

Chapter 9

MEETING CAPACITY NEEDS

A. INTRODUCTION

Health and Safety Code Section 25135.1 (d)(6) states that instead of identifying specific facilities and sites, the County Hazardous Waste Management Plan (Plan) may include siting criteria to be used in selecting sites for new hazardous waste management facilities. In that case the Plan must also "designate general areas where the criteria might be applicable." These general areas are to be shown on maps in the Plan.

The purpose of this Chapter is to describe the siting criteria and designate general areas where the criteria might be applicable, to the extent possible. However, because of the small scale of the maps (1" = 3 miles) and the fact that some of the criteria are not mappable, the maps cannot be used to select a specific site for a facility. Before considering any specific site for a facility, whether in a designated area or not, each developer should consult the local jurisdiction for site specific data.

It is important to note that any proposed facility will be subject not only to the criteria included in this plan, but also to the permitting process of the local jurisdiction in which the facility is proposed. Local permitting processes may be more stringent than the County criteria and are likely to require compliance with the California Environmental Quality Act and preparation of a risk assessment.

B. SITING CRITERIA

The siting criteria are intended to apply to siting decisions in unincorporated areas of the county as well as in incorporated cities. They are to be used whenever a land use decision is required to site and construct a new offsite multi-user hazardous waste management facility, significantly expand or modify an existing hazardous waste management facility, or expand or modify an existing onsite hazardous waste management facility to become an offsite facility for other generators.

Siting criteria have been developed to identify potentially environmentally appropriate locations for hazardous waste management facilities. These criteria will help facility developers conduct a preliminary screening of sites and understand the major issues of concern to the community. The criteria developed for Alameda County include major requirements of federal and state laws and regulations and of local planning documents. This should assist developers in finding locations that are consistent with current legal and policy requirements.

Two categories of siting criteria have been developed for use in this Plan. They are as follows:

1. **Conditional:** Designated facilities may be located in areas that meet these criteria, if an engineered solution can be found to mitigate potential incompatibilities between the facility and surrounding land uses and/or potential impacts of the facility on its environment. Other conditions could include funding an investigation, designing special mitigation features, conducting a risk assessment to identify appropriate buffer zones, etc.
2. **Exclusionary:** Designated facilities cannot be located in areas described in these criteria due to incompatibility between the facility and the surrounding land area, based on environmental, public service/health, or land use constraints.

The criteria have been defined for three categories of facilities which have a potential to be sited in Alameda County. The three types of facilities are as follows:

1. **Small-scale transfer and storage facilities:** Facilities with wastestreams small enough to be exempt from manifest requirements as described in California Health and Safety Code, Division 20, Chapter 6.5, Article 6. Wastes from any given generator must not exceed a total volume of five gallons or a total weight of 50 pounds. Household hazardous waste collection facilities may be considered small scale at the option of each individual jurisdiction.
2. **Industrial transfer/storage/treatment facilities:** Any hazardous waste management facility which is not a small-scale transfer and storage facility or a residuals repository. This facility category includes but is not limited to:
 - a. Manifested waste transfer station
 - b. Recycling facility
 - c. Aqueous treatment facility
 - d. Stabilization and solidification facility
 - e. Bioremediation
3. **Residuals Repositories:** A hazardous waste disposal facility for collection of residual wastes, defined as the residues from hazardous waste treatment facilities after treatment, and other irreducible stabilized or detoxified hazardous wastes.

Table 9-1 presents the criteria for each of the three categories of facilities described above.

Table 9-1

Alameda County General Siting Criteria

DHS Definition	Small-Scale Transfer and Storage Facility	Industrial Transfer/Storage/Treatment Facility	Residuals Repositories
A. Seismic	Exclusionary	Exclusionary	Exclusionary
	No facilities shall be placed within 200 feet of an active or recently active fault. CCR Title 22, Section 66391(a) (f11) A(1) and (2).		
B. Floodplains	Conditional	Conditional	Exclusionary
100-yr. floodplains and areas subject to flooding by dam or levee failure and tsunamis, seiches, and coastal flooding	May be built in areas subject to 100-year flooding if protected by engineered solutions designed to preclude failure, such as berms, raising above flood levels, etc.		May not be located in areas subject to 100-year flooding even with protection CFR Title 40, Section 264.18(b); and CCR 22, Section 66391(a)(11)(b)).
C. Wetlands	Exclusionary	Exclusionary	Exclusionary
Saltwater, freshwater, and brackish marshes, swamps and bogs inundated by surface or groundwater with a frequency to support a prevalence of vegetative or aquatic life which requires saturated soil conditions for growth and reproduction, as defined in adopted regional or state policies.		No facilities shall be located in wetlands.	
D. Habitat of Endangered Species	Exclusionary	Exclusionary	Exclusionary
Plant and animal rare, endangered, and critical habitat areas.		No facilities shall be located within critical habitats of endangered species, defined as areas known to be inhabited permanently or seasonally or known to be critical at any stage in the life cycle of any species of wildlife or vegetation identified or being considered for identification as "endangered" or "threatened" by the U.S. Department of the Interior or the State of California.	
E. Unstable Soils	Conditional	Conditional	Exclusionary
Steep slopes and areas subject to liquefaction and subsidence due to natural causes.		Facilities located in these areas should have engineered design features (i.e., containment structures) to assure structural stability.	May not be located in areas with 25 percent slope or greater or in areas subject to liquefaction or subsidence.
F. Major Aquifer Recharge Areas	Conditional	Conditional	Exclusionary
Areas known or suspected to be supplying principal recharge to a regional aquifer, as defined in adopted general, regional, or state plans.		If located in these areas, facilities should provide properly designed, constructed, and maintained engineering spill containment features, inspection, and monitoring measures and other environmental protection controls to prevent runoff from the facility.	Should be prohibited in major aquifer recharge areas.
<p>Note: The purpose of these criteria is to designate general areas only. Any proposed facility meeting these general criteria will be required to comply with the California Environmental Quality Act; any applicable requirements of federal, state, regional and local agencies; and the permitting processes and policies of the local jurisdiction.</p>			

Table 9-1

Alameda County General Siting Criteria

DHS Definition	Small-Scale Transfer and Storage Facility	Industrial Transfer/Storage/Treatment Facility	Residuals Repositories
<p>G. Distances From Residences*</p> <p>Residences</p>	<p>Conditional</p> <p>Proximity to residential areas is desirable to encourage facility use.</p>	<p>Conditional</p> <p>Treatment, storage, or transfer facilities handling ignitable, explosive, reactive, or acutely hazardous wastes must provide a minimum buffer zone of at least 2,000 feet between the nearest residence and the facility, unless the developer can demonstrate by risk assessment and as part of the local permitting process that a smaller buffer zone provides adequate protection for the public in the event of an accident. For other facilities, including recycling, transfer, or storage of other types of hazardous wastes, a buffer zone of at least 500 feet is required between the operational area within the facility and the nearest residence (again, unless the developer can demonstrate by risk assessment and as part of the local permitting process that a smaller buffer zone provides adequate protection for the public in the event of an accident).</p>	<p>Exclusionary</p> <p>No residuals repository shall be located such that the active portion of the facility is within 2,000 feet of a permanent residence (including residences located in industrial zones or areas designated industrial in the applicable general plan and legal live/work uses) or any area designated for use in the applicable general plan, (unless developer can demonstrate by risk assessment and as part of the local permitting process that a smaller buffer zone provides adequate protection for the public in the event of an accident).</p>
<p>H. Distance From Immobile Populations*</p> <p>Schools, hospitals, convalescent homes, prisons, facilities for the mentally ill, day care centers, homeless shelters, etc.</p>	<p>Conditional</p> <p>Proximity to residential areas is desirable to encourage facility use.</p>	<p>Conditional</p> <p>Larger buffer zones are required between a transfer station, storage, or treatment facility, and any immobile populations where evacuation in the event of an accident at the facility is likely to be difficult or inadvisable. This is especially true for facilities handling ignitable, explosive, or reactive wastes. A minimum buffer zone of 5,000 feet between a facility and any immobile population is therefore required, unless the developer can demonstrate by risk assessment and as part of the local permitting process that a smaller buffer zone provides adequate protection for the immobile population.</p>	<p>Conditional</p> <p>Larger buffer zones are required between a residuals repository and any immobile populations because evacuation in the event of an accident at the facility is likely to be difficult or inadvisable. This is especially true for repository facilities handling ignitable, explosive, reactive, or acutely toxic wastes. A minimum buffer zone of 5,000 feet between a facility and any immobile population is therefore required unless the developer can demonstrate by risk assessment and as part of the local permitting process that a smaller buffer zone provides adequate protection to the immobile population.</p>

Note: The purpose of these criteria is to designate general areas only. Any proposed facility meeting these general criteria will be required to comply with the California Environmental Quality Act; any applicable requirements of federal, state, regional and local agencies; and the permitting processes and policies of the local jurisdiction.

*These criteria are not mappable due to lack of information and the scale of maps to be appropriate produced for the Plan.

Table 9-1

Alameda County General Siting Criteria

DHS Definition	Small-Scale Transfer and Storage Facility	Industrial Transfer/Storage/Treatment Facility	Residuals Repositories
I. Proximity to Major Transportation Routes	Conditional Should be located so as to minimize distances to major transportation routes which are designed to accommodate heavy vehicles.	Conditional	Conditional Should have good access to major transportation routes, but may have to be more distant from waste generation sites than other types because of their need for larger land areas.
J. Permeable Strata and Soils	Conditional All Facilities: Road networks leading to major transportation routes should not pass through residential neighborhoods, should minimize residential frontages in other areas, and should be demonstrated to be safe with regard to road design and construction, accident rates, excessive traffic etc.	Conditional	Conditional Facilities must conform to requirements of SWRCB.
K. Nonattainment Air Areas	Conditional Areas not in compliance with national air quality standards for one or more measured air pollutants.	Conditional Facilities should avoid locating on highly permeable soils or sediment. Facilities located in areas where surficial soils are principally permeable materials such as sand and gravel should provide for spill containment and monitoring measures.	Conditional
L. PSD Air Areas	Conditional Prevention of significant deterioration areas are those in compliance with national air quality standards.	Conditional	Conditional
M. Prime Agricultural Lands	Conditional Areas designated as prime agricultural lands in the applicable general, regional, or state plan.	Conditional All facilities must comply with requirements of the Bay Area Air Quality Management District.	Conditional
N. Depth to Groundwater	Conditional When siting hazardous waste management facilities in these areas, overriding public service needs must be demonstrated by the applicant.	Conditional Prime agricultural lands under California law may not be used for urban purposes unless an overriding public need is demonstrated by the applicant.	Conditional Facilities must conform to requirements of SWRCB.
Note:	The purpose of these criteria is to designate general areas only. Any proposed facility meeting these general criteria will be required to comply with the California Environmental Quality Act; any applicable requirements of federal, state, regional and local agencies; and the permitting processes and policies of the local jurisdiction.		

Table 9-1 Alameda County General Siting Criteria

DHS Definition	Small-Scale Transfer and Storage Facility	Industrial Transfer/Storage/Treatment Facility	Residuals Repositories
<p>O. Proximity to Public Services Public utilities (sewer, water etc.), and emergency services, including fire, police, medical, and hazardous materials response personnel/facilities/equipment. Other public facilities such as corporation yards, roads, large open spaces on military reservations, and state school lands in remote areas.</p>	<p>Conditional For transfer or storage facilities, self-sufficient services may be necessary to serve remote rural areas. In urban areas, public services should be available. For other facilities, public water and sewer services and emergency services should be readily available.</p>	<p>Conditional For residuals repositories, self-sufficient services may be necessary (i.e., emergency fire, wastewater facilities, etc.).</p>	<p>Conditional For residuals repositories, self-sufficient services may be necessary (i.e., emergency fire, wastewater facilities, etc.).</p>
<p>P. Proximity to Waste Generation Stream Transportation of hazardous waste should be minimized to decrease risk of accidental spills.</p>	<p>Conditional Collection centers should be close to residential zoned and small quantity generator areas to encourage their use.</p>	<p>Conditional TSDFs should be located close to waste generation sources to minimize the risks of transportation.</p>	<p>Conditional Repositories may be located more distant from waste generation sources than other facilities because of the need for large land areas.</p>
<p>Q. Appropriate Zoning Specified by the appropriate jurisdiction. All jurisdictions should have some type of zoning which will allow siting of different types of hazardous waste management facilities.</p>	<p>Conditional Commercial and industrial zones near residential areas are appropriate.</p>	<p>Conditional TSDFs are basically industrial facilities. However, the siting of hazardous waste management facilities is not required to be limited to these zones if special zones are created.</p>	<p>Conditional Because repositories usually require large land areas, it may not be practical or economical to site them in developed commercial or industrial areas. Specially zoned areas or rezoning of other areas may be appropriate. The intent is to locate Residuals Repositories in more remote open areas.</p>
<p>R. Recreational, Cultural or Aesthetic Areas Historic preservation, Indian reservations, and other cultural and scenic areas, as defined in locally adopted general plans.</p>	<p>Conditional Low-volume transfer and storage facilities may be allowed in these areas if necessary to handle hazardous wastes generated by visitors, workers, or residents in these areas. Other recreational, cultural, aesthetic areas, including all local City parks and recreation areas, are located throughout the County at specific sites too small to map.</p>	<p>Exclusionary Other facilities should not be allowed in these areas.</p>	<p>Exclusionary</p>
<p>Note: The purpose of these criteria is to designate general areas only. Any proposed facility meeting these general criteria will be required to comply with the California Environmental Quality Act; any applicable requirements of federal, state, regional and local agencies; and the permitting processes and policies of the local jurisdiction.</p>			

Table 9-1 Alameda County General Siting Criteria

DHS Definition	Small-Scale Transfer and Storage Facility	Industrial Transfer/Storage/Treatment Facility	Residuals Repositories
S. Mineral Resources Areas	Conditional	Conditional	Conditional
Defined as Sand and Gravel in Alameda County General Plan.	No facilities should be sited so as to preclude extraction of minerals necessary to sustain the economy of the State.		
T. Military Lands	Exclusionary	Exclusionary	Exclusionary
	It is the policy of the Department of Defense (DOD) that military land shall not be considered for siting of public hazardous waste management facilities. This policy is considered nonnegotiable by DOD.		
U. Other State, Federal and Indian Lands	Conditional	Conditional	Conditional
	The criteria listed above are suitable for use in determining the suitability of lands within these areas for siting of hazardous waste management facilities.		

ADDITIONAL ALAMEDA COUNTY CRITERIA

Small-Scale Transfer and Storage Facility	Industrial Transfer/Storage/Treatment Facility	Residuals Repositories
Exclusionary	Exclusionary	Exclusionary
No facility may be located within an FAA approach zone, air installation compatible use zone, or safety zone as described in the Alameda County Airport Land Use Policy Plan, generally defined as the area immediately surrounding a public or military airport, including the immediate approach and take-off paths.		

Note: The purpose of these criteria is to designate general areas only. Any proposed facility meeting these general criteria will be required to comply with the California Environmental Quality Act; any applicable requirements of federal, state, regional and local agencies; and the permitting processes and policies of the local jurisdiction.

C. CRITERIA MAPPING AND DESIGNATION OF GENERAL AREAS

AB-2948 and the DHS Guidelines require that counties which include siting criteria in their plans must also identify "general areas where the criteria might be applicable" (DHS Guidelines, p. 3-11; Sec. 25135.7 (a)(3), California Health and Safety Code).

Several of the criteria shown in Table 9-1 are not mappable due to lack of information, the scale of the maps and/or the site specific nature of the criteria.

The mappable siting criteria are illustrated on Figures 9-1 through 9-8. Figures 9-1, 9-3, and 9-5 show land use, environmental, and high hazard/physical criteria, respectively, for small-scale transfer and storage facilities and industrial transfer/storage/treatment facilities. Figures 9-2, 9-4 and 9-6 show the same criteria for residuals repositories. Figures 9-7 and 9-8 are composite maps showing all areas meeting the mappable criteria for small-scale and industrial transfer/storage and treatment facilities and residuals repositories, respectively. These are the designated general areas where the criteria might be applicable.

The purpose of the siting criteria is to designate general areas only. Larger scale maps and/or field investigations should be used by the developer to evaluate specific sites before permitting. Any proposed facility meeting the general criteria will be required to comply with the California Environmental Act and any applicable requirements of federal, regional, and local agencies and jurisdictions, any of which may be more stringent than the general criteria included in this Plan.

The developer of a proposed facility will have to perform extensive evaluations to determine whether a site satisfies all of the siting criteria.

D. THE APPEALS PROCESS

AB 2948 created a new process to appeal local land-use decisions concerning hazardous waste management facilities (Title 22, Sec. 25199.10, California Health and Safety Code). It is intended to provide a regional or statewide perspective to assure that the public health, safety and welfare are adequately protected by new facilities, on the one hand, and on the other, to assure that an environmentally sound facility needed to serve the local area is not inappropriately denied by a local land-use authority. That is, the local area--Alameda County, its 14 cities and the JPA--is expected to fulfill its commitment to approve facilities proposed which comply with these siting criteria (including their conformance with local needs or inter-jurisdictional agreements). The state appeal board has the Authority to overturn a local land-use decision concerning a multi-user hazardous waste management facility which is found to be consistent with this Plan.

NOTE TO READERS

ANY PROPOSED FACILITY MEETING THE GENERAL CRITERIA WILL BE REQUIRED TO COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ANY APPLICABLE REQUIREMENTS OF FEDERAL, REGIONAL, AND LOCAL AGENCIES; AND THE PERMITTING PROCESSES AND POLICIES OF THE LOCAL JURISDICTION. LARGER SCALE MAPS AND FIELD INVESTIGATIONS SHOULD BE USED TO EVALUATE SPECIFIC SITES PRIOR TO PERMITTING. IN ADDITION, LOCAL JURISDICTIONS SHOULD BE CONTACTED TO OBTAIN INFORMATION ON LOCAL SITING CRITERIA AND PERMITTING PROCESSES. LOCAL CRITERIA MAY BE MORE STRINGENT THAN THOSE INCLUDED IN THIS PLAN. THE NOTES THAT ARE INCLUDED AT THE TOP OF FIGURES 9-1 THROUGH 9-8 LIST THE CONDITIONAL CRITERIA THAT EACH DESIGNATED AREA MUST COMPLY WITH AND ARE AN ESSENTIAL PART OF THE THESE MAPS.

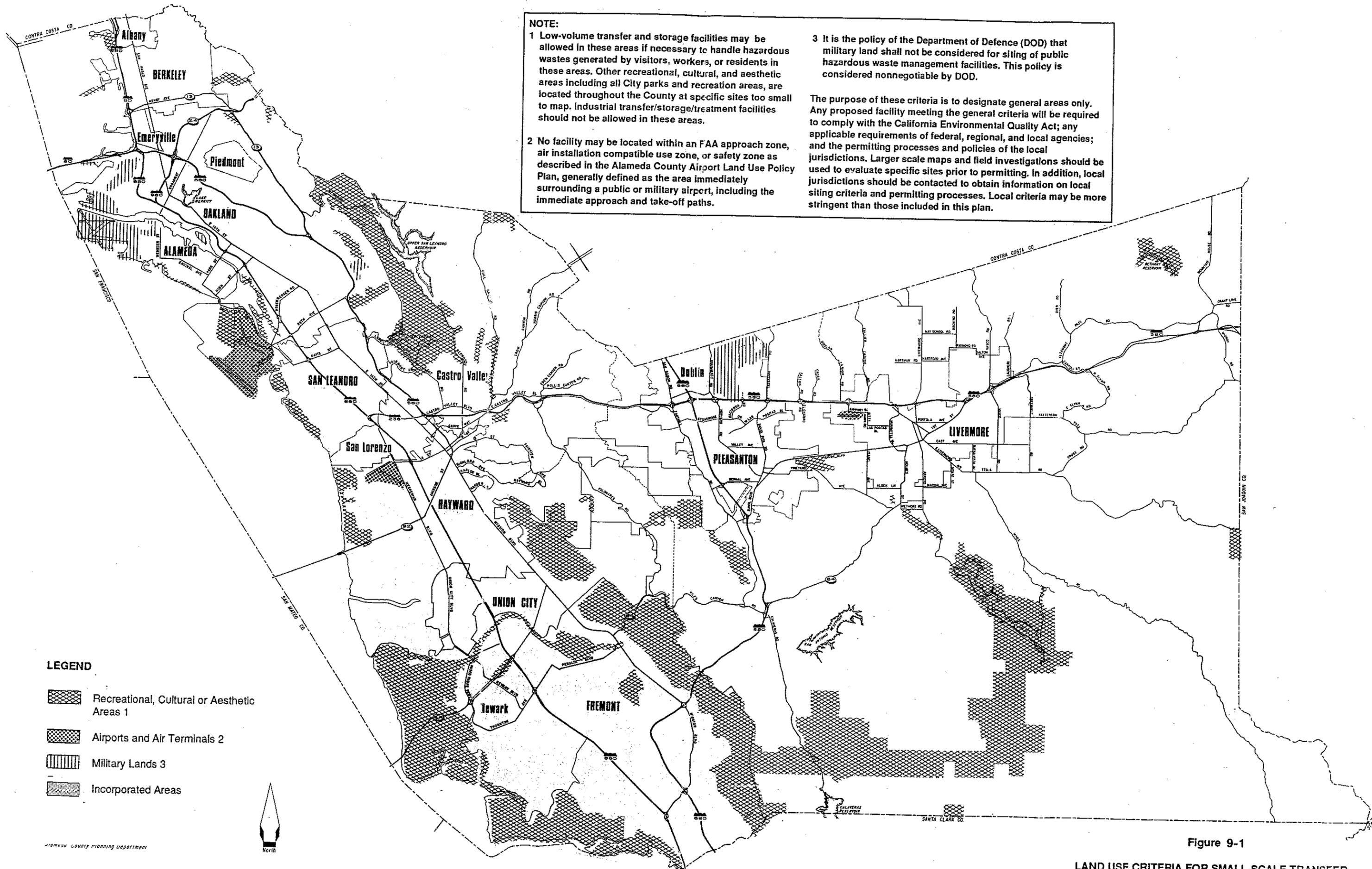
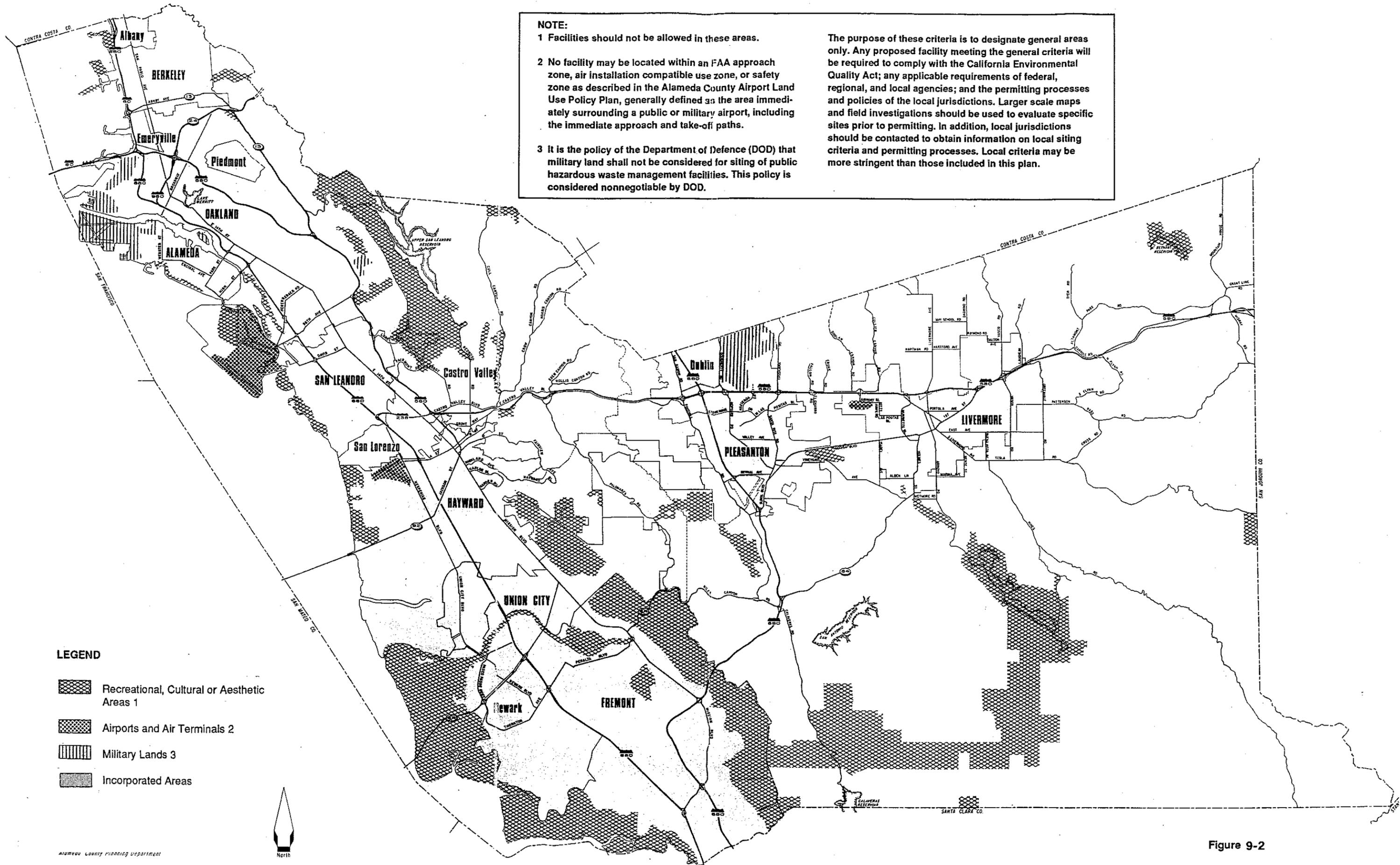


Figure 9-1



NOTE:

- 1 Facilities should not be allowed in these areas.
- 2 No facility may be located within an FAA approach zone, air installation compatible use zone, or safety zone as described in the Alameda County Airport Land Use Policy Plan, generally defined as the area immediately surrounding a public or military airport, including the immediate approach and take-off paths.
- 3 It is the policy of the Department of Defence (DOD) that military land shall not be considered for siting of public hazardous waste management facilities. This policy is considered nonnegotiable by DOD.

The purpose of these criteria is to designate general areas only. Any proposed facility meeting the general criteria will be required to comply with the California Environmental Quality Act; any applicable requirements of federal, regional, and local agencies; and the permitting processes and policies of the local jurisdictions. Larger scale maps and field investigations should be used to evaluate specific sites prior to permitting. In addition, local jurisdictions should be contacted to obtain information on local siting criteria and permitting processes. Local criteria may be more stringent than those included in this plan.

LEGEND

-  Recreational, Cultural or Aesthetic Areas 1
-  Airports and Air Terminals 2
-  Military Lands 3
-  Incorporated Areas



Figure 9-2
**LAND USE CRITERIA FOR
 RESIDUALS REPOSITORIES**

NOTE:

1 Prime agricultural lands under California law may not be used for urban purposes unless an overriding public need is demonstrated by the applicant. When siting hazardous waste management facilities in these areas, overriding public service needs must be demonstrated by the applicant.

2 No facilities shall be located within critical habitats of endangered species, defined as areas known to be inhabited permanently or seasonally or known to be critical at any stage in the life cycle of any species of wildlife or vegetation identified or being considered for identification as "endangered" or "threatened" by the U.S. Department of the Interior or the State of California.

3 No facilities shall be located in wetlands.

4 No facilities should be sited so as to preclude extraction of minerals necessary to sustain the economy of the State.

The purpose of these criteria is to designate general areas only. Any proposed facility meeting the general criteria will be required to comply with the California Environmental Quality Act; any applicable requirements of federal, regional, and local agencies; and the permitting processes and policies of the local jurisdictions. Larger scale maps and field investigations should be used to evaluate specific sites prior to permitting. In addition, local jurisdictions should be contacted to obtain information on local siting criteria and permitting processes. Local criteria may be more stringent than those included in this plan.

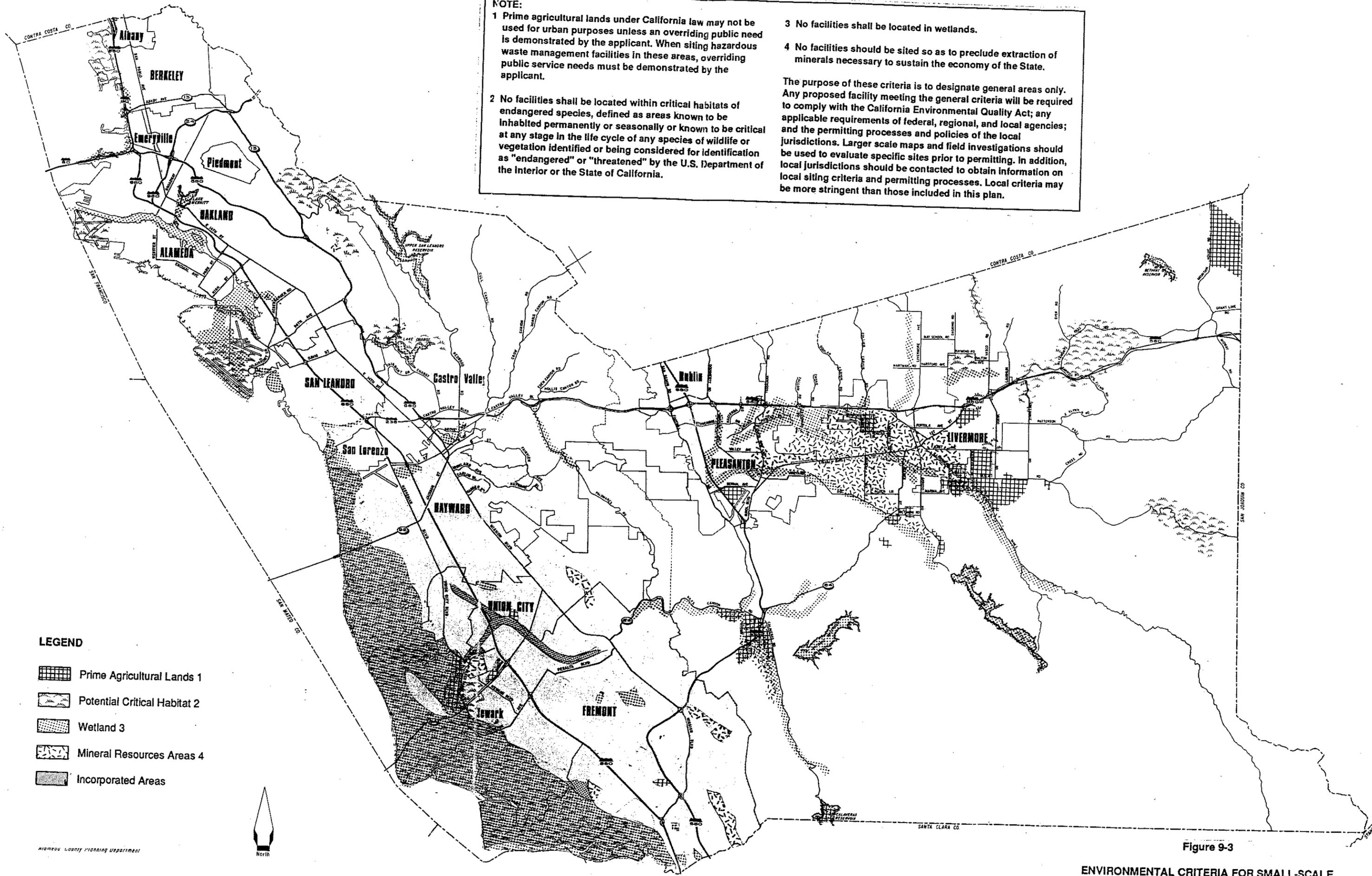


Figure 9-3

NOTE:

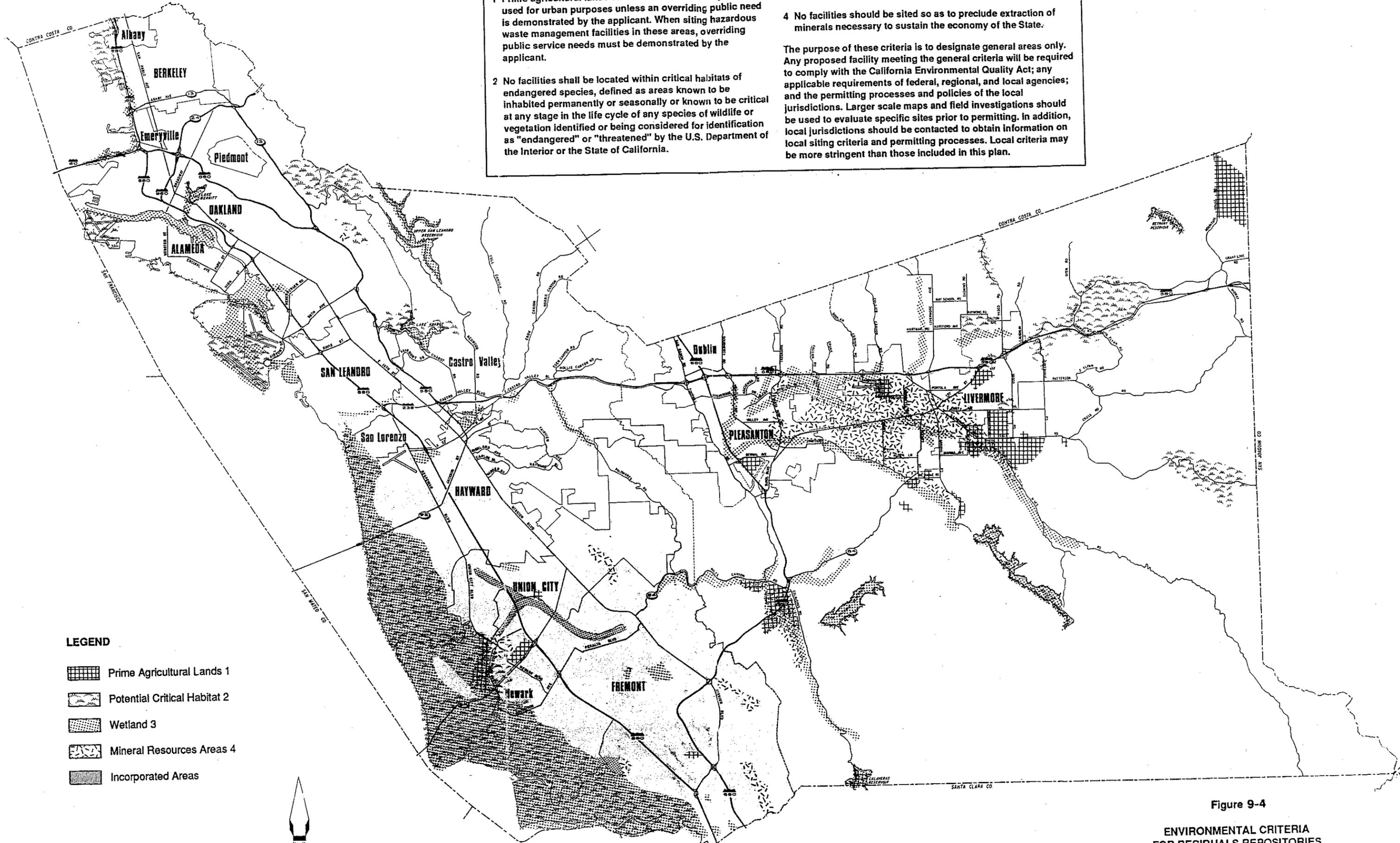
1 Prime agricultural lands under California law may not be used for urban purposes unless an overriding public need is demonstrated by the applicant. When siting hazardous waste management facilities in these areas, overriding public service needs must be demonstrated by the applicant.

2 No facilities shall be located within critical habitats of endangered species, defined as areas known to be inhabited permanently or seasonally or known to be critical at any stage in the life cycle of any species of wildlife or vegetation identified or being considered for identification as "endangered" or "threatened" by the U.S. Department of the Interior or the State of California.

3 No facilities shall be located in wetlands.

4 No facilities should be sited so as to preclude extraction of minerals necessary to sustain the economy of the State.

The purpose of these criteria is to designate general areas only. Any proposed facility meeting the general criteria will be required to comply with the California Environmental Quality Act; any applicable requirements of federal, regional, and local agencies; and the permitting processes and policies of the local jurisdictions. Larger scale maps and field investigations should be used to evaluate specific sites prior to permitting. In addition, local jurisdictions should be contacted to obtain information on local siting criteria and permitting processes. Local criteria may be more stringent than those included in this plan.



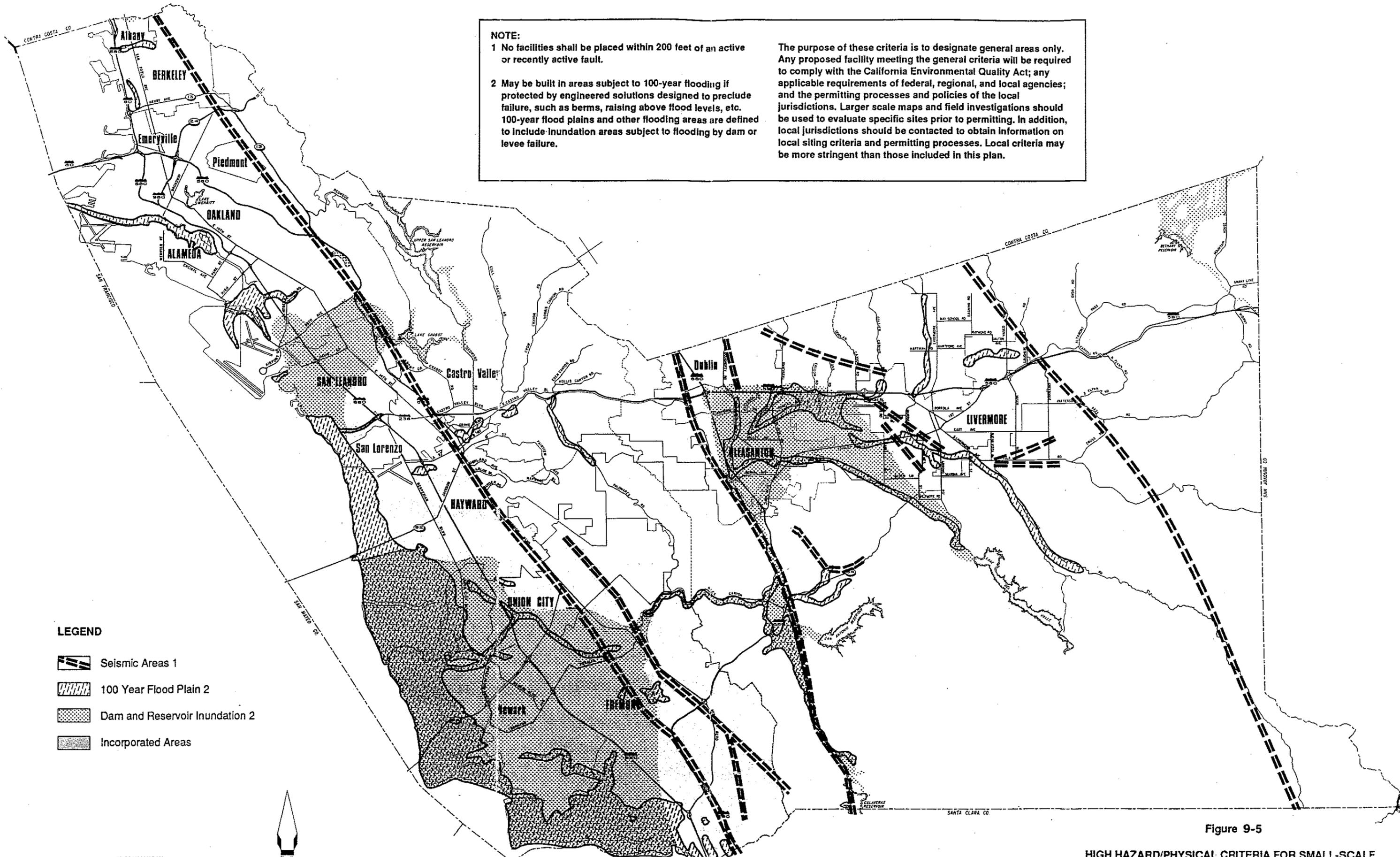
LEGEND

-  Prime Agricultural Lands 1
-  Potential Critical Habitat 2
-  Wetland 3
-  Mineral Resources Areas 4
-  Incorporated Areas



Figure 9-4

**ENVIRONMENTAL CRITERIA
FOR RESIDUALS REPOSITORIES**



NOTE:

1 No facilities shall be placed within 200 feet of an active or recently active fault.

2 May be built in areas subject to 100-year flooding if protected by engineered solutions designed to preclude failure, such as berms, raising above flood levels, etc. 100-year flood plains and other flooding areas are defined to include inundation areas subject to flooding by dam or levee failure.

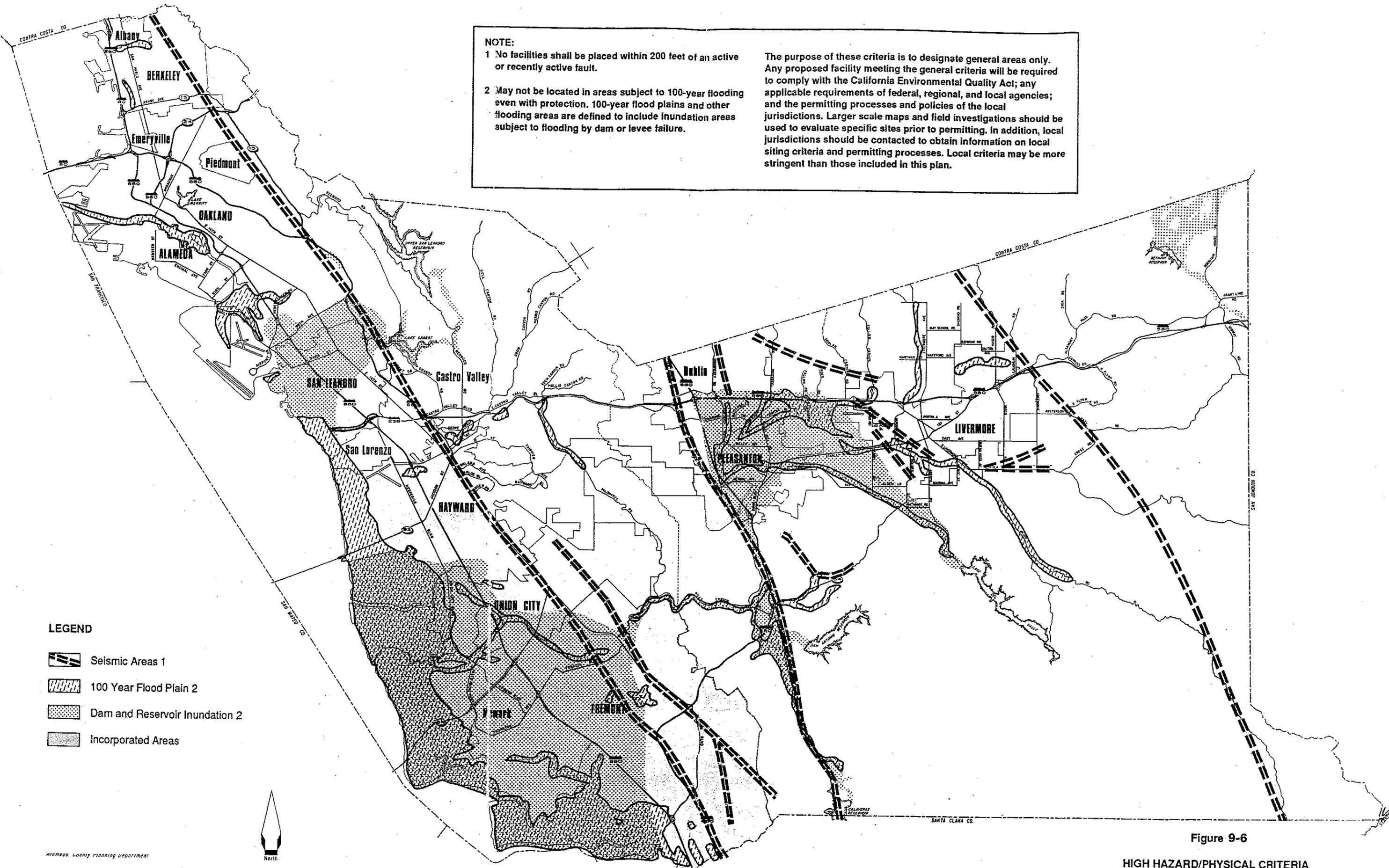
The purpose of these criteria is to designate general areas only. Any proposed facility meeting the general criteria will be required to comply with the California Environmental Quality Act; any applicable requirements of federal, regional, and local agencies; and the permitting processes and policies of the local jurisdictions. Larger scale maps and field investigations should be used to evaluate specific sites prior to permitting. In addition, local jurisdictions should be contacted to obtain information on local siting criteria and permitting processes. Local criteria may be more stringent than those included in this plan.

LEGEND

-  Seismic Areas 1
-  100 Year Flood Plain 2
-  Dam and Reservoir Inundation 2
-  Incorporated Areas



Figure 9-5



NOTE:

1 No facilities shall be placed within 200 feet of an active or recently active fault.

2 May not be located in areas subject to 100-year flooding even with protection. 100-year flood plains and other flooding areas are defined to include inundation areas subject to flooding by dam or levee failure.

The purpose of these criteria is to designate general areas only. Any proposed facility meeting the general criteria will be required to comply with the California Environmental Quality Act; any applicable requirements of federal, regional, and local agencies; and the permitting processes and policies of the local jurisdictions. Larger scale maps and field investigations should be used to evaluate specific sites prior to permitting. In addition, local jurisdictions should be contacted to obtain information on local siting criteria and permitting processes. Local criteria may be more stringent than those included in this plan.

- LEGEND**
-  Seismic Areas 1
 -  100 Year Flood Plain 2
 -  Dam and Reservoir Inundation 2
 -  Incorporated Areas



Figure 9-6
 HIGH HAZARD/PHYSICAL CRITERIA
 FOR RESIDUALS REPOSITORIES

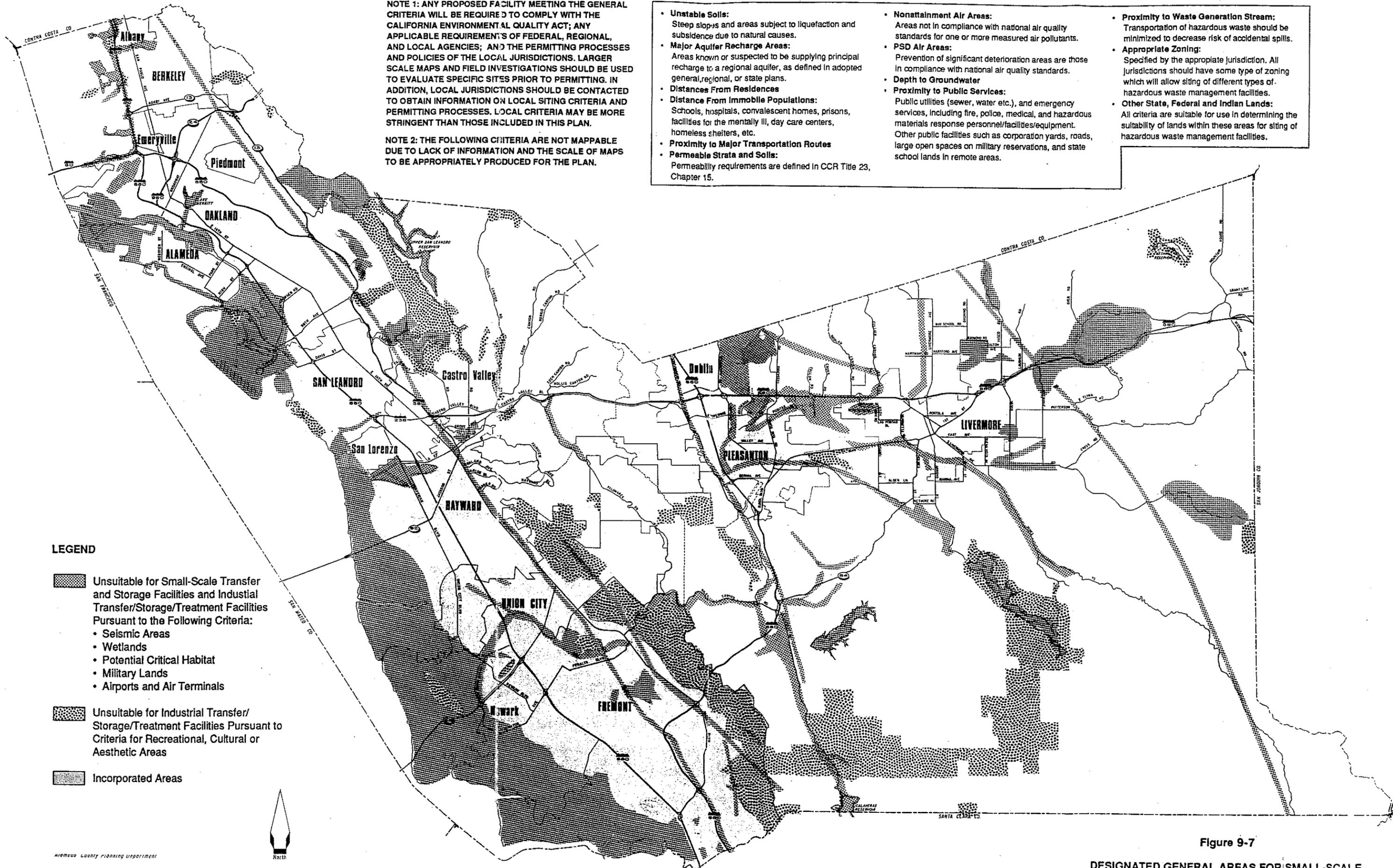
NOTE 1: ANY PROPOSED FACILITY MEETING THE GENERAL CRITERIA WILL BE REQUIRED TO COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ANY APPLICABLE REQUIREMENTS OF FEDERAL, REGIONAL, AND LOCAL AGENCIES; AND THE PERMITTING PROCESSES AND POLICIES OF THE LOCAL JURISDICTIONS. LARGER SCALE MAPS AND FIELD INVESTIGATIONS SHOULD BE USED TO EVALUATE SPECIFIC SITES PRIOR TO PERMITTING. IN ADDITION, LOCAL JURISDICTIONS SHOULD BE CONTACTED TO OBTAIN INFORMATION ON LOCAL SITING CRITERIA AND PERMITTING PROCESSES. LOCAL CRITERIA MAY BE MORE STRINGENT THAN THOSE INCLUDED IN THIS PLAN.

NOTE 2: THE FOLLOWING CRITERIA ARE NOT MAPPABLE DUE TO LACK OF INFORMATION AND THE SCALE OF MAPS TO BE APPROPRIATELY PRODUCED FOR THE PLAN.

- **Unstable Soils:**
Steep slopes and areas subject to liquefaction and subsidence due to natural causes.
- **Major Aquifer Recharge Areas:**
Areas known or suspected to be supplying principal recharge to a regional aquifer, as defined in adopted general, regional, or state plans.
- **Distances From Residences**
- **Distance From Immobile Populations:**
Schools, hospitals, convalescent homes, prisons, facilities for the mentally ill, day care centers, homeless shelters, etc.
- **Proximity to Major Transportation Routes**
- **Permeable Strata and Soils:**
Permeability requirements are defined in CCR Title 23, Chapter 15.

- **Nonattainment Air Areas:**
Areas not in compliance with national air quality standards for one or more measured air pollutants.
- **PSD Air Areas:**
Prevention of significant deterioration areas are those in compliance with national air quality standards.
- **Depth to Groundwater**
- **Proximity to Public Services:**
Public utilities (sewer, water etc.), and emergency services, including fire, police, medical, and hazardous materials response personnel/facilities/equipment. Other public facilities such as corporation yards, roads, large open spaces on military reservations, and state school lands in remote areas.

- **Proximity to Waste Generation Stream:**
Transportation of hazardous waste should be minimized to decrease risk of accidental spills.
- **Appropriate Zoning:**
Specified by the appropriate jurisdiction. All jurisdictions should have some type of zoning which will allow siting of different types of hazardous waste management facilities.
- **Other State, Federal and Indian Lands:**
All criteria are suitable for use in determining the suitability of lands within these areas for siting of hazardous waste management facilities.



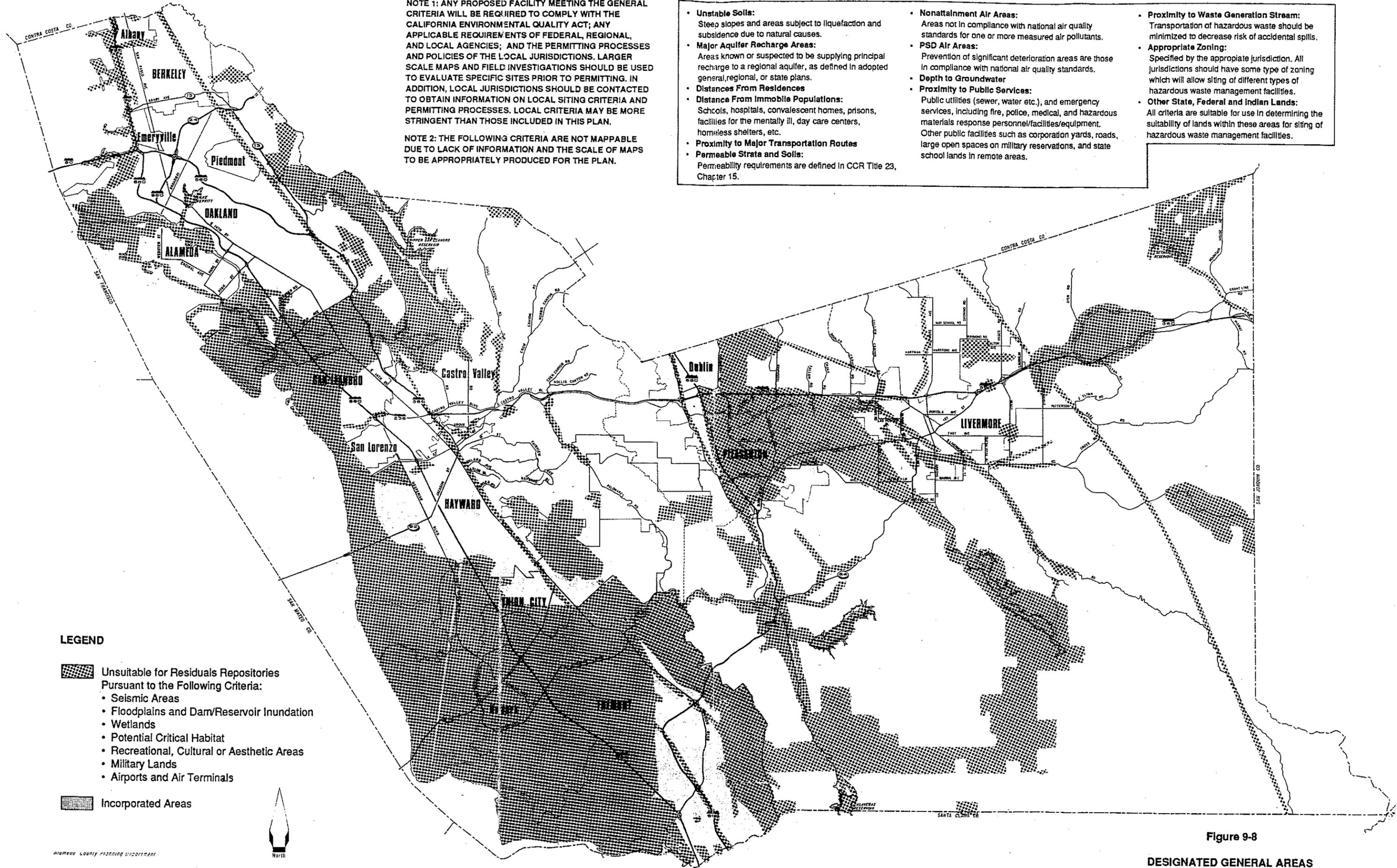
LEGEND

- 
 Unsuitable for Small-Scale Transfer and Storage Facilities and Industrial Transfer/Storage/Treatment Facilities Pursuant to the Following Criteria:
 - Seismic Areas
 - Wetlands
 - Potential Critical Habitat
 - Military Lands
 - Airports and Air Terminals
- 
 Unsuitable for Industrial Transfer/Storage/Treatment Facilities Pursuant to Criteria for Recreational, Cultural or Aesthetic Areas
- 
 Incorporated Areas



Figure 9-7

DESIGNATED GENERAL AREAS FOR SMALL-SCALE TRANSFER AND STORAGE FACILITIES AND INDUSTRIAL TRANSFER/ STORAGE/TREATMENT FACILITIES



NOTE 1: ANY PROPOSED FACILITY MEETING THE GENERAL CRITERIA WILL BE REQUIRED TO COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ANY APPLICABLE REQUIREMENTS OF FEDERAL, REGIONAL, AND LOCAL AGENCIES; AND THE PERMITTING PROCESSES AND POLICIES OF THE LOCAL JURISDICTIONS. LARGER SCALE MAPS AND FIELD INVESTIGATIONS SHOULD BE USED TO EVALUATE SPECIFIC SITES PRIOR TO PERMITTING. IN ADDITION, LOCAL JURISDICTIONS SHOULD BE CONTACTED TO OBTAIN INFORMATION ON LOCAL SITING CRITERIA AND PERMITTING PROCESSES. LOCAL CRITERIA MAY BE MORE STRINGENT THAN THOSE INCLUDED IN THIS PLAN.

NOTE 2: THE FOLLOWING CRITERIA ARE NOT MAPPABLE DUE TO LACK OF INFORMATION AND THE SCALE OF MAPS TO BE APPROPRIATELY PRODUCED FOR THE PLAN.

- **Unstable Soils:**
Steep slopes and areas subject to liquefaction and subsidence due to natural causes.
- **Major Aquifer Recharge Areas:**
Areas known or suspected to be supplying principal recharge to a regional aquifer, as defined in adopted general, regional, or state plans.
- **Distances From Residences**
- **Distance From Immobile Populations:**
Schools, hospitals, convalescent homes, prisons, facilities for the mentally ill, day care centers, homeless shelters, etc.
- **Proximity to Major Transportation Routes**
- **Permeable Strata and Soils:**
Permeability requirements are defined in CCR Title 23, Chapter 15.
- **Nonattainment Air Areas:**
Areas not in compliance with national air quality standards for one or more measured air pollutants.
- **PSD Air Areas:**
Prevention of significant deterioration areas are those in compliance with national air quality standards.
- **Depth to Groundwater**
- **Proximity to Public Services:**
Public utilities (sewer, water etc.), and emergency services, including fire, police, medical, and hazardous materials response personnel/facilities/equipment. Other public facilities such as corporation yards, roads, large open spaces on military reservations, and state school lands in remote areas.
- **Proximity to Waste Generation Stream:**
Transportation of hazardous waste should be minimized to decrease risk of accidental spills.
- **Appropriate Zoning:**
Specified by the appropriate jurisdiction. All jurisdictions should have some type of zoning which will allow siting of different types of hazardous waste management facilities.
- **Other State, Federal and Indian Lands:**
All criteria are suitable for use in determining the suitability of lands within these areas for siting of hazardous waste management facilities.

- LEGEND**
- Unsuitable for Residuals Repositories Pursuant to the Following Criteria:**
 - Seismic Areas
 - Floodplains and Dam/Reservoir Inundation
 - Wetlands
 - Potential Critical Habitat
 - Recreational, Cultural or Aesthetic Areas
 - Military Lands
 - Airports and Air Terminals
 - Incorporated Areas**



Figure 9-8
DESIGNATED GENERAL AREAS FOR RESIDUALS REPOSITORIES
MAPPABLE CRITERIA ONLY

Three types of appeals are authorized. The developer can appeal a disapproval decision, or an approval decision with such onerous restrictions that it amounts to disapproval. Alternatively, an interested person can appeal an approval on the grounds that the conditions imposed on the project do not adequately protect the public health, safety, or welfare. An "interested person" is anyone who attended a public meeting or hearing held on the project's application for a local land-use decision. An appeal must be made to the Governor (or designee) within 30 days of the local jurisdiction's final land-use decision on the project. The Governor (or designee) must determine whether to authorize the appeal. In order for the appeal to be authorized, the developer must demonstrate that all permits required from state agencies which can be obtained prior to project construction have been obtained. Once those permits have been obtained and an appeal authorized, the state Appeal Board is constituted.

The Appeal Board consists of seven members, five of them permanent and two appointed only for a specific appeal. Three permanent members come from the state agencies that regulate hazardous waste management in California: the Director of the Department of Health Services, the Chair of the State Water Resources Control Board, and the Chair of the Air Resources Board. Two permanent members are local elected officials, who serve four-year terms: a member of a county board of supervisors appointed by the State Senate Committee on Rules from a list of nominees by the County Supervisors Association of California (CSAC), and a member of a city council appointed by the Assembly Speaker from a list nominated by the League of California Cities (LCC). In addition, two local elected officials are named to the Appeal Board to hear a particular appeal. One is a member of the Board of Supervisors from the county where the project would be located, and is appointed by the Assembly Speaker from a list nominated by CSAC. The other is a city council member from the city where the project would be located (or, if the facility is proposed for an unincorporated area, from the city which would be most directly affected), appointed by the Senate Rules Committee from the list nominated by LCC. If a permanent member of the Appeal Board is from the county where the project would be located, the temporary (i.e., ad hoc) member must be from a different county.

Within a month of an appeal being authorized by the governor, the Appeal Board holds a public hearing in the city or county where the project would be located to hear arguments from both the land-use authority and the developer (or interested party). The Board must decide within 15 days of this hearing whether to accept the appeal. An appeal of a local government disapproval of the developer's application may be accepted by a vote of four Board members if there is evidence that there are compelling reasons to review the local decision when weighing the reasons for the local decision against statewide, regional, or county hazardous waste management policies, goals, and objectives. An appeal of a land-use approval (by a developer appealing one or more onerous conditions, or by an interested party appealing a lack of adequately protective conditions) may be accepted by a vote of five Board members if there is a substantial likelihood of the appellant prevailing on the merits of its appeal.

If the Appeal Board accepts the appeal, it convenes a second hearing in the affected city or county to hear evidence. The statute provides a specific timetable for holding the hearing and issuing a decision; it also provides guidelines for deciding the appeal. The Board must adopt the rebuttable presumption that the local land-use decision was correct and supported by substantial reasons. To

overturn a local land-use decision disapproving a project, the Board must make a number of mandatory findings which include: that the proposed project is consistent with the Plan, if one has been adopted by the county and approved by the state; that the project's environmental impacts will be mitigated; that the project, if not a land disposal unit, is consistent with the applicable general plan; and that alternative locations evaluated in the project EIR (and identified in the state-approved Hazardous Waste Management Plan) have been adequately considered. If the Appeal Board finds that one or more conditions imposed on the project by the land-use decision are so onerous and restrictive that the imposition is the same as a disapproval, or that one or more conditions necessary to protect public health, safety, or welfare should be imposed, it may approve the appeal and require the local government to modify its decision accordingly.

An Appeal Board decision overturning a local land use decision may be enforced by referral to the state Attorney General, if the local government does not modify its decision within 60 days.