

4.0 LEGISLATION, POLICIES AND PROGRAMS

This HWMP is a comprehensive document covering hazardous waste management in Hercules from generation through reclamation, treatment and/or disposal. Specific recommendations are made in the plan to improve existing methods of hazardous waste management and to develop and implement specific city programs. The goals of these programs will be to continue and improve effective hazardous waste management to protect public health and the environment of the City of Hercules in the future.

The Contra Costa County Final Hazardous Waste Management Plan (Contra Costa County 1989a) states that the County is one of the largest generators of hazardous waste in the State and that most of that waste is treated in on-site treatment facilities. The remainder of the generated waste is managed in off-site recycling, treatment or disposal facilities, principally outside of the County. The county HWMP indicates that this export of hazardous waste for treatment is likely to continue in the foreseeable future due to the lack of available treatment, storage and disposal (TSD) facilities within the county, and economic factors. The HWMP indicates the intention of the County to work with other counties or the State to solve waste disposal problems which may not be solvable within the County.

The City of Hercules currently has within its borders one large industrial generator of hazardous waste (according to DHS definition, large quantity generators are those producing more than 1.0 tons per month of hazardous waste). In addition there are a number of Small Quantity Generators (SQG's) and a small amount of hazardous waste generated by small-scale commercial and residential users. Total generation of hazardous waste in Hercules is relatively small in comparison to nearby industrial parts of Contra Costa County.

4.1 LEGISLATIVE AND REGULATORY BACKGROUND

In September of 1986, Assembly Bill 2948 (Tanner) was enacted. This Bill, now a part of the State Health and Safety Code, authorized counties and cities to prepare Hazardous Waste Management Plans or supplemental hazardous waste management elements. Subsequent to passage of AB 2948, each county within the State elected to prepare a Hazardous Waste Management Plan (HWMP). These plans have been submitted to the State Department of Health Services and are undergoing final State approval and local adoption processes.

The county HWMPs provide general overall data for hazardous waste management at the county level. Certain cities, particularly those with a significant industrial sector, require more detailed information for hazardous waste management within their boundaries. AB 2948 provides such cities authority for developing such a city HWMP provided the city plan is consistent with the adopted county HWMP.

In 1989, the legislature passed AB 1201 (Tanner) amending the original Assembly Bill (AB 2948) on Hazardous Waste Management Plans. The language in AB 1201 leaves unchanged the authority for cities to prepare HWMPs, but does provide additional detailed guidance and some provisions for the process of siting new hazardous waste management facilities.

The Hercules City HWMP has been developed in accordance with AB 2948 (Tanner), AB 1201 (Tanner) and the California Department of Health Services Guidelines for the Preparation of Hazardous Waste Management Plans (DOHS 1987a). The Plan has also been developed to be consistent with the policies and provisions of the Contra Costa County Final Hazardous Waste Management Plan (Contra Costa County 1989).

4.2 PLAN COMPONENTS AND KEY RESULTS

This HWMP will serve as the primary planning document for the management of hazardous waste within the City of Hercules. The scope of this Plan includes the generation, storage, handling, recycling, treatment, transport and disposal of such waste. To the extent that hazardous materials are of significance as waste sources or as major hazards, such materials are also discussed herein. The document recommends programs which deal more thoroughly with hazardous materials issues which are beyond the scope of this Plan.

4.3 HAZARDOUS WASTE MANAGEMENT POLICIES

The City of Hercules intends to achieve the goals and objectives outlined in Chapter 3.0. The City has developed the specific policies listed below in order to accomplish this intention.

The City of Hercules' policies with respect to hazardous materials and hazardous waste shall be:

- o To adopt appropriate administrative authority to monitor and enforce city ordinances for businesses and other hazardous waste users within the city limits of Hercules.

- o To designate the City Manager as the lead coordinator with each department (see chart on page 6) responsible for the achievement of specific hazardous waste management goals for the City of Hercules. The Department shall accomplish these management goals by working with designated county agencies including the Rodeo-Hercules Fire Protection District, County Planning Department and County Health Department.

- o To bring all city facilities into compliance with proposed hazardous waste management policies of this plan, and with other existing statutes and ordinances at the county, state and federal level.
- o To train city employees who handle or otherwise come in contact with hazardous materials or hazardous waste in the proper safety procedures for management and handling of these substances.
- o To establish an enhanced hazardous waste and materials data base, oriented toward land use issues and zoning ordinance enforcement, to be implemented by the Planning Department, which will incorporate information from businesses which hold City of Hercules business licenses.
- o To enhance information submitted by local businesses regarding the generation, storage, transport and disposal of hazardous waste within the city limits of Hercules upon application or renewal of city business licenses.
- o To encourage waste minimization by local businesses through source reduction, product substitution, development of alternative technologies, recycling or other effective means.
- o To assist with coordination of county or regionally sponsored technical assistance programs to small quantity generators and other industry regarding hazardous material handling and hazardous waste management.

- o To train current inspectors to recognize hazardous materials and hazardous waste management problems and to coordinate with fire department inspectors in order to ensure compliance with the Hercules Municipal Code and other applicable regulations.
- o To direct the City Attorney to enforce all applicable ordinances pertaining to hazardous waste generation, transport, storage and handling, and to adequately deter accidental or purposeful violations of these ordinances.
- o To encourage community participation in municipal household hazardous waste collection through educational and technical programs. Such programs might include distribution of educational materials, sponsoring educational events, arranging community hazardous waste collection days and investigation of potential for a permanent household hazardous waste collection facility, in accordance with the solid waste JPA.
- o To coordinate city actions with the Rodeo-Hercules Fire Protection District and other emergency response agencies. To train city personnel in the emergency response procedures in interagency agreements through establishment of an interagency emergency response task force for this purpose.
- o To appoint a person or committee charged with maintaining communication with other (neighboring) jurisdictions and arrange a mechanism for developing inter-jurisdictional waste management strategies for common problems involving the city and neighboring jurisdictions.

These policies would be implemented through specific programs. Each policy or group of policies serves as a mandate for establishment of a program or other set of actions which the City must establish in order to achieve an effective system of hazardous waste management.

4.4 PLAN RECOMMENDATIONS

Establishment of specific programs to achieve the goals and policies of this plan will allow the City of Hercules and its citizens to effectively control and regulate hazardous waste generation, treatment and disposal within the city jurisdictional limits. This Plan recommends that the following programs be enacted in accordance with the goals and policies listed above:

- o Establish and maintain a data base on hazardous materials handled, and hazardous waste managed within the City's sphere of influence (consistent with AB 2185 (1986)). The data base should contain information to facilitate land use decisions such as the permitting of new facilities which generate or use hazardous waste or materials and the proximity of development to hazardous sites as well as residential areas. This will encourage development of compatible uses and provide the City with mechanisms to develop appropriate regulatory guidelines and incident response procedures in these areas of the city.

- o Participate, in conjunction with appropriate County and State agencies, in monitoring programs for air and water which will adequately protect the health and safety of Hercules citizens from potential exposures to hazardous materials on a sustained basis and which will alert citizens to any incidents or short-term threats of exposure.

- o Work with the local business community to undertake and encourage a program of identifying waste minimization opportunities or procedures for local industry. Provide staff support to work with industry and accomplish these goals. The procedures developed should encourage source reduction, recycling, reuse and on-site treatment. Investigate the feasibility of developing such a program as part of regional program undertaken by a group of neighboring jurisdictions (west-county cities).

- o Enact a requirement for all generators or handlers of hazardous materials above a specified minimum (consistent with AB 2185 (1986) and AB 3777 (1989)) to provide the City with an on-file Hazardous Waste Business Plan and Risk Management and Prevention Plan. Generators and handlers subject to this requirement are those who generate or handle more than 55 gallons (liquid), 500 pounds (solids), or 200 cubic feet (gas at standard temperature and pressure) of hazardous materials annually. More detailed questionnaires regarding storage and handling of hazardous substances should be issued to each applicant for a City business license and issuance of the license should be contingent upon satisfaction of city requirements and ordinances pertaining to handling and storage of hazardous materials and waste.

- o The City should develop, in coordination with the Rodeo-Hercules Fire Protection District, a program to regularly inspect and/or monitor facilities which are determined to be or suspected of handling or managing hazardous waste or hazardous materials within the city's jurisdiction. Such inspection may be possible in conjunction with existing inspection programs.

- o Continue to work with other jurisdictions and establish lines of communication and programs for pursuing hazardous waste management on an area-wide basis, thereby solving mutual problems of inter-jurisdictional waste management.

Once the City has committed to developing the above programs, funding mechanisms will be required for achievement of continuing activity on each program.