

Chapter 5

CURRENT HAZARDOUS WASTE MANAGEMENT PROGRAMS AND COORDINATION ACTIVITIES

This chapter describes the most important agency programs in 1991 which addressed hazardous materials and wastes. Chapter 10 of this Plan describes additional efforts to support Plan goals and implementation strategies.

Three primary relationships exist between the Hazardous Waste Management Plan and these toxics management programs:

- Agency data on hazardous waste generators can help the Waste Management Authority (and others) more accurately assess local hazardous waste streams.
- Information on the Plan's goals, policies, and specific programs (e.g., recycling) can be distributed to hazardous waste generators through existing agency programs.
- Source reduction assistance program can be carried out through some of these ongoing inspection and regulatory efforts.

A. STATE DEPARTMENT OF HEALTH SERVICES (DHS)

DHS is responsible for implementing both the state Hazardous Waste Control Law and (through delegation of a number of related responsibilities) much of the federal hazardous waste laws in the Resource Conservation and Recovery Act (RCRA). DHS is presently attempting to qualify for delegation of additional responsibilities under federal law (especially elements of the Hazardous and Solid Waste Amendments of 1984 [HSWA]). These state and federal laws provide for so-called "cradle-to-grave" regulation of all aspects of hazardous wastes: generation, treatment, storage, transportation, and ultimate disposal. They also provide for extensive technical and financial assistance efforts. In addition, DHS has established an incinerable waste program aimed at achieving a 50 percent reduction in generation of incinerable waste by the end of 1992.

Despite these ambitious legislative goals, resource constraints and competing commitments to date have prevented DHS from implementing its broad mandates fully, in Alameda County or statewide.

DHS actually inspects and permits only the few major federally-defined Treatment, Storage and Disposal (TSD) facilities out of over 700 which used the manifest system in 1986, plus an estimated 7,000 small hazardous waste generators. The state inspects only 13 facilities in Alameda County. DHS is able to inspect even these few facilities only once every 12 to 24 months. DHS also receives the hazardous waste manifests.

As a practical alternative to noncompliance, DHS has executed memoranda of understanding (MOUs) with the health departments of 17 counties, 3 cities, and the Los Angeles Sanitation Districts. These MOUs establish hazardous waste generator inspection and permit programs for all but the few federal TSD facilities. Alameda County has signed such an MOU, which is implemented by the County Department of Environmental Health; this program is described below.

B. COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH (DEH)

Alameda County has assigned most county authority over hazardous materials and hazardous wastes to its DEH, adding new statutory and programmatic goals over time. Most recently, on October 23, 1987, the Board of Supervisors assigned a 10-point multi-year "Hazardous Materials/Waste Management Program," to a separate Hazardous Materials Management Division of DEH. This program includes:

HAZARDOUS WASTE GENERATOR INSPECTIONS (MOU)

This effort will implement the county's MOU with the state Department of Health Services. Local regulation is being phased in, as DEH identifies and develops the resources and expertise to regulate them effectively. Through the end of 1987, roughly 1,500 generators had actually been inspected, out of DEH's estimated total of 3,000.¹ Unlike a number of other DEH programs, the generator inspection program operates countywide, including not only the unincorporated areas but also in all the cities.

HAZARDOUS WASTE HAULER INSPECTIONS

Hazardous waste haulers are regulated primarily by the Federal Department of Transportation, but local agencies retain limited authority over notice, timing, and routing. DEH will implement a program to inspect waste haulers to assure their compliance with permit, manifest, and safety requirements.

UNDERGROUND STORAGE TANK (UST) REGULATION

Two pieces of state legislation passed in 1983 require counties to regulate the underground storage of hazardous materials and wastes--which includes fuel storage at gasoline service stations and fleet yards, some pesticide storage, and other underground storage of such materials. Cities were given the opportunity to assume implementation through adoption of municipal ordinances, and could "grandfather" pre-existing programs with certain conforming amendments. The Cortese Bill (AB 2013) required UST owners to register their tanks by July 1, 1984. The Sher Bill (AB 1362) established technical standards for the construction and installation of UST, including requirements that all UST installed after January 1, 1984 provide double containment (e.g., double-walled tanks)

¹Reasons for the apparent discrepancy between this estimate and the much larger number (7,000) from the No Survey Method (See Chapter 3) are still being explored.

and a method to monitor the UST for leaks. Pre-1984 UST were required to install monitoring systems.

The county's UST program (implemented by DEH) does not operate countywide; instead, seven cities took their opportunity to establish city programs (Berkeley, Fremont, Hayward, Newark, Pleasanton, San Leandro, and Union City). DEH estimates that 3,000 USTs are located in the areas covered by its county program (roughly half of the countywide UST total); 1,001 had been inspected through the end of 1987.

These inspections and monitoring efforts have identified hundreds of contaminated sites within Alameda County. DEH and the fire departments have taken responsibility for removal of gross contamination (floating gasoline, piles of leaky drums, etc.), but have deferred decisions about final cleanup to SWRCB and its RWQCBs, DHS, and the federal EPA.

ABANDONED HAZARDOUS WASTE SITES

Over time, DEH has been directed to participate in the identification, classification, and cleanup of abandoned hazardous waste sites, under state and federal law (e.g., Superfund). A total of 22 remedial action sites, and many smaller leaks, have already been identified in Alameda County.

EMERGENCY RESPONSE

DEH operates a hazardous materials emergency response unit countywide. This unit was acquired with grant support from the state.

DEH is also the county's "Administering Agency" under the Waters Bill (AB 2185/2187). One major responsibility of each Administering Agency is the preparation of an "Area Plan" for cooperative emergency response to hazardous materials/wastes emergencies throughout its geographic area. Area Plans were due at the end of 1987, with triennial updates to follow. The Alameda County plan also coordinates with plans prepared to cover the six cities that chose to "self designate" to administer the Waters Bill within their jurisdictions (the same cities implementing UST laws, less San Leandro).

HAZARDOUS MATERIALS/WASTE DATA

DEH's many hazmat program elements collect and store vast amounts of data. The Division is now designing and implementing a computerized data system intended to store and manage all this information. This process will take several more years.

RECYCLING, WASTE RECOVERY, AND WASTE EXCHANGE

DEH's activities and plans in this area are described in Chapter 4, as regards small quantity generators and household hazardous wastes. In addition, the Division's long term plans call for an Alameda County Waste Exchange Program. This effort is modelled on DHS's California Waste

Exchange, through which waste generators can advertise offering their hazardous and other wastes to others for recycling or reuse.

HAZARDOUS MATERIAL/WASTE DISCLOSURE (WATERS BILL)

This element is based on the "Business Plan" provisions of the statewide Waters Bill, which is administered by DEH (plus the six self-designated cities) as the second major component of that law. Every business facility that "handles" more than threshold quantities of hazardous materials (hazmat) must prepare a Business Plan that contains a detailed hazmat inventory, basic facility ownership and operational information, a detailed site map showing the locations of hazmat storage and emergency response equipment, and an onsite emergency response plan that includes training for employees. The 1986 amendments added an additional requirement that each Business Plan also estimate total annual throughput of each hazardous waste—a very useful data source for Tanner planning. Business Plans were to be submitted to the local Administering Agency no later than January 1, 1988. Each Administering Agency must maintain public access to the Business Plans (right-to-know element), and must operate a permit and inspection program to assure business compliance.

As of the end of 1987, DEH had inspected 130 of the 2,000 hazmat-using businesses it estimates to be located within the areas it serves directly. Many of these facilities are the same ones covered by the UST and MOU programs.

This program element will also be expanded to include the 1986 La Follette Bill (AB 3777/1059), which requires Waters Bill Administering Agencies to enforce greatly expanded reporting and planning requirements for a narrower set of 406 "acutely hazardous materials." Businesses that handle above threshold quantities of "AHMs" must prepare detailed Risk Management and Prevention Programs for their facilities, designed to identify and prevent potential AHM releases that would endanger the community. While Administering Agencies have the option of requiring RMPPs at existing facilities, they must require an RMPP at any new or modified facility before that facility begins operations, or must issue a written finding that no RMPP is necessary. While the La Follette Bill is not focused directly on hazardous wastes, those wastes that contain more than one percent (1%) AHMs will still be considered under this new program. No reliable estimate of AHM-handling facilities in Alameda County yet exists.

SUPPORT SERVICES FOR LAND USE PLANNING AND DEVELOPMENT ACTIVITIES

DEH receives frequent inquiries from development interests relating to contaminated sites. DEH provides technical assistance to development interests and local land use planning agencies upon request.

OCCUPATIONAL SAFETY AND HEALTH INFORMATION REGARDING HAZARDOUS WASTE MATERIALS/WASTE

DHS will continue as an information source.

C. SANITARY DISTRICTS AND PUBLICLY-OWNED TREATMENT WORKS

The federal Clean Water Act and the state Porter-Cologne Water Quality Control Act regulate all discharges to the state's waters. Sewage and wastewater treatment plants operated by cities and special districts must comply with these statutes and associated regulations. These same federal and state laws provide authority (some mandatory, some optional) for these agencies to regulate discharges into their sewers. Each of the seven municipal or district plants in Alameda County implements an Industrial Pretreatment Program that requires certain industrial, commercial, and government facilities to pretreat sewerable wastes to neutralize acids and bases, and remove heavy metals or toxics. All include frequent onsite inspections of these firms. The seven districts are:

- Dublin-San Ramon Sanitary District
- East Bay Municipal Utility District (East Bay MUD)
- Hayward
- Livermore
- Oro Loma Sanitary District [which also handles waste from the Castro Valley Sanitary District]
- San Leandro
- Union Sanitary District

These programs can be important sources of information for the hazardous waste planning process. In addition, the POTWs are important sources of expertise in dealing with a range of hazardous waste issues. Finally, the relative intensity of these programs indicates that efforts to assure effective coordination or integration with other hazardous waste programs could be important to minimizing unnecessary overlaps or gaps in coverage.

D. CITIES

Each of the 14 incorporated cities in Alameda County has accepted for its own implementation a unique subset of the legal authority over hazardous materials and wastes available to them. Rather than 14 repetitive listings, this subsection describes briefly the general authority available.

FIRE CODE

Each city adopts a municipal fire code. Generally, this code incorporates most or all of the Uniform Fire Code (UFC), often with amendments to particular articles or sections. The UFC contains a variety of provisions dealing with the storage and handling of classes of potentially dangerous materials. The impending 1988 Edition of the UFC will present extensive amendments to Article 80, which addresses hazardous materials, including hazardous wastes. Cities will have the option of amending their municipal fire codes to adopt the newly-revised Article 80--many of these new provisions parallel requirements in the Waters and La Follette Bills (the UFC covers other states in addition to California).

HAZARDOUS MATERIALS STORAGE ORDINANCES (HMSOs)

In 1983, seven cities in Alameda County (Berkeley, Fremont, Hayward, Newark, Pleasanton, San Leandro, and Union City) adopted HMSOs, based on a model developed in neighboring Santa Clara County. These ordinances address above ground and underground storage of hazardous materials and hazardous wastes. All the HMSOs are being implemented by fire departments, except that Berkeley assigns this role to the Division of Environmental Health of the city Department of Health and Human Services.

UNDERGROUND STORAGE TANK REGULATION

As mentioned above, the seven cities with HMSOs also implement the state UST laws, as extensions of their HMSO programs.

WATERS AND LA FOLLETTE BILLS

All the cities with HMSOs except San Leandro also self-designated to implement the Waters Bill; San Leandro left this new program to the county. These six cities therefore have inherited full La Follette Bill responsibilities as well.

HOUSEHOLD HAZARDOUS WASTES

Chapter 4 describes efforts by cities and special districts to address household hazardous wastes. This authority follows clearly from local control over solid waste. Cities also receive additional authority from recent state legislation: AB 1809 (Tanner, 1986) and AB 2448 (Eastin, 1987).

E. OTHER HAZARDOUS MATERIALS AND WASTES PROGRAMS

In addition to the programs just described, a wide variety of other local, regional, state and federal programs regulate other aspects of hazardous materials and wastes within the geographic confines of Alameda County. Many include reporting, inspection and/or permit requirements that could be coordinated or integrated with the hazardous waste programs just described, including:

- Protection of drinking water, and water generally. The state Porter-Cologne Water Quality Act assigns a broad range of water protection responsibilities to the State Water Resources Control Board, and to the Regional Water Quality Control Boards (RWQCB--in Alameda County the Bay Area RWQCB). These include oversight of cleanup of leaks and spills of hazardous materials and hazardous wastes; however, resource constraints have severely restricted RWQCB's accomplishments in this area.
- Prevention of leaks from toxic pits, and from disposal sites for solid and hazardous wastes. The Bay Area RWQCB is primarily responsible for this program in Alameda County under AB 3566 (Katz). As surface impoundments are closed, this may increase the need for new hazardous waste management facilities.
- Protection of air quality, including regulation of toxic air emissions. The Bay Area Air Quality Management District implements a variety of federal and state laws within Alameda County. Any new hazardous waste management facilities would be subject to BAAQMD regulation of air emissions. BAAQMD's air toxics program includes a health risk assessment for new and modified sources, an inventory of emissions in the Bay Area, an ambient monitoring network, and development of toxic air contaminant regulations (in conjunction with Air Resources Board).
- Regulation of infectious wastes. County Health is responsible for this program.
- Regulation of pesticides and "restricted materials." The County Agriculture Commissioner is responsible.
- Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 creates the "Emergency Planning and Community Right-to-Know Act," which creates a variety of toxics reporting requirements similar to state laws. Title III has required the creation of a statewide commission, and local planning districts. The planning district which includes Alameda County is from Santa Cruz to the Oregon border.
- Other federal toxics and hazardous materials programs. Implemented by the U.S. Environmental Protection Agency or delegated to state agencies, these laws are expanding steadily.
- Regulation of Waste Haulers. This is primarily a federal function, but state DHS establishes certification requirements. Transportation enforcement agencies can enforce: California Highway Patrol on federal and state highways and county roads, county sheriff on roads in unincorporated areas, city police departments in incorporated areas.

