



County of Santa Cruz¹⁵⁷

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June 14, 1999

Agenda: June 22, 1999

Board of Supervisors
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, California 95060

Re: County Policies Regulating the Storage and Frequency of Inspections of Agricultural Hazardous Materials

Dear Members of the Board:

On April 29, 1999, your Board asked this office, in consultation with the Environmental Health Services Department and the Agricultural Commissioner, to respond to concerns expressed in an April 20, 1999, letter to Supervisor Almquist from Michael Theriot of the Santa Cruz County Farm Bureau. The concerns expressed stem from a portion of Santa Cruz County Code Chapter 7.100 regarding the regulation and frequency of inspection of agricultural hazardous materials.

Since 1986, the County has been active in regulating the storage of hazardous materials within Santa Cruz County. The ordinance adopted by your Board in 1986 required annual inspections of all businesses, including agriculture, storing hazardous materials on their premises. For the past four years the Environmental Health Services Department (the "Department") has been working through the Farm Bureau and the Agricultural Commissioner's Office to notify the agricultural industry of the statutory requirement to implement these regulations. Due to resource limitations and unrelated demands on the Department by the California Environmental Protection Agency, the Department implemented its enforcement activities on a staged basis. Inspections of those agricultural businesses storing hazardous materials have recently commenced.

Santa Cruz County regulations require that agricultural businesses be treated the same as all other businesses in the County storing hazardous materials.

The greatest concern expressed by Mr. Theriot is the frequency of the Department's inspections. California Health and Safety Code Chapter 6.95, section 25508 provides that the local agency "... shall conduct inspections of every business subject to this article at least once every three years ..." (emphasis added). This section establishes one inspection every three years as the statutory minimum and leaves to the local agency the discretion to inspect more frequently. As you know, the County Code requires annual inspections of regulated businesses.

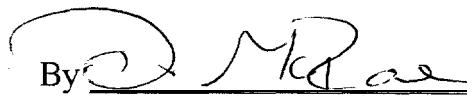
Currently San Mateo County inspects annually and Monterey County is moving to annual inspections this year. There are advantages to conducting these inspections on an annual basis. The overall motivation for regulating hazardous materials is environmental protection and the fact that the cleanup of soil and ground water contaminated with such materials can cost many times more than the original cost of properly containing and handling those same materials. State law already provides that every business storing hazardous materials must submit a completed inventory form annually regarding what materials it uses and stores on site. Annual inspections allow verification and/or updating of State required forms and contribute to their timely submittal.

Inspections are also used in Santa Cruz County as a means of outreach and education. This will be particularly important to agriculture related businesses which are just being brought into the hazardous materials regulation program. The annual inspection allows County staff the opportunity to assist local business in staying abreast of frequent changes in the law regarding the use and storage of regulated materials. The annual inspection also provides the opportunity to discuss alternative methods for accessing materials, some of which may obviate the need for on site storage thereby avoiding inspections altogether.

IT IS THEREFORE RECOMMENDED that your Board: 1) accept and file this report; and 2) give direction to the Department of Environmental Health Services to report back to the Board on or before December 14, 1999 regarding the status of implementation of the program within the agricultural community.

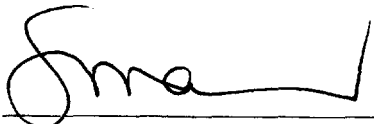
Very truly yours,

DWIGHT L. HERR, COUNTY COUNSEL

By 

DANA McRAE
Assistant County Counsel

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

cc: