

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 8 (HEALTH AND SAFETY), CHAPTER 8.80, AND TITLE 14 (BUILDING AND CONSTRUCTION), CHAPTER 14.28, OF THE PASADENA MUNICIPAL CODE REGARDING HAZARDOUS MATERIALS PERMITTING THRESHOLDS.

The People of the City of Pasadena ordain as follows:

SECTION 1. Pasadena Municipal Code, Title 8, Chapter 8.80, Section 8.80.010 is amended as follows:

"8.80.010 – Application of state law.

The provisions of Health and Safety Code Sections 25500 et seq. and the currently adopted California Fire Code Chapter 1 regarding required operational permit thresholds are hereby made applicable to all businesses which handle hazardous materials within the city, ~~regardless of the quantity of hazardous materials handled by the subject business.~~ For purposes of this chapter, the term "hazardous materials" shall be defined as set forth in Health and Safety Code Section 25501(j)."

SECTION 2. Pasadena Municipal Code, Title 8, Chapter 8.80, Section 8.8.020 is deleted.

~~**8.80.020 – Business plan exemption.**~~

~~Notwithstanding Section 8.80.010, and unless otherwise governed by Health and Safety Code Sections 25500 et seq., those businesses which handle a hazardous material or a mixture containing a hazardous material which has a quantity at any one time during the reporting year of less than a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for compressed gas, are exempt from establishing and implementing a business plan for emergency response.~~

SECTION 3. Pasadena Municipal Code, Title 14, Chapter 14.28, Sections 14.28.040, 14.28.050, 14.28.060, 14.28.070, 14.28.080, 14.28.090, 14.28.100, 14.28.110, 14.28.120, 14.28.130, and 14.28.140 are deleted.

~~14.28.040 – Section 105.6.1 of the 2019 California Fire Code titled "Aerosol products" is amended to read as follows.~~

~~105.6.1 Aerosol products. An operational permit is required to manufacture, store or handle any amount of aerosol products.~~

~~Exception: Pursuant to Health and Safety Code (HSC) Section 25507(b)(5) Hazardous material contained solely in a consumer product, handled at, and found in, a retail establishment and intended for sale to, and for the use by, the public. The exemption provided for in this paragraph shall not apply to a consumer product handled at the facility which manufactures that product, or a separate warehouse or distribution center of that facility, or where a product is dispensed on the retail premises.~~

~~14.28.050 – Section 105.6.8 of the 2019 California Fire Code titled "Compressed gases" is amended to read as follows.~~

~~105.6.8 Compressed gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases at any amount.~~

~~Exceptions:—~~

- ~~1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.~~
- ~~2. Inert and simple asphyxiants less than 200 cubic feet.~~
- ~~3. Oxidizing gases less than 30 cubic feet.~~

14.28.060 – Table 105.6.8 of the 2019 California Fire Code titled "PERMIT AMOUNTS FOR COMPRESSED GASES" is amended to read as follows.

Table 105.6.8 – PERMIT AMOUNTS FOR COMPRESSED GASES	
TYPE OF GAS	AMOUNT (cubic feet at NTP)
Carbon dioxide used in carbon dioxide enrichment systems	200
Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications	200
Corrosive	Any Amount
Flammable (except cryogenic fluids and liquefied petroleum gases)	Any Amount
Highly toxic	Any Amount
Inert and simple asphyxiant	200
Oxidizing (including oxygen)	30
Pyrophoric	Any Amount
Toxic	Any Amount

14.28.070 – Section 105.6.10 of the 2019 California Fire Code titled "Cryogenic fluids" is amended to read as follows.

105.6.10 Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids at any amount.

Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

14.28.080 – Table 105.6.10 of the 2019 California Fire Code titled "PERMIT AMOUNTS FOR CRYOGENIC FLUIDS" is amended to read as follows.

Table 105.6.10 – PERMIT AMOUNTS FOR CRYOGENIC FLUIDS		
TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	Any Amount	Any Amount
Inert	Any Amount	Any Amount
Oxidizing (includes oxygen)	Any Amount	Any Amount
Physical or health hazard not indicated above	Any Amount	Any Amount

14.28.090 – Section 105.6.16 of the 2019 California Fire Code titled "Flammable and combustible liquids" is amended to read as follows.

~~105.6.16 Flammable and combustible liquids. An operational permit is required:~~

- ~~1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.~~
- ~~2. To store, handle or use Class I liquids at any amount, except that a permit is not required for the following:~~
 - ~~2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.~~
 - ~~2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.~~

- ~~3. To store, handle or use Class II or Class IIIA liquids at any amount.
Exception: R-2 & R-3 occupancies where the maximum allowable limits shall be 10-gallons stored inside of a building and 25-gallons outside of a building.~~
- ~~4. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel dispensing facilities or where connected to fuel-burning equipment.
Exception: Fuel oil and used motor oil used for space heating or water heating.~~
- ~~5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.~~
- ~~6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.~~
- ~~7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.~~
- ~~8. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.~~
- ~~9. To manufacture, process, blend or refine flammable or combustible liquids.~~
- ~~10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.~~
- ~~11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.~~

14.28.100 – Section 105.6.20 of the 2019 California Fire Code titled "Hazardous materials" is amended to read as follows.

~~105.6.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials regardless of quantity unless the material meets the following exceptions:~~

- ~~1. Inert compressed gases less than 200 cubic feet.~~
- ~~2. Oxidizing gases less than 30 cubic feet.~~
- ~~3. Corrosive liquids in S-2 occupancies under 15 gallons.~~

14.28.110 – Table 105.6.20 of the 2019 California Fire Code titled "PERMIT AMOUNTS FOR HAZARDOUS MATERIALS" is amended to read as follows.

Table 105.6.20 PERMIT AMOUNT FOR HAZARDOUS MATERIALS	
TYPE OF MATERIAL	AMOUNT
Combustible liquids	Any amount
Corrosive materials	
Gases	Any amount
Liquids	Any amount
Solids	Any amount
Explosive materials	Any amount
Flammable materials	
Gases	Any amount
Liquids	Any amount
Solids	Any amount
Highly toxic materials	
Gases	Any amount

Table 105.6.20 PERMIT AMOUNT FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Liquids	Any Amount
Solids	Any Amount
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	Any amount
Class IV	Any amount
Class V	Any amount
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	Any amount
Class IV	Any amount
Class V	Any amount
Oxidizing materials	
Gases	See Section 105.6.8
Liquids	
Class 4	Any Amount

Table 105.6.20 PERMIT AMOUNT FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Class 3	Any amount
Class 2	Any amount
Class 1	Any amount
Solids	
Class 4	Any Amount
Class 3	Any amount
Class 2	Any amount
Class 1	Any amount
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	Any amount
Liquids	Any amount
Solids	Any amount
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount

Table 105.6.20 PERMIT AMOUNT FOR HAZARDOUS MATERIALS	
TYPE OF MATERIAL	AMOUNT
Class 3	Any Amount
Class 2	Any amount
Class 1	Any amount
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	Any amount
Class 1	Any amount
Water reactive materials	
Liquids	
Class 3	Any Amount
Class 2	Any amount
Class 1	Any amount
Solids	
Class 3	Any Amount
Class 2	Any amount
Class 1	Any amount

14.28.120 – Exception 1 in Section 105.6.27 of the 2019 California Fire Code titled "LP gas" is amended to read as follows.

~~105.6.27 LP gas. An operational permit is required for:~~

- ~~1. Storage and use of LP gas.~~

~~A permit is not required for individual containers with a 5-gallon water capacity or multiple containers having an aggregate amount of 10 gallons in Group R-2 and R-3.~~

- ~~2. Operation of cargo tankers that transport LP gas.~~

~~14.28.130 – Section 105.6.28 of the 2019 California Fire Code titled "Magnesium" is amended to read as follows.~~

~~105.6.28 Magnesium. An operational permit is required to melt, cast, heat treat or grind any amount of magnesium.~~

~~14.28.140 – Section 105.7.5 of the 2019 California Fire Code titled "Cryogenic fluids" is amended to read as follows.~~

~~105.7.5 Cryogenic fluids. A construction permit is required for installation, alteration, or closure to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.~~

SECTION 4. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 5. This ordinance shall take effect immediately upon publication.

Signed and approved this _____ day of September, 2022.

Victor Gordo
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of September 2022, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:


Lesley Cheung (Sep 8, 2022 10:31 PDT)

Lesley Cheung
Assistant City Attorney