

Chapter IV.

ENVIRONMENTAL HAZARDS

HAZARDOUS & TOXIC MATERIALS ELEMENT

PURPOSE

The Hazardous and Toxic Materials Element identifies those factors that need to be considered in order to provide protection to residents and visitors from potentially harmful hazardous and toxic materials within the Town. Such hazards may pose a threat to life and property, or may call for costly public improvements. The Element characterizes these hazards and presents methods to reduce or eliminate them by establishing policies and programs to ensure the utilization of appropriate management practices, as well as the effective and secure use, storage, and transport of hazardous and toxic substances in the community.

BACKGROUND

Hazardous and toxic materials are substances that have the potential to pose a threat to people or the environment. Hazardous materials are commonly used in a number of industries and often produce hazardous wastes. Hazardous and toxic materials can also be produced as a byproduct of new technologies and chemical processes. Communities and the environment can face potentially significant threats from accidental spills, illegal dumping, and other uncontrolled discharges of these materials. Proper use, disposal, and management of such material is necessary to prevent any adverse impacts from exposure to hazardous and toxic materials.

There are a number of other elements within this General Plan that relate directly or indirectly to the Hazardous and Toxic Materials Element. The Air Quality and Water Resources Elements set forth policies to minimize impacts from pollutants including hazardous and toxic materials. The Land Use Element establishes zoning criteria that are intended to limit any conflict in land use so that hazardous material use, storage, or disposal does not impact people or the environment. Improper management of hazardous and toxic materials has the potential to negatively impact the Biological Resources Element. The Emergency Preparedness Element is also related to the hazardous and toxic materials element by establishing policies and programs that protect the general public from adverse impacts associated with such materials.

Section 65302(g) of the California Government Code requires General Plans to address safety issues, including but not limited to hazardous materials. A number of agencies including local, state, and federal agencies are responsible for regulating and monitoring the management, disposal, labeling, and use of toxic and hazardous materials. The U.S. Environmental Protection Agency, the California Office of Health Planning and Development, and the San Bernardino County Department of Environmental Health Services are some of the regulatory agencies that deal with hazardous and toxic materials. The Tanner Bill, AB 2948 (Chapter 1504, Statutes of 1986), adopted in response to the need for safe management of hazardous materials and waste products, empowers counties to prepare Hazardous Waste Management Plans (HWMP).

A variety of federal, state and local agencies oversee water quality and maintain data regarding specific hazardous waste sites. These are further discussed under Hazardous Waste Management Planning, below.

Hazardous And Toxic Materials

Potential hazardous/toxic material generators that may be located in the Town include commercial, quasi-industrial, and medical operations. Typical businesses that may use or generate hazardous materials or waste include service stations, petroleum product and equipment suppliers, pesticide vendors and users, automotive dealers, medical practitioners, and hospitals and clinics.

In addition, there are three hazardous materials transportation corridors located in the Town of Apple Valley. The Atchison Topeka & Santa Fe Railroad, U.S. Interstate 15, and State Route 18 have the potential to be involved in the transport of hazardous wastes and materials. Accidental spills, purposeful illegal dumping, air emission, and other uncontrolled discharges into the environment from such hazardous/toxic material generators or transporters may potentially expose residents or the environment to hazardous and toxic materials.

Hazardous and toxic material can be composed of a wide variety of chemical and purified chemical compounds, products, and elements. As mentioned above, such materials can be used in commercial businesses, industrial operations and processes, and medical facilities. The more common chemicals include chlorine products, chemical fertilizers, herbicides and pesticides, stored fuels and waste oil, chemical solvents and lubricants, and a variety of medical materials. Such hazardous and toxic material users and producers are considered “small quantity generators”.

Within the Town of Apple Valley there are a limited number of “small quantity generators,” that use or produce hazardous materials. Such businesses are required on an annual basis to certify any onsite hazardous materials with the County’s Hazardous Materials Division (HMD). These facilities including waste-generating medical clinics, gasoline service stations, equipment and fuel storage yards, and waste haulers. These businesses are inspected and monitored to assure compliance with California Code of Regulation (Title 22).

The most significant hazards from these “small quantity generators” are due to leaks from underground storage tanks, typically located at service stations, maintenance yards, and at the airport. A search for Leaking Underground Fuel Tank (LUFT) cleanup sites identified 15 spills within the Town of Apple Valley. To limit the number of spills associated with underground fuel tank storage, the U.S. EPA requires all service stations to retrofit or replace underground storage tanks with double-walled construction.

A search of the US EPA Envirofacts Data Warehouse for the Town of Apple Valley conducted on March 10, 2008 did not identify any Federal Superfund Sites (NPL), State Response Sites, Voluntary Cleanup Sites, School Cleanup Sites, Permitted Sites, or Corrective Action Sites. The

search did identify 7 school investigation sites, however, these require no further action since no hazards were found.⁵

The Town of Apple Valley does not currently contain any large quantity generators of hazardous waste. All businesses that use, generate, transport, or store hazardous waste are required to submit a hazardous waste management business plan to the County of San Bernardino.

Airport Hazardous Waste

The Apple Valley Airport, located at 21284 Corwin Road in the northern portion of Apple Valley, has a moderate to high potential for hazardous material spills. The airport is permitted to discharge less than 1,000 gallons per day of treated sewage, which is considered a minor threat to groundwater. In addition, the site contains four underground fuel storage tanks, none of which have any reported spills or leaks.

Medical Hazardous Waste

The Medical Waste Management Program (California Health and Safety Code, Section 117600) protects the public and the environment from potentially hazardous medical waste by regulating the generation, handling, storage, and disposal of medical hazardous waste through the implementation of the Medical Waste Management Act (MWMA). Through the program, generators of medical waste are exposed to classes and workshops that provide management tools and strategies for minimizing hazardous waste. Under the MWMA the County of San Bernardino is the local enforcement agency for Apple Valley's medical hazardous waste generators. All medical hazardous waste generators within the Town and Sphere of Influence are required to abide by the MWMA, Title 22 and Title 8 of the California Code of Regulations, and any other pertinent laws that regulate medical hazardous waste.

Household Hazardous Waste

Household hazardous waste includes a number of common household products such as fluorescent lamps, batteries, pesticides and herbicides, paint, motor oil, mercury containing devices, medications, and electronic equipment. As of February 8, 2006 all household hazardous waste must be disposed of at specified disposal facilities. In the Town of Apple Valley such waste can be taken to the Town of Apple Valley Public Works building located at 22411 South Outer Highway 18. This collection facility is open on the first and third Saturday of each month from 10:00 am to 2:00 pm.

Hazardous Waste Management Planning

There are several responsible agencies, including federal, state, and regional agencies, that regulate hazardous material, monitor and manage hazardous sites, and enforce compliance with applicable hazardous materials laws and regulations.

The Town of Apple Valley, in conjunction with the San Bernardino County Hazardous Materials Team, works with appropriate county, state, and federal agencies in the identification of hazardous material sites and the active regulation of their cleanup. Management and planning for

⁵ “http://www.epa.gov/enviro/html/toxic_releases.html” accessed March 10, 2008.

facilities and operations that use, store, or produce hazardous and toxic materials may include establishing and maintaining information on these sites, and periodic monitoring of such facilities. A comprehensive monitoring program that utilizes multiple agencies to monitor the storage and disposal of hazardous materials and regulates illegal dumping in the Town is appropriate. Special attention should be paid to monitoring and regulating underground storage tanks and septic systems, and the transport and disposal of hazardous materials.

The California Regional Water Quality Control Board (CRWQCB), the Town of Apple Valley, Apple Valley Ranchos Water Company, and the Golden State Water Company maintain information concerning contaminated wells and groundwater. The state and federal Environmental Protection Agencies (EPA) and the State Department of Health also supply information concerning specific hazardous waste sites and their locations.

Federal Agencies and Management

At the federal level the EPA, Occupational Safety & Health Administration (OSHA), Federal Emergency Management Agency (FEMA), and Department of Transportation (DOT) regulate hazardous materials. Through the Resource Conservation and Recovery Act (RCRA), the EPA was charged with the responsibility of creating regulations that manage hazardous waste from “cradle to grave,” including treatment, storage, and disposal of hazardous waste. OSHA, in addition to overseeing safety in the workplace, maintains a guide to “The Globally Harmonized System of Classification and Labeling of Chemicals” (GHS), which is an international system for classifying the toxicity of a chemical. FEMA is responsible for developing policies and programs for emergency management at the local, state, and federal level. For the transport of hazardous waste, the DOT has established standards for packaging, container labeling, vehicle placarding⁶, and emergency response.

In addition to the RCRA mentioned above, the following federal laws governs the production, use, storage, and disposal of hazardous waste:

- Hazardous and Solid Waste Amendments Act (HSWA)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Superfund Amendments and Reauthorization Act (SARA)
- Emergency Planning and Right-to-Know (SARA Title III)

State Agencies and Management

The state of California has a number of agencies that oversee management of hazardous materials. Collectively, these are known as Certified Unified Program Agencies (CUPA), which regulate and implement laws pertaining to hazardous materials. The two primary agencies on the state level are the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB). The Office of Emergency Services, California Department of Fish and Game, Air Resource Board, Caltrans, State Office of Environmental Health Hazard Assessment, and California Integrated Waste Management Board are also involved in state management of hazardous materials. The Cal-OSHA Division of the California Department of

⁶ A placard is a sign-like device that provides information pertaining to the contents on which it is attached. For hazardous materials the placard will identify the type of hazard that is presented.

Industrial Relations is the regulatory agency responsible for regulating industrial users and producers of hazardous materials,. State transport of hazardous materials is monitored by the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans). Requirements for these agencies to provide information on the location, type, and associated health risks of hazardous materials to emergency response personnel, authorized government officials, and the public can be found in the California State Health & Safety Code, Division 20, Chapter 6.95, Sections 25500 - 25520; California Code of Regulations (CCR), Title 19, Division 2, Chapter 4, Article 4, Sections 2729 - 2732. Further, Title 22 and 27 of the California Code of Regulations are also relevant to the proper management of hazardous materials. Private database and documentation services are also available; these services will search, extract, and summarize reports on contaminated sites recorded in various locations throughout state databases.

Regional Agencies and Management

The Town of Apple Valley is a member of the Southern California Hazardous Waste Management Authority, a joint powers authority between Southern California Association of Governments (SCAG) member counties. The draft Regional Comprehensive Plan (RCP) addresses a number of areas of resource management. The RCP includes an overview of the current solid and hazardous waste management planning process in Southern California, and will discuss potential strategies and actions for improving the SCAG region's solid and hazardous waste management system. The Draft RCP is currently (2008) in the environmental review stage.

The Town works with the Hazardous Materials Division (HMD) of the San Bernardino County Fire Department, which has been designated by the State as the Certified Unified Program Agency for handling hazardous waste and materials in the High Desert. Local businesses must certify any hazardous materials at their facilities with the County HMD on an annual basis. HMD performs compliance inspections of facilities that handle hazardous materials, which are defined by California Code of Regulations (Title 22) as substances that are toxic, ignitable, flammable, reactive, or corrosive. The Apple Valley Fire Protection District Duty Chief acts as the liaison with HMD in the event of a hazardous materials spill or leak.

Standards established by the Town of Apple Valley's Development Code are intended to ensure that the use, handling, storage, and transportation of hazardous materials comply with all applicable requirements of the State Government Code Section 65850.2 and Health and Safety Code Section 25505, and Article 80 of the Uniform Fire Code.

As mentioned above, AB 2948 (Chapter 1504, Statutes of 1986), also known as the Tanner Bill, allows counties to prepare Hazardous Waste Management Plans (HWMP) to respond to the need for safe hazardous materials and waste products management. The County of San Bernardino prepared the Business Emergency/Contingency Plan (Business Plan) to meet the requirements of the aforementioned bill. The plan was revised and updated as recently as February 2008 and requires new and existing businesses that generate or use hazardous materials to obtain approval from the County or Town prior to onsite use of such materials.

In order to comply with Health and Safety Code Section 25135, the County of San Bernardino uses the Business Plan to assure that adequate treatment and disposal capacity is available to manage the hazardous wastes generated within the jurisdiction, and to address issues related to

the manufacturing and use of hazardous waste. The Business Plan provides a management tool that requires each business to individually address the disposal, handling, processing, storage and treatment of hazardous materials and waste products used.

For the Town of Apple Valley, the Hazardous Materials Division of the San Bernardino County Fire Department is the administering agency and the Certified Unified Program Agency (CUPA) responsible for the regulation of hazardous materials.

Hazardous Materials Response

The Town of Apple Valley has developed a Multi Hazard Functional Planning Guidance Document (Multi Hazard Plan) that, among other priorities, establishes contingency plans when an incident involving hazardous materials occurs. The Multi Hazards Plan is compliant with the statewide Standardized Emergency Management System (SEMS), which enables a multiple agency response to an incident, and the National Incident Response Management System (NIMS), which is intended to standardize agency response across federal, state and local jurisdictions. The Emergency Preparedness Element provides additional information regarding SEMS and NIMS.

As mentioned above, the Town of Apple Valley is served by the Hazardous Materials Division of the San Bernardino Fire Department, which acts as the participating agency in the statewide Certified Uniform Program Administration. Other responsible agencies that assure that the Multi Hazard Plan addresses the production, storage, transport, and disposal of hazardous and toxic materials include the County of San Bernardino Hazardous Materials Division and the Regional Water Quality Control Board.

When the Town receives a call related to hazardous materials, the Hazardous Materials Team, a unit of the Apple Valley Fire Protection District and a member of the San Bernardino County Hazardous Materials Team, responds. The Hazardous Materials Team consists of specialist level, certified personnel. This level of certification allows members to identify the hazardous material, participate in Level A entries (fully encapsulated suits), and assist with any measures necessary to mitigate the hazard, with the exception of disposal. The Hazardous Materials Team responds to hazardous material spills including fuel spills and the illegal dumping of unknown products in the Town, and may assist in other jurisdictions as requested.

FUTURE DIRECTIONS

For spills and accidents associated with hazardous materials within the Town of Apple Valley, the Town's Hazardous Materials Team, as a member of the County's Hazardous Materials Division, is the first line of defense. To identify, regulate, and properly manage sites and businesses where hazardous materials are stored, the Town defers to the County to contact and coordinate with the appropriate regulatory and enforcement agencies. Similarly, the Town of Apple Valley, in conjunction with the County of San Bernardino, is responsible for coordinating with other agencies to identify contaminated sites as they occur and actively regulate cleanup.

Implementation of the Hazardous and Toxic Materials Element can be accomplished through regular consultation with the Regional Water Quality Control Board and the County Department of Environmental Health, by maintaining and updating a database on hazardous material sites, including an inventory of underground storage tanks and septic systems, and by monitoring facilities that utilize or produce hazardous materials within the Town. Also of importance in the management of hazardous materials is the monitoring of the transport and disposal of hazardous materials.

Processes for determining oversight, management, and coordination between responsible agencies, including determining responsibilities of appropriate levels of local, State, and County personnel and facilities is critical to an efficient and timely response to an emergency situation involving hazardous or toxic materials. This can be achieved through regular consultation and coordination between the Town's Emergency Preparedness Manager and responsible County and State agencies. Goals, policies and programs included herein guide planning and management strategies to effectively address hazardous and toxic materials in Apple Valley.

GOAL, POLICIES, AND PROGRAMS

Goal

Ensure that the environment and all residents, workers, and visitors are protected from exposure to hazardous materials and wastes.

Policy 1.A

The Town shall cooperate with regulators and encourage the enforcement of laws that require all users, producers, and transporters of hazardous materials and wastes to clearly identify such materials, and notify the appropriate county, state and/or federal agencies as required by law.

Program 1.A.1

The Town shall maintain a protocol for communicating with responsible agencies, and will coordinate efforts to assure that state and federal regulations for the testing and monitoring of leaking underground fuel storage tanks are enforced.

Responsible Agencies: Apple Valley Fire Protection District, San Bernardino County Fire Department, state and federal EPA, San Bernardino County Department of Environmental Health.

Schedule: Ongoing

Policy 1.B

The County Sheriff's Department shall work with the Town Engineer, Caltrans, and California Highway Patrol, to regulate the transport of hazardous materials along local roadways, state highways and routes, and interstates in the Town or the vicinity.

Policy 1.C

The Town shall coordinate with the Apple Valley Fire Protection District and the San Bernardino County Environmental Health Department to assure improved response to, and capability for, handling hazardous materials incidents.

Policy 1.D

The Town shall require all business that use, store, or produce hazardous material to comply with the County's Business Plan.

Program 1.D.1

As part of the development approval process, new businesses handling hazardous materials shall be required to submit a Business Plan for handling, storing, transporting, and disposing of hazardous materials and wastes.

Responsible Agencies: Planning Division, Apple Valley Fire Protection District, San Bernardino County Fire Department, San Bernardino County Department of Environmental Health.

Schedule: Ongoing

Policy 1.E

The Town shall maintain documentation of known hazards to public health and safety and shall make this information available to government officials and organizations, emergency response personnel, and the general public.

Program 1.E.1

The location of hazardous spills will be maintained and updated on an ongoing basis as they occur.

Responsible Agencies: Apple Valley Fire Protection District, San Bernardino County Fire Department, San Bernardino County Department of Environmental Health.

Schedule: Ongoing

Policy 1.F

The Town shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials, or sites that use or contain potentially hazardous or toxic materials.

Policy 1.G

Require and facilitate an efficient cleanup of contaminated sites identified within the Town of Apple Valley.

Program 1.G.1

Coordinate with responsible county, state, and federal agencies to initiate cleanup procedures, and monitor the status of cleanup efforts.

Responsible Agencies: Apple Valley Fire Protection District, San Bernardino County Fire Department, State and federal EPA, California Regional Water Quality Control Board, San Bernardino County Department of Environmental Health.

Schedule: Ongoing

Policy 1.H

Designate appropriately managed access routes to facilitate the transport of hazardous and toxic materials.

Program 1.H.1

The Town shall maintain an Emergency Response Program, which provides for evacuation routes, and emergency services in the event of a hazardous spill or airborne release.

Responsible Agencies: Town of Apple Valley

Schedule: Ongoing

Program 1.H.2

Coordinate with the Fire District, Sheriff's Department, and other appropriate agencies to identify segments of highway or local roadways that necessitate the restricted transport of hazardous and toxic materials.

Responsible Agencies: Apple Valley Planning Division, Apple Valley Protection Fire Department, Sheriff's Department.

Schedule: 2009-2010

Policy 1.I

Continue to promote programs that encourage or educate the public in the proper handling and disposal of household hazardous waste or other potential dangerous or toxic materials.

Policy 1.J

Land use designations that may involve the production, storage, transportation, handling, or disposal of hazardous materials will be located at a safe distance from land uses that may be adversely impacted by such activities.

Program 1.J.1

The Town shall ensure that all major natural gas transmission lines and liquid fuel lines that run through the Town are clearly identified, that right-of-way and maintenance easements are maintained, and that all existing and proposed development is located a safe distance from these lines.

Responsible Agencies: Utility Companies, Building and Safety Division, Planning Division, Apple Valley Fire Protection District.

Schedule: Ongoing