

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.