

23. Hazardous Materials and Waste

23.1 BACKGROUND AND CONTEXT

Pursuant to California Health and Safety Code (HSC) Section 25260, “hazardous material” means any material that, because of its quantity, concentration, physical or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances as defined in HSC Section 25281 or 25316, hazardous waste as defined in HSC Section 25117, and any material that the Ventura County *Certified Unified Program Agency (CUPA)* determines to be potentially injurious to the health and safety of persons or harmful to the environment if released into the environment.

For a more complete list of definitions related to hazardous materials, refer to the following:

- Aboveground Petroleum Storage Act: HSC Chapter 6.67, Section 25270.2;
- *Hazardous Materials Business Plan*: HSC Chapter 6.95, Section 25501; and
- *Underground Storage Tanks*: HSC Chapter 6.7, Section 25281; CCR Title 23, Division 3, Chapter 16, Article 1, Section 2611.

“Hazardous waste” includes the following:

- Any waste or combination of wastes, which because of quantity, concentration, physical or chemical, or infectious characteristics, may cause or significantly contribute to serious illness or death, or an increase in serious irreversible, or incapacitating reversible illness; or may pose a substantial present or potential threat to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- A waste that meets any of the criteria for the identification of a hazardous waste adopted by the State Department of Toxic Substances Control pursuant to the California Health and Safety Code, Division 20, Chapter 6.5 and California Code of Regulations, Title 22, Division 4.5. These substances may be poisons, corrosive chemicals, flammable materials, explosives and oxidizers and reactive materials or substances when tested in accordance with the criteria in California Code of Regulations, Title 22.

For a more complete list of definitions for hazardous waste, refer to California Health and Safety Code, Division 20, Chapter 6.5, Article 2.

Hazardous materials and hazardous waste are generated by a diverse range of industries in the county including agriculture, aerospace, on-shore and off-shore petroleum exploration, biotech, military, automotive services, public utilities, and various manufacturing and service industries. According to the Ventura County General Plan Background Report, there are over 2,600 facilities within Ventura County that store and use hazardous materials, maintain above ground and underground hazardous substance storage tanks, and generate hazardous waste. The majority of

hazardous waste generated in the county is comprised of used oil, waste solvents, and waste batteries.

23.2 THRESHOLDS OF SIGNIFICANCE

The determination of significance shall be made on a case-by-case basis and evaluated using the following thresholds of significance as specified below.

HAZ-1 A project may have a significant impact if it would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

HAZ-2 A project may have a significant impact if it would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

HAZ-3 A project may have a significant impact if it would generate substantial hazardous emissions or handle substantial amounts of hazardous or *acutely hazardous waste*, materials, or substances within one-quarter mile of an existing or proposed school.

HAZ-4 A project may have a significant impact if it would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.

23.3 IMPACT ANALYSIS

Guidance on addressing the questions from the Initial Study Checklist is provided below. In order to determine whether project impacts exceed or meet the criteria of the thresholds of significance in Section 23.2, the level of impact shall be evaluated based on the appropriate assessment methodologies as outlined below.

Assessment of Hazardous Materials

Review the project and related project materials, and consult with the *CUPA* to obtain the following information:

- a. Determine whether the proposed project would routinely transport, use, generate, or dispose of hazardous materials in a quantity that is subject to the following state and local regulations as enforced by the *CUPA* and/or the Ventura County Fire Protection District (VCFPD):
 - *Underground Storage Tanks* - California Health and Safety Code, Division 20, Chapter 6.7 and the California Code of Regulations Title 23, Division 3, Chapter 16.
 - Aboveground Petroleum Storage Act - California Health and Safety Code, Division 20, Chapter 6.67.
 - *Hazardous Materials Business Plan* - California Health and Safety Code, Division 20, Chapter 6.95, Article 1.
 - *Risk Management Plan* - California Health and Safety Code, Division 20, Chapter 6.95, Article 2.

- Certified Unified Program Agency - California Health and Safety Code, Division 20, Chapter 6.11.
 - Ventura County Fire Code, as adopted and amended from time to time by the VCFPD, in regard to above ground hazardous materials.
- b. Determine whether the project would utilize and require the installation of underground hazardous materials storage tanks.
 - c. Determine if existing *underground storage tanks* are on-site, and if they are in compliance with the testing and monitoring requirements set forth in the California Health and Safety Code, Division 20, Chapter 6.7 and the California Code of Regulations Title 23, Division 3, Chapter 16. Consult with the Ventura County Resource Management Agency, Environmental Health Division and determine if any enforcement or compliance actions are pending. The Environmental Health Division may require that any violations be remedied as part of the project.
 - d. Consult with the Environmental Health Division to determine whether the project would result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials or hazardous waste into the environment, including groundwater.
 - e. Consult with the Environmental Health Division to determine whether the project would generate substantial hazardous emissions or handle substantial amounts of hazardous or *acutely hazardous waste*, materials, or substances within one-quarter mile of an existing or proposed school.
 - f. Determine whether the project is located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Assessment of Hazardous Waste

Review the project and related project materials, and consult with the *CUPA* to obtain the following information:

- a. Determine whether the project would generate hazardous waste that is subject to the following state and local regulations:
 - California Code of Regulations, Title 22, Division 4.5.
 - California Health and Safety Code, Division 20, Chapter 6.5.
 - Ventura County Ordinance Code, Division 4, Chapter 5 (Hazardous Substances), Article 1, (Certified Unified Program Agency).
- b. Determine whether the project is located in an area with access to public sewer service or whether the project will utilize an onsite wastewater treatment system. Also refer to Section 25, Utilities and Service Systems, for additional thresholds and guidelines related to wastewater treatment and sewage facilities.
- c. Determine whether the project is located in a sensitive *groundwater basin*. Also refer to Section 9, Water Resources, for additional thresholds and guidelines related to groundwater.

Preparation of Initial Study Checklist

The following information should be used to complete the Initial Study Checklist:

(a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

A determination of **No Impact (N)** shall be made if the project would not transport, use, or dispose of hazardous materials and would not generate hazardous waste.

A determination of **Less Than Significant Impact (LS)** shall be made if the project would transport, use, or dispose of hazardous materials, or generate hazardous waste in compliance with state and local regulations enforced by the Environmental Health Division and/or VCFPD.

A determination of **Less than Significant with Mitigation Incorporated (LS-M)** shall be made if the project would result in a potentially significant impact involving the transport, use, or disposal of hazardous materials, or generate hazardous waste, but project impacts could be mitigated to a less than significant level by project design or measures, or through adoption of specific project conditions.

A determination of **Potentially Significant Impact (PS)** shall be made, and further analysis shall be addressed in an environmental impact report (EIR) if there is *substantial evidence* that the project would result in a potentially significant impact involving the transport, use, or disposal of hazardous materials, or generate hazardous waste.

(b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

A determination of **No Impact (N)** shall be made if the project would not create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

A determination of **Less Than Significant Impact (LS)** shall be made if the project has prepared a *Hazardous Materials Business Plan* and/or *Risk Management Plan* in compliance with state and local regulations, and/or would be connected to an onsite wastewater treatment system. Intentional or unintentional discharges of hazardous materials or improper disposal of hazardous waste may result in the release of hazardous substances into the environment. This is especially critical in commercial/industrial development, which may involve operations that generate hazardous materials or hazardous waste in high quantities. The *Hazardous Materials Business Plan* and/or *Risk Management Plan* shall include an emergency response plan for the inadvertent release, upset, or accident conditions involving hazardous materials or hazardous waste.

A determination of **Less than Significant with Mitigation Incorporated (LS-M)** shall be made if the project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, but project impacts could be mitigated to a less than significant level by project design or measures, or through adoption of specific project conditions.

A determination of **Potentially Significant Impact (PS)** shall be made, and further analysis shall be addressed in an EIR if there is *substantial evidence* that the project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. For example, the project may create a significant hazard where the intentional or unintentional release of hazardous materials or hazardous waste generated by the project would substantially degrade groundwater quality.

- (c) *Would the project generate substantial hazardous emissions or handle substantial amounts of hazardous or acutely hazardous waste, materials, or substances within one-quarter mile of an existing or proposed school?*

A determination of **No Impact (N)** shall be made if the project would not generate hazardous emissions, or handle hazardous or *acutely hazardous waste*, materials, or substances and the project site is more than one-quarter mile away from an existing or proposed school.

A determination of **Less Than Significant Impact (LS)** shall be made if the project would generate hazardous emissions, or handle hazardous or *acutely hazardous waste*, materials, or substances more than one-quarter mile away from an existing or proposed school.

A determination of **Less than Significant with Mitigation Incorporated (LS-M)** shall be made if the project would generate hazardous emissions, or handle hazardous or *acutely hazardous waste*, materials, or substances within one-quarter mile away from an existing or proposed school, but project impacts could be mitigated to a less than significant level by project design or measures, or through adoption of specific project conditions.

A determination of **Potentially Significant Impact (PS)** shall be made, and further analysis shall be addressed in an EIR if there is *substantial evidence* that the project would substantially generate hazardous emissions, or handle hazardous or *acutely hazardous waste*, materials, or substances within one-quarter mile away from an existing or proposed school.

- (d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would create a significant hazard to the public or the environment?*

A determination of **No Impact (N)** shall be made if the project would not be included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5.

A determination of **Less Than Significant Impact (LS)** shall be made if the project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5, and the project would not impair or obstruct any pending enforcement or compliance actions administered by the *CUPA* or the Regional Water Quality Control Board related to the listed site, or otherwise adversely impact the existing hazardous materials or hazardous waste stored onsite (e.g., *underground storage tanks*, or leaking underground fuel tanks as defined in HSC Section 25299.24).

A determination of **Less than Significant with Mitigation Incorporated (LS-M)** shall be made if the project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5, and the project would impair or obstruct any pending enforcement or compliance actions administered by the *CUPA* or the Regional Water Quality Control Board related to the listed site, or would otherwise adversely impact the existing hazardous materials or hazardous waste stored onsite (e.g., *underground storage tanks*, or leaking underground fuel tanks as defined in HSC Section 25299.24). However, project impacts could be mitigated to a less than significant level by project design or measures, or through adoption of specific project conditions.

A determination of **Potentially Significant Impact (PS)** shall be made and further analysis shall be addressed in an EIR if the project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and cause a significant

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hazard to the public or environment through generation of hazardous emissions, or handling of hazardous or acutely hazardous waste, materials, or substances at the project site.

23.4 RESOURCES & REFERENCES

Source	Managing Agency/Organization	Online Access
Resources		
Ventura County CEQA Implementation Manual	Ventura County Resource Management Agency (RMA) Planning Division	PDF Website
Ventura County Initial Study Assessment Guidelines, Introduction	Ventura County RMA Planning Division	PDF Website
Ventura County Initial Study Checklist Template	Ventura County RMA Planning Division	PDF Website
References		
California Health and Safety Code (HSC)	State of California	Website
Cortese List Data Resources (compiled pursuant to Government Code 65962.5)	California Environmental Protection Agency	Website
National Ambient Air Quality Standard (NAAQS)	United States Environmental Protection Agency	Website
Ventura County Fire Code (Ordinance Number 32)	Ventura County Fire Department	PDF Website
Ventura County General Plan Background Report, Chapter 8	Ventura County RMA Planning Division	PDF Website
Ventura County Hazardous Materials Business Plan Program	Ventura County RMA Environmental Health Division	Website