

ARTICLE 7.300 REGULATION OF HAZARDOUS MATERIALS

Sec. 7.301 Definitions

Whenever the following terms are used in this ordinance they shall have the meaning respectively ascribed to them in this section. Whenever other terms are used in this ordinance, including those used in parts incorporated herein by reference, they shall have the meaning respectively ascribed to them in Article 9 of the 1991 Uniform Fire Code, which is attached hereto and incorporated herein by reference.

Container. Any vessel of 60 United States gallons or less capacity used for transporting or storing hazardous materials.

Hazardous Materials. Those chemicals or substances which are physical hazards or health hazards as defined below, whether the materials are in usable or waste condition.

(A) **Physical Hazards.** A classification of a chemical for which there is scientifically valid evidence that it is a combustible liquid, compressed gas, cryogenic, explosive, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, pyrophoric, unstable (reactive), or water-reactive material; explosives and blasting agents; petroleum waste products.

(B) **Health Hazards.** A classification of chemicals for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed persons. Health hazards include chemicals which are carcinogens, toxic or highly toxic materials (including highly toxic or toxic compressed gases), reproductive toxins, irritants, corrosives, radioactive materials, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin and eyes or mucous membranes.

(C) **Descriptions and Examples.** Descriptions and examples of materials included in the above-referenced hazard categories are contained in the 1991 Uniform Fire Code, Appendix VI-A, part of which is attached hereto and incorporated herein by reference.

Unauthorized Discharge. A release or emission of materials in a manner which does not conform to the provisions of this ordinance or applicable public health and safety regulations.

(Ordinance 356, adopted 2/8/93, Section 1)

Sec. 7.302 Release of Hazardous Materials

Hazardous materials shall not be released into a sewer, storm drain, ditch, drainage canal, lake, flood control channel, or upon the ground, sidewalk, street, highway or in the atmosphere except for pesticide products and materials intended for use in weed abatement, erosion control, soil amendment, or similar applications, when applied in accordance with the manufacturer's instructions, label directions, and in accordance with nationally recognized standards, and except for materials released in accordance with federal, state or local governing regulations or permits of the jurisdictional Air Quality Management Board with a National Pollutant Discharge Elimination System Permit, with waste discharge requirements established by the jurisdictional Water Quality Control Board or with local sewer pretreatment requirements for publicly owned treatment works. (Ordinance 356, adopted 2/8/93, Section 2)

Sec. 7.303 Unauthorized Discharges of Hazardous Materials

(a) **Records.** Accurate records of the unauthorized discharge of hazardous materials shall be kept by any and all persons, firms or corporations storing, dispensing, using or handling hazardous material in any quantity.

- (b) Notification. The Abernathy fire chief shall be notified immediately when an unauthorized discharge becomes reportable under state, federal or local regulations.
- (c) Preparation. Advance planning provisions shall be made by any and all persons, firms or corporations storing, dispensing, using or handling hazardous material for controlling and mitigating unauthorized discharges of such hazardous material.
- (d) Control. When an unauthorized discharge due to primary container failure is discovered, the involved primary container shall be repaired or removed from service.
- (e) Responsibility for Cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the City of Abernathy. When deemed necessary by the Abernathy fire chief, cleanup may be initiated by the Abernathy fire department or by an individual or firm authorized by the City of Abernathy. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge.

(Ordinance 356, adopted 2/8/93, Section 3)