Department Initiating Project FIRE DEPARTMENT
3. Name of Individual Preparing Checklist GARRETT D. CRISPELL
4. Is Checklist Being Prepared for CEQA X or NEPA _____?
5. Source of Funding of Project GENERAL

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required under Item III.)

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. <u>Earth</u> . Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	—	—	<u>X</u>
b. Disruptions, displacements, compaction or overcovering of the soil?	—	—	<u>X</u>
c. Change in topography or ground surface relief features?	—	—	<u>X</u>
d. The destruction, covering or modification of any unique geologic or physical features?	—	—	<u>X</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	—	—	<u>X</u>
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	—	—	<u>X</u>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	—	—	<u>X</u>
2. <u>Air</u> . Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	—	—	<u>X</u>
b. The creation of objectionable odors?	—	—	<u>X</u>
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	—	—	<u>X</u>
3. <u>Water</u> . Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	—	—	<u>X</u>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	—	—	<u>X</u>
c. Alterations to the course or flow of flood waters?	—	—	<u>X</u>
d. Change in the amount of surface water in any water body?	—	—	<u>X</u>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	—	—	<u>X</u>
f. Alteration of the direction or rate of flow of ground waters.	—	—	<u>X</u>
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	—	—	<u>X</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	—	—	<u>X</u>

	Yes	Maybe	No
i. Exposure of people or property to water related hazards such as flooding or tidal wave?	—	—	X
4. <u>Plant Life</u> . Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?	—	—	X
b. Reduction of the numbers of any unique, rare or endangered species of plants?	—	—	X
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	—	X
d. Reduction in acreage of any agricultural crop?	—	—	X
5. <u>Animal Life</u> . Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	—	—	X
b. Reduction of the numbers of any unique, rare or endangered species of animals?	—	—	X
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	—	—	X
d. Deterioration to existing fish or wildlife habitat?	—	—	X
6. <u>Noise</u> . Will the proposal result in:			
a. Increase in existing noise levels?	—	X	—
b. Exposure of people to severe noise levels?	—	—	X
7. <u>Light and Glare</u> . Will the proposal produce new light or glare?	—	X	—
8. <u>Land Use</u> . Will the proposal result in a substantial alteration of the present or planned use of an area?	—	—	X
9. <u>Natural Resources</u> . Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	—	—	X
b. Substantial depletion of any nonrenewable natural resource?	—	—	X
10. <u>Risk of Upset</u> . Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	—	X	—
11. <u>Population</u> . Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	—	—	X
12. <u>Housing</u> . Will the proposal affect existing housing, or create a demand for additional housing?	—	—	X
13. <u>Transportation/Circulation</u> . Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	—	—	X
b. Effects on existing parking facilities, or demand for new parking?	—	—	X
c. Substantial impact upon existing transportation systems?	—	—	X
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	X
e. Alterations to waterborne, rail or air traffic?	—	—	X
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	—	X
14. <u>Public Services</u> . Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	X	—	—
b. Police protection?	—	—	X
c. Schools?	—	—	X

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
d. Parks or other recreational facilities?	—	—	X
e. Maintenance of public facilities, including roads?	—	—	X
f. Other governmental services?	—	—	X
15. <u>Energy</u> . Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	—	—	X
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	—	—	X
16. <u>Utilities</u> . Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Power or natural gas?	—	—	X
b. Communications systems?	—	—	X
c. Water?	—	—	X
d. Sewer or septic tanks?	—	—	X
e. Storm water drainage?	—	—	X
f. Solid waste and disposal?	—	—	X
17. <u>Human Health</u> . Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	X	—
b. Exposure of people to potential health hazards?	—	X	—
18. <u>Aesthetics</u> . Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	—	—	X
19. <u>Recreation</u> . Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	—	—	X
20. <u>Archeological/Historical</u> . Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building?	—	—	X
21. <u>Mandatory Findings of Significance</u> .			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	—	—	X
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	—	—	X
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.	—	—	X
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	—	—	X

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (any "yes" or "maybe" answers must be explained - attached additional sheets if necessary)

6.a. THE EXISTING NOISE LEVELS MAY INCREASE DURING THE ACTUAL CLEANUP OPERATIONS AS A RESULT OF THE EQUIPMENT EMPLOYED TO CLEAR AWAY THE HAZARDOUS MATERIAL.

7. NEW LIGHT AND/OR GLARE MAY BE PRODUCED DURING THE ACTUAL CLEANUP OPERATION IF THE ACTION OCCURS DURING NIGHTTIME HOURS.

10. THE RELEASE OF HAZARDOUS MATERIALS DURING CLEANUP MAY OCCUR AS A RESULT OF MISHANDLING.

14.a. THE CLEAN UP OF HAZARDOUS MATERIALS WILL CREATE AN ADDITIONAL WORKLOAD FOR THE FIRE DEPARTMENT.

17.a. & b. ANY MISHANDLING OF HAZARDOUS MATERIAL COULD CREATE AND EXPOSE PEOPLE TO A HAZARDOUS HEALTH PROBLEM.

IV. Mitigation measures proposed to minimize environmental impacts for the project as identified above. (Explain in detail - if none, so state)

6.a. ALL EQUIPMENT UTILIZED DURING CLEANUP WILL HAVE PROPER MUFFLING DEVICES INSTALLED.

7. EACH OCCURRENCE WILL BE ASSESSED TO DETERMINE THE RISKS OF DELAYING THE CLEANUP UNTIL DAYLIGHT HOURS.

10. THE FIRE DEPARTMENT WILL EITHER SUPERVISE OR PERFORM THE CLEAN UP OPERATION.

14.a. THE ADDITIONAL WORKLOAD IS NOT SIGNIFICANT WITH RESPECT TO THE CURRENT LOAD FOR THE DEPARTMENT.

17.a. & b. THE PURPOSE OF THE PROJECT IS TO PROVIDE TRAINED PERSONNEL TO SUPERVISE AND/OR PERFORM THE CLEANUP WORK

- V. Alternatives to the project which would produce less of an adverse impact on the environment (lower density, less intense land use, move building on site, no project, et cetera)

NO PROJECT - FAILURE TO INSTITUTE THE PROJECT WOULD MAINTAIN
THE CURRENT SITUATION WHERE THE RESPONSIBILITY FOR CLEANUP
IS NOT DEFINED. BY CHARGING THE COST OF CLEANUP TO THE
RESPONSIBLE PARTY, THERE WILL BE A DETERMENT TO THE
CARELESS HANDLING OF HAZARDOUS MATERIAL.

VI. DETERMINATION

On the basis of this initial study:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in IV above have been added to the project or the possibility of a significant effect on the environment is so remote as to be insignificant.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT IS REQUIRED.

Date JULY 10, 1986

Janette G. Cuspell
(Signature)
Title ADMINISTRATIVE ASSISTANT

NOTICE OF OPPORTUNITY FOR PUBLIC REVIEW OF
INITIAL STUDY AND NEGATIVE DECLARATION FOR
ORDINANCE RELATING TO CLEANUP OF
HAZARDOUS MATERIAL

Notice is hereby given that the City of Sacramento has conducted an Initial Study and prepared a Negative Declaration for the *ORDINANCE RELATING TO CLEANUP OF HAZARDOUS MATERIAL.*

The proposed project would consist of *DEFINING RESPONSIBLE PARTIES AND ESTABLISHING LIABILITY FOR COST OF CLEANUP OF HAZARDOUS MATERIAL.*

Copies of the Initial Study and the Negative Declaration are available for review at the City Engineer's office, Room 207, City Hall, 9th and I Streets, Sacramento, California.

In order for any public comments concerning the adequacy of said Initial Study and Negative Declaration or other matters relating thereto, to be considered, they must be submitted, in writing, to reach the City Clerk's office, Room 203, City Hall, 9th and I Streets, Sacramento, California 95814 no later than *JULY 28, 1986.*

Lorraine Magana
City Clerk

Publish Once: *JULY 16, 1986*

Cost Center No.:

One Advance Proof Requested