REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS 
OF THE SAN BERNARDINO COUNTY, CALIFORNIA 
AND RECORD OF ACTION

November 15, 2011

FROM: MARK A. HARTWIG, Fire Chief 
San Bernardino County Fire Protection District

SUBJECT: ADOPTION – AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, 
STATE OF CALIFORNIA, AMENDING SUBSECTION 23.0732 (c) TO CHAPTER 
7 OF DIVISION 3 OF TITLE 2 OF THE SAN BERNARDINO COUNTY CODE 
RELATING TO HAZARDOUS MATERIAL RELEASE RESPONSE PLANS

RECOMMENDATION(S)
CONTINUED FROM TUESDAY, NOVEMBER 1, 2011, Item 55 - Adopt Ordinance No. 4154 
relating to hazardous materials release response plans. 
(Affected Districts: All) 
(Presenter: Peter Brierty, Assistant Chief/Fire Marshal, 936-5533)

BACKGROUND INFORMATION
The title of the ordinance relating to a public hearing to accept the Certified Unified Program 
Agency's finding and determination that Carbon Dioxide (CO₂) gas used for carbonation of 
beverages at retail food establishments stored in quantities of not more than 6,000 cubic feet and 
Helium gas for filling balloons stored in quantities of not more than 6,000 cubic feet would not 
pose a present or potential danger to the environment or to human health and safety if released 
into the environment since inert gases do not exhibit either physical or health hazard properties or 
hazardous properties other than those of a compressed gas was read on November 1, 2011. The 
recommendation before the Board of Supervisors today will adopt the ordinance on the consent 
calendar.

cc: w/ ordinance 
SBCFPD-Hartwig 
SBCFPD-Watkins 
SBCFPD-Brierty 
County Counsel-Hardy 
File - SBCFPD w/ attach 

jr 11/17/11

Record of Action of the Board of Supervisors

APPROVED (CONSENT CALENDAR)
COUNTY OF SAN BERNARDINO
Board of Supervisors

MOTION

AYE  MOVE  AYE  SECOND  AYE
1  2  3  4  5

LAURA H. WELCH, CLERK OF THE BOARD

DATED: November 15, 2011

ITEM 79
ORDINANCE NO. 4154

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING SUBSECTION 23.0732(c) TO CHAPTER 7 OF DIVISION 3 OF TITLE 2 OF THE SAN BERNARDINO COUNTY CODE, RELATING TO HAZARDOUS MATERIAL RELEASE RESPONSE PLANS.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors finds that:

(a) The Certified Unified Program Agency (CUPA) has determined that the following inert gases used in the following manner would not pose a present or potential danger to the environment or to human health and safety if released into the environment since they do not exhibit either physical or health hazard properties or hazardous properties other than those of a compressed gas. These gases are capable of reacting with other materials only under abnormal conditions such as high temperatures, pressures and similar extrinsic physical forces:

   (1) Carbon dioxide gas used for carbonation of beverages and stored in quantities of not more than six thousand (6,000) cubic feet at standard temperature and pressure.

   (2) Helium gas used for inflation of balloons and stored in quantities of not more than six thousand (6,000) cubic feet at standard temperature and pressure.

SECTION 2. Subsection 23.0732(c) is added to Chapter 7 of Division 3 of Title 2 of the San Bernardino County Code, to read:

(c) The CUPA, pursuant to subdivision (c)(2) of Section 25503.5 of the Health and Safety Code, has found the following hazardous materials, under stated circumstances, would not pose a present or potential danger to the environment or to human health and safety if released into the environment. Therefore, the following
hazardous materials stored in the following manner are exempt from provisions of Article 3 of Chapter 7 of Division 3 of Title 2 of the San Bernardino County Code:

(1) Carbon dioxide gas used for carbonation of beverages and stored in quantities of not more than six thousand (6,000) cubic feet at standard temperature and pressure.

(2) Helium gas used for inflation of balloons and stored in quantities of not more than six thousand (6,000) cubic feet at standard temperature and pressure.

SECTION 3. This ordinance shall take effect thirty (30) days from the date of adoption.

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIR OF THE BOARD

LAURA H. WELCH, Clerk of the Board of Supervisors
STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO ss.

I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the 15th day of November, 2011, at which meeting were present Supervisors: Mitzelfelt, Rutherford, Derry, Ovitt, Gonzales

and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: SUPERVISORS: Mitzelfelt, Rutherford, Derry, Ovitt, Gonzales

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this 15th day of November, 2011.

LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San Bernardino, State of California

Approved as to Form:

JEAN-RENE BASLE
County Counsel

By: KENNETH C. HARDY
Deputy County Counsel

Date: 8/10/11