

HAZARDOUS WASTE MANAGEMENT ELEMENT

(Chapter XII)

CITY OF OCEANSIDE, CALIFORNIA

Prepared by

City of Oceanside
Hazardous Waste Management Element
Project Staff

Adopted by

City Council
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Approved by

Planning Commission
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Reformatting included the reorganization of the existing text, the addition of introductory material, and the inclusion of the County Fair Share goals.

(Figures were not reformatted.)



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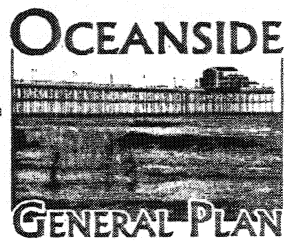
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NOTE

The following document contains the reformatted text from the Introductory pages and Chapter XII of the Hazardous Waste Management Element of the Oceanside General Plan. The complete document also includes the San Diego County Hazardous Waste Management Plan as Chapters I through XI.

The complete document is available for public review during regular working hours in the City Planning Department at 300 North Coast Highway, Oceanside, CA. The complete Oceanside Hazardous Waste Management Element may also be photocopied at the requesting party's expense. A copy of the complete Table of Contents for the Oceanside Hazardous Waste Management Element is provided in Hazardous Waste Management Element Appendix A.

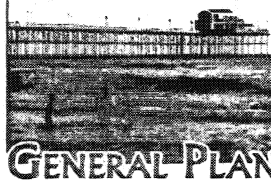


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HAZARDOUS WASTE MANAGEMENT ELEMENT

INTRODUCTION

The City Hazardous Waste Management Element (HWME) is the primary planning document providing the overall policy direction toward the effective management of the City's hazardous waste, and is consistent with provisions of the other elements of the General Plan. The City HWME establishes programs to manage hazardous waste safely within the City of Oceanside and is the guide for local decisions regarding hazardous waste issues. The following element only includes the City draft portion of the HWME, though the entire element is available from the City on request. The Table of Contents for the complete element is provided in Hazardous Waste Management Element Appendix A.

The City HWME is composed of two basic parts. Chapters I through XI and the Appendices contain provisions drafted by San Diego County staff and the San Diego County Hazardous Materials Management Plan Advisory Committee. These chapters are not included in this summarized element. Chapters I through XI were adopted by the San Diego County Board of Supervisors on August 28, 1989, and a majority of cities in the County, including Oceanside on July 28, 1989, for submission to the Department of Health Services ("DHS") for approval as the San Diego County Hazardous Waste Management Plan ("CoHWMP"), pursuant to Health and Safety Code section 25135.6. An Environmental Impact Report was certified by the San Diego County Board of Supervisors concurrently with the approval for distribution of the CoHWMP.

Chapter XII, which is the section contained in this element, contains provisions drafted by the City of Oceanside project staff and the Oceanside Citizens' Advisory Committee on Hazardous Substances. Chapter XII emphasizes hazardous waste minimization efforts in the City. Chapter XII also contains siting criteria for specified hazardous waste facilities that are tailored to the City of Oceanside concerns. The siting criteria of Chapter XII shall prevail over the more general provisions of Chapters I through XI where the provisions of Chapter XII as applied are more stringent or restrictive in favor of the protection of the public health, safety and welfare, and the natural resources within the City of Oceanside.

Purpose and Authority

Each city in the State of California must have an approved general plan to guide in its development activities. The general plan must contain certain mandatory elements specified by State law, but may also contain optional elements which relate to the physical development of the city. The Oceanside Hazardous Waste Management Element is an optional element of the Oceanside General Plan pursuant to Government Code section 65303.

The purpose of this element is to provide health and safety measures necessary for the protection of the citizens of Oceanside during the siting of hazardous waste facilities as required by Health and Safety Code section 25199 et seq. in coordination with the San Diego County Hazardous Waste Management Plan, and to reduce the need for such facilities through the minimization of hazardous materials and wastes.

The City of Oceanside adopted the City HWME as an optional element of its General Plan for all the following reasons:

1. The CoHWMP has not yet been approved by the DHS;
2. The City of Oceanside has been a proposed site for a specified hazardous waste facility pursuant to Health and Safety Code section 25199 et seq.;
3. Without the City HWME, the Oceanside General Plan is inadequate to assure that the review and permitting of such projects is made with the highest regard for the health, safety and welfare of the citizens of the City of Oceanside and its neighboring communities, and for the continuing preservation and integrity of natural resources within the City;
4. The City HWME is consistent with the goals of the Oceanside General Plan as well as the proposed CoHWMP; and
5. The siting of offsite specified hazardous waste facilities would bring hazardous substances into the City that are not presently being utilized or disposed of in the City, along with attendant health risks that are not present without such facilities.
6. Health and Safety Code section 25135.7(c) mandates that the City shall, within 180 days of DHS approval of the CoHWMP, take one of the following actions:
 - a. Adopt a City hazardous waste management plan;
 - b. Incorporate the applicable portions of the approved CoHWMP by reference into the City's General Plan; or
 - c. Enact an ordinance that requires that all applicable land use decisions are consistent with the approved CoHWMP.
7. Health and Safety Code section 25135.7 (d) expressly authorizes the City to establish more stringent planning requirements or siting criteria than those that would be specified in an approved CoHWMP.

For all these reasons, local criteria and requirements relating to hazardous waste management, including pollution prevention and hazardous waste reduction, and the siting and permitting of specified hazardous waste facilities have been included in Chapter XII (contained in this element) of the City HWME, and are in addition to the policies set forth in Chapters I through XI of the City HWME (the CoHWMP).

A resolution adopting the City HWME was approved by the City Council of the City of Oceanside on September 12, 1990 following a duly noticed public hearing. A Negative Declaration stating that there will not be a significant adverse impact upon the environment from the City HWME was prepared and adopted under the provisions of the California Environmental Quality Act ("CEQA").

Precedence of City-specified Policies over General Policies

The policies of this element (Chapter XII) shall prevail over the provisions of Chapters I through XI herein where the provisions of this element as applied may be interpreted as more stringent or restrictive in favor of the protection of the public health safety and welfare, and the natural resources within the City of Oceanside.

Scope and Content

This element applies to hazardous waste and to the siting of off-site hazardous waste facilities; and, because the prevention of pollution and of hazardous waste affects the demand for hazardous waste facilities, a portion of this element has been written to apply to hazardous waste generators in the City of Oceanside. Pollution prevention, hazardous waste elimination, reduction, re-use, and re-cycling are given priority and should be considered the guiding framework for the City of Oceanside in the responsible management of hazardous waste.

This element contains Chapter XII of the complete Oceanside Hazardous Waste Management Plan. Chapter XII contains the City's plan for hazardous waste management. Chapters I to XI contain the County's Hazardous Waste Management Plan and can be found in the complete Hazardous Waste Management Element on file at the City.

Related Plans and Programs

There are several existing plans and programs that directly relate to the objectives of the Hazardous Waste Management Plan. These plans and programs have been enacted through State and local legislation and are administered by agencies with powers to enforce State and local laws.

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Solid Waste Strategic Plan

The City of Oceanside created a Solid Waste Strategic Plan to ensure that the City retains its current high levels of stable, environmentally sound solid waste collection and disposal at the lowest possible cost. The plan provides recommendations for the following solid waste collection and disposal system components: contract issues, collection service, disposal service, recycling service, and household hazardous waste disposal. This last component, household hazardous waste, is most directly related to this element.

County Hazardous Waste Management Plan

San Diego County has adopted a Hazardous Waste Management Plan pursuant to State law. The Plan identifies means to minimize the generation of hazardous waste and to dispose of waste generated within the County. The City adopted portions of the County's Hazardous Waste Management Plan as Chapters I through XI of its complete Hazardous Waste Management Element.

Relationship to Other General Plan Elements

The City HWME is consistent with all other existing City of Oceanside General Plan elements. The City HWME relates most directly to the City's Land Use and Public Safety Elements, as described below:

- I. **Land Use Element:** The Land Use Element establishes land use policies for community values, site design, special management areas, various types of development, and natural resource management. The City HWME is consistent with the Land Use Element because the City HWME establishes policies for pollution prevention, hazardous waste reduction, off-site hazardous waste facility siting, education and training, operational control, financial responsibility requirements, enforcement, security, and implementation which are particularly in conformance with the Land Use Element policies relating to Community Values.

Additionally, the City HWME conforms to the requirements for considering seismic and geological hazards contained in the Land Use Element in that the City HWME requires stability of the earth for siting of hazardous waste facilities. The City HWME also reiterates the fiscal impact objective of the Land Use Element in that the City HWME requires an analysis of the cost of any potential off-site hazardous waste facility to the community. In addition, the City HWME also requires specific buffer zones for the siting of hazardous waste facilities that are in conformity with the site design objectives of the Land Use Element. Finally, the City HWME is also consistent with the Undevelopable Lands section of the Land Use Element in that the City HWME prohibits the development of hazardous waste facilities on steep slopes or in river bottoms.

2. **Public Safety Element:** The Public Safety Element provides for seismic, fire, flooding, and civil disaster preparedness. The provisions of the City HWME conform to the goals of the Public Safety Element in that the City HWME contains restrictive measures for the siting and construction of hazardous waste facilities with highest regard for the public health, safety, and welfare.



LONG-RANGE POLICY DIRECTION

The City of Oceanside has special concerns about off-site hazardous waste management. Oceanside is a rapidly urbanizing community with large industrial, business, and technological areas located near residential neighborhoods. Oceanside's local thoroughfares are becoming rapidly congested by both local and regional growth, and many of them are near, or traverse through, residential neighborhoods. In order to protect the health, safety, and welfare of the citizens of the City and the integrity of the City's natural resources, the City Council directed the preparation of a Hazardous Waste Management Element of the Oceanside's General Plan. Chapter XII, which is the section included in this element, embodies goals that are specific and tailored to Oceanside concerns by focusing on the management of hazardous waste, primarily through source reduction and minimization, and the adoption of policies for the local review and conditioning of proposed specified hazardous waste facilities. These policies include:

- a. The provisions of local mandates for pollution prevention, source reduction, reuse, and recycling and, when thoroughly reviewed as part of an application for a pending project, on-site processing for any hazardous waste produced exclusively by a particular business.
- b. A local pre-application process for hazardous waste facilities including coordination with the State Notice of Intent procedure, involving of the Office of the Permit Assistance and the State Office of Planning and Research, appointment of the Local Advisory Committee and determination of applicability.
- c. Local application requirements for specified hazardous waste facilities including requirements for conditional use permits, risk assessments, local application information requirements and local technical informational requirements for both the Notice of Intent application stage of the process and the regular local public hearing process.
- d. Siting and permitting criteria for hazardous waste facilities and factors related to siting criteria such as transportation routes and development standards.
- e. Operational issues including hazardous waste facility operational and emergency contingency plans, monitoring programs, personnel training and in-house educational programs, to be reviewed at the application stage and enforced during facility operation.
- f. Local information programs for household hazardous waste in conjunction with regional collection events.

- g. City-wide education and training programs on hazardous waste issues. Support for educational programs as outlined in Chapters I through XI of the City HWME and by the Environmental Health Coalition.
- h. A requirement of proof of financial responsibility for hazardous waste facilities.
- i. Enforcement of local regulations related to hazardous waste facilities.
- j. Site security for hazardous waste facilities.
- k. Implementation of the City HWME.

The following are the San Diego County fair share policies addressing hazardous waste management and the siting of hazardous waste facilities, as amended by the City in May 1991.

1. Every county and city in the region will accept responsibility for the management of hazardous wastes in an amount proportionate to the hazardous wastes generated in the county and city.
2. Each county shall meet its obligation in managing hazardous wastes either by siting facilities to treat and dispose of hazardous waste or by entering into intergovernmental agreements with other counties to site facilities.
3. The Southern California Hazardous Waste Management Authority (Authority) encourages the siting of treatment facilities in counties where there is substantial unmet need for the type of treatment which a facility would provide. The Authority will consider the relative risk of waste type and treatment methodology in the fair share allocation of facilities.
4. The minimum fair share responsibility for each county shall be to have some combination of facilities sited within the county, and intergovernmental agreements with other counties – which will equal the county's offsite hazardous waste generation.
5. The maximum fair share responsibility for each county will be to have facilities sited within the county that equal the offsite waste generation of the county. The county may choose to site facilities in excess of that county's off-site waste generation.
6. The Authority will assist and support local government siting of facilities consistent with the first five fair share principles through the regional action plan. The Authority will support local governments in their local land use decisions that are consistent with the fair share principles.
7. Fair share determination is dynamic and will change based on economic growth, progress in waste minimization, technological advancement, and progress in siting new facilities. The fair share determination for each county shall be made annually by the

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Authority based on the most recent generation data and projections, and whenever a new facility is sited or an existing one expanded or restricted.

Approval of proposed hazardous waste management facilities that do not exceed a jurisdiction's "fair share" will depend on siting criteria and other criteria required by existing law, unless effective interjurisdictional agreements provide for adequate hazardous waste management capacity for the specific hazardous waste which the facility would have handled in another California county.

A county can reject a proposed hazardous waste management facility/project that exceeds its "fair share" if there are effective interjurisdiction agreements for the management of the specific hazardous waste generated in the county or there is adequate capacity to handle these wastes in the county.

If adequate capacity does not exist in the county, or effective interjurisdiction agreements do not exist, a jurisdiction shall not reject hazardous waste management proposals that exceed "fair share" if the proponent demonstrates that the "fair share" facility (i.e., smaller facility) is economically non-viable, except in cases in which the jurisdiction demonstrates that there are appreciably increased public health and/or environmental risks associated with the proposed facility.

The "fair share" language contained in this plan is only operative in conjunction with effective interjurisdictional county agreements.

OCEANSIDE HAZARDOUS WASTE MANAGEMENT PLAN



The following is the reformatted text contained in Chapter XII – Hazardous Waste Management in the City of Oceanside of the complete Oceanside Hazardous Waste Management Element. A Table of Contents of the complete element is provided in the Hazardous Waste Management Element Appendix A.

HAZARDOUS WASTE MINIMIZATION

Pollution Prevention, Hazardous Waste Reduction

This section provides the framework for the overall primary policy of the City of Oceanside, which is the prevention of pollution and of hazardous waste that cannot be re-used or recycled on site. If pollution and hazardous waste are not produced, they do not need to be removed from the site for processing elsewhere. Without the production of hazardous waste, the need to find sites for off-site facilities is minimized.

The goal of the City of Oceanside is the prevention of pollution of the City's air, water, and soil by hazardous materials and hazardous waste to the greatest extent possible. In the context of this City HWME, this goal may be realized through any of the following methods:

- a. The reduction or elimination of the manufacture and use of hazardous materials in order to reduce risks to human health and the environment.
- b. The reduction or elimination of the generation or production of hazardous materials (including wastes).
- c. The use of safer substitutes for hazardous materials.
- d. The recycling of hazardous materials whenever possible.
- e. The prevention and elimination of releases of hazardous materials into all media (air, water and land).
- f. The alteration or modification of manufacturing practices and/or processes to reduce or eliminate the use of hazardous materials and resulting hazardous wastes.
- g. The improvement of industrial, commercial, and residential housekeeping practices to eliminate or reduce the quantity or toxicity of hazardous materials and wastes.
- h. The retrofitting of manufacturing plants or processes to reduce the quantity or toxicity of, or eliminate, hazardous materials and wastes.

- i. To encourage the hazardous waste minimization goals of the County of San Diego as specified in Chapters I through XI of the complete element including, but not limited to, percentage reduction goals, waste minimization assessments for users, and financial and technical assistance for waste minimization.
- j. The implementation of practices and/or processes that encourage the on-site treatment through recycling of hazardous wastes without posing a threat to health and safety. Determination of appropriate processes would follow the extensive review of the application for the Conditional Use Permit required by the Zoning Ordinance for businesses generating hazardous wastes.
- k. Notwithstanding the requirements on large generators of hazardous waste pursuant to SB 14 (Roberti, 1989), the "Hazardous Waste Source Reduction and Management Act of 1989" Health and Safety Code section 25244.12 et seq., all users of reportable quantities of hazardous materials shall file a source reduction plan with the appropriate outside agencies and the City of Oceanside at the time of Business License application. All users of reportable quantities of hazardous materials shall also file regular reports on the implementation of the source reduction plan as required by the City and any other agency. A review of specified source reduction measures may be conducted by the City or other designated agency.

The City of Oceanside supports the San Diego County goal of reduction of hazardous waste by 30 percent within the five (5) years as expressed in Chapters I through XI of the complete element.

Strategies for Meeting Prevention and Minimization Goals

The City of Oceanside shall work with the San Diego County Hazardous Materials Management Division ("HMMD") in the implementation of its policies and procedures, including those now being developed to implement the provisions of the Hazardous Waste Source Reduction and Management Review Act of 1989. This law is intended to assist hazardous waste generators to reduce hazardous waste. Health and Safety Code section 25244.12 et seq. requires generators to conduct source evaluation reviews and implement source reduction plans, to specify source reduction measures, and to implement the plans and file performance reports concerning the outcome with various agencies. This Act requires and specifies the following requirements for generators of hazardous wastes:

- a. A Hazardous Waste Reduction Plan and a Plan Summary, and
- b. A Hazardous Waste Management Performance report and a Report Summary documenting hazardous waste management approaches implemented by the generator.

SB 14 applies to the following:

- a. Those with greater than 12,000 kg/yr of hazardous wastes;
- b. Those greater than 12 kg/yr of extremely hazardous wastes; or
- c. Those who pre-treat wastes before discharging to sewers, yet produce residuals for disposal amounting to less than 12,000 kg/yr.

The City also may conduct the following programs (which may be assisted, where possible and as appropriate, by the County HMMD):

- a. Workshops with appropriate hazardous materials and waste industry leaders in cooperation with various product and business associations.
- b. Workshops for local generators arranged with the cooperation of the Chamber of Commerce
- c. Publish a City "Hazardous Materials Update" bulletin to users of hazardous materials and generators of hazardous waste in cooperation with the County HMMD.
- d. Prepare periodic reports on the progress of hazardous waste minimization in the City.
- e. Establish a City Council program to recognize industries that eliminate or minimize hazardous wastes.
- f. Explore funding and grant sources to assist in local industry and business hazardous waste reduction efforts.
- g. Maintain appropriate records relating to hazardous waste generation in the City, including the waste stream type and amount.
- h. Establish a means by which businesses that have frequent hazardous materials or hazardous waste incidents and/or are in violation of existing laws and regulations, are subject to having their Conditional Use Permit revoked or called for review for additional appropriate conditions to be placed on the Permit.
- i. Any other prevention and minimization program consistent with the goals of the City HWME.

Household Hazardous Waste

The City of Oceanside is committed to preventing to the greatest extent possible the use of hazardous materials in local residences through a program of local education. The City is also

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committed to providing a convenient and economical means of disposal of hazardous waste for residents of the City of Oceanside.

AB 939 (Sher, 1989), the "California Integrated Waste Management Act", Public Resources Code section 41000 et seq., requires cities to prepare City Source Reduction and Recycling Elements. These elements must contain a household hazardous waste component that includes a program and implementation schedule for the collection, treatment, and disposal of hazardous waste generated by residences within the jurisdiction of the City.

The City's waste disposal contractor, in cooperation with the City, has been working on siting a collection event for used household hazardous waste generated in the City of Oceanside. Collection events shall be available to Oceanside residents on a regularly scheduled basis.

The City of Oceanside also cooperates with the San Diego County Household Hazardous Materials Division to provide events at which household hazardous wastes are collected. The City of Oceanside shall continue to cooperate with the County in scheduling these events and in its other efforts to provide for the safe and convenient collection of household hazardous waste. The City shall also participate in any available mobile or temporary household hazardous waste collection events sponsored by the County.

In addition to the methods stated above, the City may elect to prevent the use of hazardous materials in local households by any of the following means:

- a. The production of brochures and flyers for placement in utility bills or other means of mass distribution to provide information on safe substitutes and substances to use in the home.
- b. Provisions of speakers for local organizations and service clubs on safe substitutes for hazardous materials, the reduction or elimination of hazardous wastes, and the safe disposal of remaining hazardous waste. Speakers may be drawn from the volunteer members of the Citizens Advisory Committee on Hazardous Substances or any other committee granted advisory authority to the City Council on hazardous waste issues (herein-after "Committee").
- c. Participation in community outreach activities by using the City's utility billing procedure or other means of mass distribution for San Diego County's collection events.
- d. Cooperation with San Diego County HMMD to make County print and audio visual materials available to local groups and individuals.
- e. Cooperation with the City household hazardous waste collection contractor to ensure the protection of local collection event workers from household hazardous waste and involve the workers in such training.

- f. Cooperation with community groups and the San Diego County HMMD to explore the feasibility of recycling reusable household hazardous materials to community organizations. For example, latex paint could go to community groups and leftover fertilizers to local gardeners.
- g. Implementation of any other program consistent with the goals of the City HWME.

Community Education and Training Programs

The City of Oceanside is committed to the education and training of the community on all levels concerning hazardous waste and household hazardous waste. Many of these commitments are expressed elsewhere in this element, but are reiterated here in a special section because of the importance of minimization and reduction educational programs. In addition to the following programs, the City may implement any other educational program consistent with the goals of the City HWME:

- a. The City shall continue to provide support as appropriate to San Diego County in its advertising and promotion of household hazardous waste collection events.
- b. The City may utilize a speakers bureau, consisting of qualified volunteer members of the Committee, to inform local organizations about household hazardous waste issues.
- c. The City supports the efforts of the Environmental Health Coalition and the County of San Diego in their preparation of a school curriculum on household hazardous waste. This program is outlined in detail in Chapter V of the complete element.

SITING AND PERMITTING OF HAZARDOUS WASTE FACILITIES

Pre-application Processes for Hazardous Waste Facilities

The Planning Department shall review project applications and business license applications where the application indicates a uses of hazardous materials or the production of hazardous wastes in order to determine whether such application is governed by City HWME provisions. Upon submittal to the Planning Department of a written description of a process that qualifies as a hazardous waste facility pursuant to State law, the project proponent may be informed of the existence of, and shall comply with, the special requirements for processing such facility applications with the State of California and the City of Oceanside. Information concerning the process with the State Office of Permit Assistance may also be provided. Notification of the application shall also be made to the Committee.

The City and project proponent shall comply with the provisions of Health and Safety Code section 25199 et seq. If the City has received notice that the project proponents has already begun the Notice of Intent (NOI) process through the State of California, the applicant shall be

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notified of the additional City of Oceanside requirements for both the NOI and the siting process.

In the event the project proponent changes the proposed site in the City, the project proponent shall file a new NOI with both the City and the State and conduct the procedures of Health and Safety Code section 25199 et seq. anew prior to any local land use decision on the project. In addition, the project proponent shall pay all applicable fees in connection with the application process for the new site.

Oceanside Application Requirements

The project proponent shall comply with all of the following local hazardous waste facility application requirements:

Information Required

Detailed information about the hazardous waste facility's process and about the track record and background of the project proponent and operator shall be provided to the City by the project proponent at the time the Notice of Intent is filed. This information shall be provided in a form and content approved by the City and shall include information such as (but not limited to): the chemicals used on site and in the process; a general description of the process; a list of chemicals input and output from the process and their ultimate disposition; information concerning the financial standing, background, track record and ability to assume liability of the project proponent; and information concerning the management plan and operating procedures of the proposed facility.

Conditional Use Permits

All hazardous waste facilities shall be required to make application for a public hearing and receive a Conditional Use Permit as required by the Oceanside Zoning Ordinance. Special application materials shall be provided as required by the City.

Risk Assessments

All hazardous waste facilities shall be required to prepare a risk assessment that meets or exceeds the standards of the City.

Environmental Impact Reports

All hazardous waste facilities shall be required to prepare an Environmental Impact Report (EIR) under State (CEQA) and local guidelines, and any amendments thereto, as well as under federal environmental review regulations as applicable.

Public Information

All hazardous waste facility proponents shall be required to participate with the City in a public information program prior to and during the public hearing process.

Siting Criteria and Permitting Requirements

Local Siting Criteria

Chapters I through XI (contained in the complete element) suggest the use of existing industrial land and areas designated in the General Plan for industrial development. This element also recognizes the potential for using lands that at some future time could go through the procedure and analysis to be “redesignated for industrial or hazardous facility development.”

The City of Oceanside has determined that additional siting criteria are necessary to protect its residents and visitors from the potential health, safety, and environmental risks associated with hazardous waste facilities. These criteria shall apply to the siting of all hazardous waste facilities at any location within the City. This includes, but is not limited to, land zoned IG (General Industrial) or designated on the General Plan Land Use Element map for General Industrial Uses. These siting criteria include:

- (I) Minimum distance of 2,000 feet from residential zone.¹ The City believes that 2,000 feet should be the requirement for Oceanside because of the following:
 - (a) Many residential neighborhoods have limited access points that would make evacuation difficult.
 - (b) The City’s development pattern has created many areas in which industrial development directly abuts residential areas.
 - (c) These “buffer” areas can be used as part of the development as mentioned below.

The project proponent shall restrict such a 2,000-foot “buffer zone” from inappropriate uses through easements and covenants recorded against the property. The buffer areas may be used (and shall be restricted from inappropriate use as required) for landscaping, drainage facilities, equipment storage excepting hazardous substance and flammable materials storage, parking areas, or similar activities as approved on a case-by-case basis. Buffer areas may include berms and spill containment areas, but shall not include any hazardous substance sumps or ponds.

¹ State law reference – Health and Safety Code sections 25202.5 and 25230

A risk assessment shall be used as an evaluation tool concerning the location of the project in relation to the potential adverse health and safety effects that surrounding populations could experience. (Risk Assessments are required of all projects pursuant to "Environmental Impact Reports" in this element, which requires a discussion of siting alternatives and shall also be used in establishing safe buffer distances.) (EIR's are required for each such project pursuant to this element.)

- (2) Minimum distance of one (1) mile from immobile populations.²

Immobile populations include, but are not limited to, such uses as hospitals, nursing homes, child care facilities, K-12 schools, and jails. If a lesser distance (between 200 feet and one (1) mile) is proposed, the risk assessment shall be used as an evaluation tool concerning the specific location, design, and processes of the project in relation to the potential adverse health effects to the immobile populations and as a means of assessing the adequacy of the distances proposed in a case-by-case basis. The information provided in the Environmental Impact Report shall also be used in this process. These buffer areas shall be protected as mentioned above.

- (3) Availability of emergency services.

Emergency services shall be available within demonstrated emergency response times which are the same or better than those recommended by the National Fire Protection Association. Facilities may, if approved by the City, provide their own emergency response capability or locate, construct, fund, and provide training for the necessary public facility.

- (4) Flood protection.

Any hazardous waste facility or access to a hazardous waste facility shall be located outside the 100-year flood plain areas as shown on the Federal Emergency Management Agency Flood Areas. Construction or access ways in these areas, when removed from the 100 year flood plain by provision of flood control facilities or by raising the sites above the flood plain, may be permitted if approved by the City. The risk assessment and environmental review shall include an analysis of such hazards.

- (5) Tidal waves and storm surges protection.

Hazardous waste facilities shall not be located in areas bordering the ocean, any lagoon, river, tributary, inlet, or estuary where the land is subject to tsunamis (tidal

² State law reference – Government Code section 65850.2

waves), seiche, or storm surges. The risk assessment and environmental review shall include an analysis of such hazards.

(6) Earthquake Protection.

All hazardous waste facilities are required to have at least a 200-foot setback from any known active (holocene) earthquake fault. Geotechnical reports, subject to the review and approval of the City Engineer, shall be required for all projects to determine whether or not there are faults or evidence of surface displacement during holocene and quaternary time within or immediately adjacent to the site. An estimate shall be required of the magnitude and distance to all known relevant earthquakes and faults. The risk assessment and environmental review shall include an analysis of such hazards.

All buildings for hazardous waste facilities constructed in Oceanside shall be constructed to Seismic Zone 4 Building Code standards as a minimum standard. Specific design standards in excess of the minimum standard may be required by the City as deemed necessary to protect the public health and safety.

(7) Geotechnical Safety.

Geotechnical studies shall be conducted for any facility proposal. Such facilities are prohibited in areas of potential slope instability and areas of rapid geologic change.

Geotechnical studies shall be conducted to determine any potential for liquefaction or subsidence. Hazardous waste facilities shall not be permitted where the earth is subject to these disturbances. The risk assessment and environmental review shall include an analysis of such hazards.

(8) Hillside Protection

Hazardous waste facilities shall not be sited on lands defined as undevelopable under section 1.25 Undevelopable Lands of the Land Use Element. Undevelopable lands are lands including slopes in excess of 40 per cent with a minimum elevation differential of 25 feet, and riparian corridors or associated vegetated areas of rivers, intermittent or perennial streams or lakes.

If any hazardous waste facility is proposed for an area of between 20 and 40 per cent slopes, a "Hillside Development Plan" shall be processed along with all other applications for the project, showing how the site design and grading plan have been done to reduce earth movement on the site. The risk assessment and environmental review shall include an analysis of such hazards.

(9) Inundation Protection

No hazardous waste facility shall be allowed in any dam failure inundation areas.

(10) Groundwater Protection.

(a) Potentially potable groundwater.

The potential potable groundwater in the San Luis Rey River basin is protected by the City for future use because of rapidly diminishing water supplies in Southern California. Hazardous waste facilities shall not be sited in areas of the basin identified by the Water Utilities Department as part of the aquifer recharge area. If they are proposed within one-half (1/2) mile of the area, a groundwater study should be conducted to determine an appropriate buffer zone and/or mitigation measures. As other groundwater sources are identified by the City as potential water resources, they shall be similarly protected. The risk assessment and environmental review shall include an analysis of such hazards.

(b) All groundwater.

All hazardous waste facilities shall be designated to avoid spills into groundwater. The risk assessment and environmental review shall include an analysis of such hazards.

(11) Adequate wastewater capacity.

Hazardous waste facilities generated wastewater shall be located in areas with adequate sewer capacity to accommodate facility discharge, or the potential developer shall provide the capacity necessary as determined by the Water Utilities Department. Facilities shall comply with all federal, State, and City wastewater reclamation requirements. Hazardous waste facilities shall not be sited where they shall adversely impact existing water reclamation facilities. The risk assessment and environmental review shall include an analysis of such hazards.

(12) Spill containment.

Any facility proposed in an area where surficial geological materials are highly permeable shall provide complete spill containment and inspection measures, as required by the City. The risk assessment and environmental review shall include an analysis of such hazards.

(13) Air Quality protection.

Air Quality shall be protected pursuant to the regulations of the San Diego Air Pollution Control District. The risk assessment and environmental impact report shall address toxic and other emissions issues and the mitigation measures to be used to avoid potential affects on human health, safety, and environment.

(14) Wetlands protection

No facilities shall be located in wetland areas regulated by either the State Department of Fish and Game or the U.S. Fish and Wildlife Service.

(15) Habitat protection.

No facilities shall be located within critical habitat areas of threatened or endangered species as identified by the State or federal government.

(16) Recreation area protection.

Hazardous waste facilities shall not be located within 2,000 feet of any public recreation area such as a beach or park. This distance was set because of the consistent human occupation and use of beaches and parks. Facilities shall also be located and designed so as to eliminate the potential for any spills or releases into any tributaries that affect the beaches or harbor areas. The City of Oceanside is particularly concerned with protecting the viability of its tourist and visitor trade, as well as the health and safety of both citizens and visitors. The risk assessment and environmental review shall include an analysis of such hazards.

(17) Agricultural land protection.

If a hazardous waste facility is proposed for an area identified by the State as a prime agricultural area pursuant to the Williamson Act, Government Code section 51200 et seq., the City must make findings of overriding public benefit before approving the facility. Findings would be required that the public benefit of such a facility is greater than the value of the products of the agricultural land or for its open space value in order to permit such a facility.

(18) Mineral resource protection.

Hazardous waste facilities shall not be sited in any areas determined to be a mineral resource by the State.

(19) Transportation.

(a) Travel time minimization.

Hazardous waste facilities shall only be sited where transportation of hazardous waste within the City of Oceanside is minimized. Alternate transportation by rail may be considered in regard to specific locations. The risk assessment and environmental review shall include an analysis of transportation routes, times, and alternatives.

(b) Location near major traffic routes.

Hazardous waste facilities shall be limited to major traffic routes to the greatest extent possible. Travel on minor roads shall be kept to a minimum and travel on residential streets shall be minimized whenever possible. The type of traffic, such as that generated for hospitals, schools, or shopping centers shall be considered in establishing transit routes and locations. The time allowed for transportation shall be limited by the City to non-peak hours. The traffic counts related to capacity of the route and the accident rates shall be taken into account when determining routes and locations. The risk assessment and environmental review shall include an analysis of transportation routes, times, and alternatives.

(20) Site, design access points.

Site design for hazardous waste facilities as well as locational requirements shall include the provision of at least two (2) access points to and from the facility site.

(21) Fiscal impact analysis

In considering the siting of a hazardous waste facility in the City of Oceanside, the City shall consider the potential revenue impact to the City of the presence of the facility, and ensure that there will not be potential loss to local residents and governmental operations. Changes in employment and the impact of such change upon the community shall also be studied in conjunction with any facility proposal.

(22) Training of employees.

The appropriate emergency response and work-related training of all employees of hazardous waste facilities is a high priority. Documentation of plans for, and a schedule of, such training programs and implementation shall be required as part of any application for such a facility.

(23) Public information and notification program.

The City and the facility proponent shall participate in the State-required public information and notification requirements under Health and Safety Code section 25199 et seq. The City shall also require permit pursuant to the zoning ordinance.

(24) Additional Siting Criteria.

The City may impose any other reasonable siting criteria consistent with the goals of this element that it deems necessary to protect the public health, safety, and welfare, and the natural resources within the City of Oceanside.

Local Permitting

Conditional Use Permits with a public hearing, risk assessments and environmental impact reports are required for all hazardous waste facilities. All such project proposals shall comply with the procedures established by the Planning Department of the City of Oceanside and all other local, State, and federal agencies. All such projects shall be reviewed during an advertised public hearing, and shall be conditionally approved or disapproved by the Planning Commission according to the criteria contained in this element and all other consistent local laws and regulations.

The Planning Commission shall utilize the criteria and requirements of this element as minimum requirements in the consideration and conditioning of hazardous waste facility projects. Decisions of the Planning Commission are appealable to the City Council pursuant to the Zoning Ordinance.

Using the criteria and requirements found in this element, the Committee shall review all such applications on an advisory basis and shall report to the Planning Commission any analysis, opinions, or recommendations they deem appropriate regarding the project's compliance with this element. The Committee may also recommend specific project conditions to the Planning Commission as appropriate.

Hazardous waste facilities shall be required to meet all the permitting requirements of the applicable federal, State, County, and the City agencies. The construction of such facilities shall be required to meet all the requirements of the latest applicable Uniform Building Code and Uniform Fire Code.

If a project proponent selects a different site for a proposed facility after filing the Notice of Intent with the State and the City, new applications and new fees shall be required.

Operational Issues

In order to protect the health, safety, and welfare of the residents of Oceanside from the potential adverse impacts of unprogrammed releases, and operational or procedural failures at hazardous waste facilities, the City shall review and may place conditions to control the operations of these facilities through the local review and permitting process.

The plans and programs mentioned in this element shall be reviewed by the Planning Commission during the public hearing considering a hazardous waste facility project. If the project is approved, such plan and programs may become, as appropriate to each case, part of the conditions of approval of the project.

The Committee shall review such plans and programs. The Committee shall report as appropriate to the Planning Commission its analysis of the project's adequacy regarding these plans or programs. The Committee may also make recommendations for project conditions to the Planning Commission.

Information on the following operational areas shall be part of the application for the public hearing for the Conditional Use Permit for any hazardous waste facility and shall be considered during the public hearing on the project. The information shall be prepared to the specifications of the City of Oceanside and shall include, but not be limited to, the information described below. All hazardous waste facility projects shall be conditioned in the Conditional Use Permit to comply with the following minimum requirements:

Adherence to County Requirements.

The project proponent shall meet the requirements of the San Diego County HMMD for a Management Plan and a Business Plan, as required by State law for all businesses using reportable quantities of hazardous materials.

Hazardous Waste Operational Plan

- A general description of the hazardous waste stream managed at the facility, including the sources of generation and modes of transportation;
- A general description of all treatment methods used at the facility, including storage practices;
- A general description of the types of hazardous waste leaving the facility, including their final disposition; and
- A general description of the safety and mitigation measures incorporated in their operations.

Hazardous Waste Emergency Contingency Plan

- Evacuation procedures;
- Neighborhood notification procedures; and
- Neighborhood evacuation procedures.

Hazardous Waste Monitoring Plan

- A Plan to keep the City informed about the activities of the operation. The contents of the Monitoring Plan shall be to the specifications of the City shall be tailored to the proposed operation.

Personnel Training and In-house Education Plan

- Education and training on emergency response and other appropriate work-related issues shall be required for employees of all such facilities as well as for local emergency workers.

The employee training program and the emergency response training program shall be reviewed during the public hearing process, at which time additional conditions of operation may be added to the Conditional Use Permit.

Contingency Plan for Abandonment or Closure of Hazardous Waste Facilities

- Tailored to the particular situation and in compliance with the requirements for a detailed written closure plan pursuant to 40 CFR 265.112(a). At a minimum, conditions shall be placed on the Conditional Use Permit that require notice to be given to the City of an abandonment or closure of the facility pursuant to 40 CFR 265.112(d), and that mitigation or cleanup measures shall be subject to the review and approval of, and the attachment of additional requirements as appropriate by, the City.

Enforcement of these operational factors shall be as outlined in the implementation section of this Hazardous Waste Management Plan.

Site Security

It is the City of Oceanside's policy that facility operators have appropriate security measures. Appropriate security measures shall be determined by the characteristics of the site, the types of waste processed, and the specific processes utilized.

Hazardous Waste Management Element

The application for a Conditional Use Permit shall contain a description of these security measures, which shall also be illustrated on the site plan.

The security system and/or other measures shall be subject to review and approval of the Planning Commission during the public hearing process on the Conditional Use Permit. Security measures shall also be reviewed by the Committee, and the Fire and Police Departments, each of which may recommend additional conditions to the Planning Commission.

Financial Responsibilities

Any hazardous waste facility, as defined by State law, intending to locate in the City shall be financially responsible for liability resulting from any incident resulting from its operations, and for closure and post-closure liabilities. The City shall be protected from any liability for the project.

- a. The City supports the concept now being developed by the Southern California Hazardous Waste Management Authority, of forming an insurance pool for local governments to provide local government with third party liability insurance relating to the siting of hazardous waste facilities.
- b. The City shall require as part of the application for any waste processing facility, proof of financial responsibility. The amounts of insurance and other means of securing this responsibility shall be determined on a case-by-case basis in relation to the operations and scale of the facility. The City shall be named an additional insured on any such policy.

All such information shall be reviewed by the Finance Director or his or her designee. It shall also be considered by the Planning Commission in making a decision on a project during the public hearing on the Conditional Use Permit.

Coordination with Other Agencies

The City of Oceanside contracts with the San Diego County Health Department for most health-related services. The San Diego County HMMD presently aids the City in regulating and controlling hazardous materials and hazardous waste within the City, and assuring compliance with local, State, and federal regulations and laws.

The City of Oceanside's goal is to continue and strengthen its relationship with HMMD on hazardous waste issues. Regularly scheduled staff-to-staff meetings are held concerning cooperation on issues of local concern.

Local Enforcement

The success of this element is dependent on effective implementation by the City and the community. The City shall develop relationships with all agencies involved in the enforcement of hazardous materials and waste laws. Cooperation with the appropriate State and federal agencies as well as the San Diego County HMMD is essential to the continued health, safety, and welfare of the Oceanside community.

Many of the requirements of this element shall be implemented through the placement of conditions of approval on local permits for hazardous waste facility projects.

- a. Staff shall plan-check all building plans, grading plans, and landscape and improvement plans for hazardous waste facilities to assure the required conditions have been indicated on such Plans by the project proponent.
- b. Any requirements for documentation, such as proof of financial responsibility, education and training, and operational requirements, shall be checked by staff prior to issuance of any building permits. As part of the conditioning process, these requirements shall be recorded against the property as part of a covenant of conditions and restrictions.
- c. The physical requirements as shown on the building, improvement, landscape, and grading plans shall be checked in the field by City inspectors.
- d. As one of the implementation measures, the City shall require as a condition of approval in the Conditional Use Permit that each hazardous waste facility submit regular reports (the timing would be determined on a case-by-case basis depending on the type of facility and its operation) to the Planning Commission on its compliance with the conditions of approval.

Such reports shall be referred to the Committee for advisory comment and any information concerning the compliance of the facility with the conditions of approval shall be forwarded to the Planning Commission or to City staff as a report.

- e. The City Code Enforcement Division, Fire Prevention Office, Industrial Waste Inspector, and other applicable City departments shall conduct inspections in response to complaints by citizens.

PLAN IMPLEMENTATION

The City Hazardous Waste Management Plan shall be implemented as follows:

Pollution Prevention

The City may accomplish pollution prevention through any of the following means:

- Sponsoring workshops with hazardous materials and waste industry leaders and industry associations.
- Working with the Chamber of Commerce to sponsor workshops for local generators that have the potential of producing hazardous waste.
- Publishing or working with the San Diego County Health Department to publish an information bulletin for industry.
- Making recommendations to the City Council for industries that may be rewarded for eliminating or reducing wastes.
- Requiring industries that produce hazardous waste to report minimization and reduction efforts to the City.
- Exploring grant sources to assist local industry in minimization and reduction efforts.
- Encouraging or requiring participation in the various substance assessment programs sponsored by the San Diego County Health Department.
- Any other means of reducing or minimization hazardous waste and materials consistent with the goals of this City HWME.

Household Hazardous Waste

The City may achieve household hazardous waste minimization and reduction through the implementation of an educational program including the production of brochures, maintenance of a speakers bureau, participation in community outreach, and joint programs with the solid waste hauler or any other means consistent with the goals of this element.

Education and Training

In the case of internal facility training procedures, this section would be implemented by conditions on the land use permit for the project as reviewed and approved by the Planning

Commission. In relation to the education of the community at large, the City supports the efforts of the Environmental Health Coalition and the County of San Diego regarding awareness of hazardous materials and waste by the local community. The Committee's speakers bureau could also be utilized by local schools and community groups, as well as any other means consistent with the goals of this element.

Pre-application Process

- (a) Few changes will be required in existing procedures. Upon the submittal of a project application or business license application of a hazardous waste treatment, storage, or disposal facility, the project proponent shall be notified of the State's requirements concerning the Notice of Intent with the Office of Permit Assistance.
- (b) The City shall make any necessary changes to its business license application form in order to identify potential hazardous waste facilities.

Application Requirements

- (a) **Information Required.** The following minimum information shall be provided to the City by the project proponent at the time the Notice of Intent is filed with the State. Forms may be developed by the City to assure the inclusion of this information.
 - (1) The project proponent's background, track record, and ability to assume all liability from facility operations.
 - (2) The reportable quantities of hazardous substances to be managed on-site.
 - (3) A description of the processes used, including but not limited to the treatment methodologies used at the site, and the input and output of the processes.
 - (4) A description of operational procedures, contingency plans and site security.
- (b) **Conditional Use Permit Application.** All hazardous waste facilities shall process, through the public hearing procedures, a Conditional Use Permit meeting the requirements of the standard City application forms and procedures.
 - (1) The following information shall be required of the proponent:
 - (a) A supplemental checklist indicating compliance with the City siting criteria shall be included by the proponent in any application package for a hazardous waste facility.
 - (b) The project proponent shall submit information relating to operational issues. A questionnaire or form for this information may be reviewed and approved by

the Committee, and may be provided to project proponents as part of the application package. The project proponent shall address all of the following in the application:

- (1) A Hazardous Waste Operational Plan including, but not limited to, a description of the hazardous waste material: what it is, where it comes from, how it arrives, the internal process of the facility, the output, and the safety measures taken at each step of the process.
- (2) An Emergency Contingency Plan including but not limited to evacuation procedures for the facility and the neighborhood and neighborhood notification procedures.
- (3) A proposal by the project proponent for a monitoring program including regular reports to the City on the outcome of, and problems with, the program.
- (4) A description of the facility's proposed personnel training and in-house educational programs relating to emergency response and other relevant work-related issues.

Siting Criteria

Siting criteria shall be implemented on a case-by-case basis by requiring information from the applicant. A checklist mentioning each specific siting criteria shall be included in the application package for the Conditional Use Permit for a hazardous waste facility by the project proponent. Finding shall be made concerning each of these criteria during the public hearing as part of the approval of the Conditional Use Permit. The City may implement this requirement by amendment of the zoning ordinance to add a list of minimum findings required for the Conditional Use Permit for hazardous waste facilities.

Risk Assessments

All hazardous waste facilities shall be required to prepare a risk assessment, meeting the standards of the City and this element, as part of the application for the Conditional Use Permit.

The City may develop guidelines for risk assessments. Any such guidelines may be reviewed by the Committee from time to time. The risk assessment shall be reviewed by the Planning Commission in its consideration of the project during the public hearing on the Conditional Use Permit. Based on information from the risk assessment, the Committee may recommend conditions on the project to the Planning Commission.

Environmental Impact Reports (CEQA)

All hazardous waste facilities shall prepare an Environmental Impact Report under City and State guidelines and any revisions thereto. The EIR shall be used by the Planning Commission in its consideration of the Conditional Use Permit for the project in a public hearing. The EIR shall be circulated during the public comment period to the Committee for review and comment.

Operational Issues

Information concerning operations of hazardous waste facilities is being requested as part of the application package for the Conditional Use Permit mentioned above. As requested, or as it requests, the Committee may review the information and make recommendations to the Planning Commission.

Public Information

The project proponent shall submit a public information program proposal related to the facility as part of the application for the public hearing for the Conditional Use Permit. Such a program proposal may be reviewed by the Committee and may be recommended for inclusion as a condition of approval of the project.

Site Security

Security measures shall be implemented by the placement of conditions on the Conditional Use Permit during the public hearing process, by recordation of the conditions against the property, and through the plan check and field inspection process.

Financial Responsibility

In addition to the liability coverage required of project proponents under State law (see Chapter IV, p. 26 supra, of the complete element), the City may require specific information from the applicant as to how the City is to be protected from any liability arising from the project. The City's Risk Manager may recommend appropriate insurance and financial responsibility amounts to the Planning Commission for consideration during public hearing on the Conditional Use Permit and to the City Council. The City shall be named as additional insured on any such facility policies.

Enforcement

The City is working with the San Diego County Health Department to coordinate efforts on issues of local concern. Other enforcement shall be done through the placement of conditions on the Conditional Use Permit and the review of building, landscaping, improvement, and grading plans to see that the conditions are included. All conditions placed by the City shall be recorded against the property by the project proponent. City inspectors shall conduct regular inspections to ensure compliance of the facility with all legal requirements.

Regular compliance reports by the project proponent, as required herein shall be reviewed by the Committee.

The City shall respond to any complaints concerning the conditions of the project and its operation, and may refer such complaints to other regulatory agencies as appropriate. The Committee shall receive any reports concerning such complaints and their disposition.



HAZARDOUS WASTE MANAGEMENT ELEMENT APPENDIX



APPENDIX A - COMPLETE ELEMENT TABLE OF CONTENTS

CITY OF OCEANSIDE HAZARDOUS WASTE MANAGEMENT ELEMENT

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