

D.4 HAZARDOUS MATERIALS MANAGEMENT

INTRODUCTION

The Hazardous Materials Management Chapter of the Technical Background Report provides information on hazardous materials and waste, transportation of hazardous materials, contaminated sites, and emergency response in the City of Oakdale's General Plan Update Study Area (Study Area).

Information to prepare this Chapter was obtained from a report prepared by Environmental Data Resources, Inc., a review of federal and state agency databases, publicly available technical reports and documents, and consultation with local officials. For information on hazardous or toxic air emissions (e.g., from mobile sources such as vehicles and from stationary sources such as industries), refer to the Air Quality Chapter of the Technical Background Report.

SUMMARY OF KEY FINDINGS

- Hazardous materials use and waste generators in the Study Area include industries, businesses, public and private institutions, agricultural operations, and households. The two largest industries that generate hazardous waste are Ball Western Can Company (manufacturing) and ConAgra (food processing). Agricultural chemicals used in the Study Area are typically ground-applied. There are underground fuel storage tanks throughout the downtown area, which are associated with retail gasoline stations.
- The number of locations in the Study Area with known soil or groundwater contamination from a specific historic use is small. There are two sites under Department of Toxic Substances Control (DTSC) oversight for soil contamination within the Study Area. However, there are no federal or state "Superfund" sites or DTSC deed-restricted properties in the Study Area. The Central Valley Regional Water Quality Control Board (CVRWQCB) Leaking Underground Storage Tank (LUST) database lists four active sites in the Study Area that are in various stages of remediation.
- Incidents involving the release of hazardous materials to the environment from businesses and transportation accidents are rare. The City of Oakdale Fire Department provides first response to hazardous materials incidents, assisted, when necessary, by Stanislaus County.
- The Stanislaus County Department of Environmental Resources (DER) enforces hazardous materials use and hazardous waste regulations, and serves as the Certified Unified Program Agency (CUPA) for the County, which includes the Study Area. The County is responsible for inspecting facilities that use and store hazardous materials throughout the county as well as in the City.
- Older buildings and structures in the Study Area may contain asbestos, lead-based paints, or other hazardous materials in building materials.

EXISTING CONDITIONS

Hazardous Materials Use

Hazardous materials are routinely used, stored, and transported in the Study Area in industrial and commercial/retail businesses as well as in educational facilities, hospital/medical/dental services, and households. Although there are some industries and commercial businesses, Oakdale and the surrounding community is primarily agricultural, and many products used by commercial growers are hazardous materials.

Ball Western Can Company and ConAgra are the largest manufacturing facilities operating as of July 2009. Other facilities that use hazardous materials in smaller amounts include the Oak Valley Hospital and the City of Oakdale Wastewater Treatment Plant.¹

Underground fuel tanks, primarily associated with retail gasoline stations, are present throughout the Study Area, primarily along SR 120/108 through the downtown area. These tanks are required to be permitted and inspected by the Stanislaus County Environmental Resources Department.

According to the EDR database search, there are 14 permitted underground fuel storage tanks in the Study Area. The Oakdale Municipal Airport also has underground fuel storage tanks as well as an above-ground tank. Above-ground tanks are also present at Con Agra and the PG&E Service Center.²

According to California Department of Pesticide Regulation (CDPR) records, the primary agricultural chemicals used on crops in the Study Area include 1,3-dichloropropene, methyl bromide, chloropicrin, mineral oil, and copper hydroxide, which are ground-applied.³

Hazardous Waste

The primary sources of hazardous waste originating in the Study Area are from automotive/transportation-related businesses (e.g., automobile servicing, trucking facilities), dry cleaners, and manufacturing facilities.

Businesses generating between 100 and 1,000 kilograms (approximately 220 to 2,200 pounds) of hazardous waste per month ("small quantity generators") and businesses that generate more than 1,000 kilograms (2,200 pounds) of hazardous waste, or over 1 kilogram (2.2 pounds) of acutely hazardous waste per month ("large quantity generators") must operate in compliance with the federal Resource Conservation and Recovery Act (RCRA) and Hazardous Solid Waste Amendments (HSWA) laws and regulations.

There are currently 15 small quantity generators in the Study Area. The primary wastes generated by these facilities are used/waste oils and solvents.⁴ In addition, the Oak Valley Hospital generates various chemical and photochemical wastes and medical wastes.

¹ Environmental Data Resources, Inc., City of Oakdale GPU EDR DataMap™ Area Study, July 9, 2009.

² Environmental Data Resources, Inc., City of Oakdale GPU EDR DataMap™ Area Study, July 9, 2009.

³ California Department of Pesticide Regulation, California Pesticide Information Portal, search for zip code 95361, for year 2007, http://calpip.cdpr.ca.gov/download.cfm?id=1164062969495_090712130315, accessed June 2009.

⁴ Environmental Data Resources, Inc., City of Oakdale GPU EDR DataMap™ Area Study, July 9, 2009.

There are two large-quantity hazardous waste generators in the Study Area: (1) Ball Western Can Company and (2) ConAgra. Hazardous wastes reported by Ball Western include various organic chemicals such as solvents, mercury, and acids. Reported wastes at Con Agra include waste solids and sludges with organic compounds and oil.⁵

Hazardous wastes from these facilities are removed and transported out of the Study Area to disposal and/or treatment sites that are licensed by the state.

Although there are facilities that generate hazardous waste, there are no EPA-permitted hazardous waste disposal or treatment facilities in the Study Area.⁶

Household Hazardous Waste

Household hazardous waste (e.g., paint, oil, oil filters, household chemicals) generated in the Study Area is managed through programs administered by Stanislaus County. The City encourages homeowners to dispose of household hazardous waste at special collection events (at no additional cost). In addition, several automotive service businesses in Oakdale also provide used oil recycling drop-off centers.⁷

Hazardous Materials Incidents

According to the City of Oakdale Fire Department and State Office of Emergency Services records, spills, accidents, or similar inadvertent releases of hazardous materials within the City limits are infrequent and limited in the extent of the release. Since 2006, of the 214 total "hazardous condition" incidents responded to by the Oakdale Fire Department, 29 involved a release of hazardous materials. Over half of those were gasoline or other flammable liquid spills. There were only six reported chemical spills.⁸

Hazardous Materials Transportation

Trucking on highways and local streets is the most common method of transporting hazardous substances and hazardous waste in and around the City of Oakdale. With the exception of high-level radioactive materials and certain poisons and explosives, all classes of hazardous materials can be transported on major roadways within and near the Study Area. State Route 120 and State Route 108 are the primary major roadways on which hazardous materials are transported to, from, and through the Study Area (e.g., trucks delivering fuel to local gas stations). Both state routes pass through the City limits along major arterial roadways -- Yosemite Avenue and F Street.

Data for 2000 through 2009 show that releases of hazardous materials as a result of vehicular accidents are rare. There have been only two reported incidents; one occurred in 2005 when approximately 30-40 gallons of diesel fuel was released as a result of a traffic accident.⁹ More recently, in May 2009, an accident involving a truck carrying batteries and a passenger vehicle on SR 120/108 required hazmat team response for cleanup.¹⁰

⁵ Environmental Data Resources, Inc., City of Oakdale GPU EDR DataMap™ Area Study, July 9, 2009.

⁶ Environmental Data Resources, Inc., City of Oakdale GPU EDR DataMap™ Area Study, July 9, 2009.

⁷ Stanislaus County Department of Environmental Resources, Household Hazardous Waste Disposal Guide (brochure), 2009.

⁸ Rick Fields, Division Chief/Fire Marshal, Oakdale Fire Department, July 10, 2009.

⁹ California Office of Emergency Services, Hazardous Materials Spill Reports, 2000-2007.

¹⁰ Modesto Bee, "Fatal collision blocks State Route 120 east of Oakdale," May 14, 2009.

The City of Oakdale is served by four rail lines: the Burlington Northern and Santa Fe (BNSF) Railroad, the Union Pacific (UP) Railroad, the Oakdale Traction Corporation (OTC), and the Sierra Railroad. See the Mobility Chapter, Section B.2.2 Transit & Rail of the Technical Background Report for a discussion of the rail lines and Figure B.2-7 (Goods Movement) for the routes of the existing railroad tracks.

Rail companies such as UP and BNSF are public carriers (regulated by the Public Utilities Commission [PUC]), and the federal government – through railroads' common carrier obligation – requires railroads to transport hazardous substances whether the rail company wants to or not. Any shipper that chooses to use rail to transport hazardous materials may do so, provided the shipper and rail car(s) transporting the materials meet all federal rail safety rail transportation requirements for hazardous materials. The number of cars carrying hazardous materials on the rail lines through the Study Area at any one time varies from train-to-train, as do the types and amounts of hazardous materials transported between origins and destinations. While the shippers and the railroads maintain comprehensive records where a rail car (including pressurized tanks carrying hazardous materials) is at any time, this information is not published or readily available to the general public.

According to data maintained by the Federal Railroad Administration Office of Safety Analysis, for the period 1999-2009 there have been two rail incidents in the Study Area; however, the trains were not carrying hazardous materials.¹¹

According to the City of Oakdale, rail cars have been known to sit on the rail spurs for extended periods of time.¹² In March 2009, an incident report was filed through the Oakdale Fire Department for a chemical spill/leak from a rail car on the railroad right-of-way at Knox Road and Sierra Road.¹³

Sites with Known Contamination

Historic and current land uses in which hazardous materials were used have the potential to cause environmental contamination (soil and water) as a result of inadvertent releases, improper disposal methods, or if the materials were used before the enactment of laws and regulations governing their use. Federal, state, and local government agencies are responsible for ensuring that sites where hazardous materials releases have occurred are properly investigated and cleaned up if the release poses a human health or environmental risk.

The sites in the Study Area that are being investigated and/or cleaned up are described below, based on information contained in government agency databases and readily available reports. The summary includes a regulatory background for the database listings and current status of the site. The types and number of locations with identified contamination is small. There are two known sites with soil contamination, limited to a few acres, and four locations with leaking underground storage tanks that affected groundwater.

The information regarding sites is based on databases current as of July 2009. The listed sites are those that are being actively investigated and/or remediated under the oversight of one or more agencies. Throughout the life of the General Plan, some sites may be cleaned up, and new sites may be identified. Consequently, site-specific evaluations are recommended prior to any development to obtain the most current information about a site or an area.

¹¹ Federal Railroad Administration Office of Safety Analysis, Accidents by State/Railroad, query for Stanislaus County, all hazmat, for the period Jan 1999-Mar 2009. <http://safetydata.fra.dot.gov/officeofsafety/publicsite/query>, accessed June 28, 2009.

¹² Danelle Stylos, City of Oakdale, Community Development Director, personal communication, June 15, 2009.

¹³ Oakdale Fire Department, Incident Report, March 26, 2009.

Hazardous Materials Cleanup Sites

The California Department of Toxic Substances Control (DTSC) maintains a database containing information on properties in California where hazardous substances have been released, or where the potential for a release exists. This database is known as EnviroStor (replaced the database known as “CalSites”) and is one of a number of lists that comprise the “Cortese List” (a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). EnviroStor provides a brief history of cleanup activities, contaminants of concern, and scheduled future cleanup activities. Table D.4-1 below lists four sites found on the EnviroStor database. Only two sites are currently active sites.

Site Name	Site Type	Cleanup Status	Address Description	City
PG&E Former Manufactured Gas Plant	Voluntary Cleanup	Active	811 West “J” Street	Oakdale
Proposed Alternative Education School	School Cleanup	Active	1013 South Yosemite Avenue	Oakdale
Oakdale High School	School Cleanup	Certified	400 Hinkley Street	Oakdale
Sierra Elementary School	School Cleanup	No Further Action	Venanas Avenue/East “J” Street	Oakdale
Sources: Department of Toxic Substance Control. EnviroStor Site List, June 26, 2009; Environmental Data Resources, Inc., City of Oakdale GPU EDR DataMap™ Area Study, July 9, 2009.				
Notes:				
“Active” indicates that an investigation and/or remediation is currently in progress and that DTSC is actively involved, either in a lead or support capacity.				
“Certified” indicates a site with previously confirmed release that is subsequently certified by DTSC as having been remediated satisfactorily under DTSC oversight.				
“No further action” indicates a completed site where DTSC determined after investigation, that the property does not pose a problem to public health or the environment.				

The PG&E Manufactured Gas Plant site operated from 1913 to 1930, and was used as a PG&E Service Center. The site is located in a residential area, with a school across the street. The site is largely paved, with a small area consisting of exposed soils. Investigations at the site in 2008 indicated polyaromatic hydrocarbons (PAHs) are present in site soils at levels similar to background levels. Polychlorinated biphenyls (PCBs) were detected in surface and subsurface samples that required further investigation. Groundwater has not been affected. PG&E has been conducting the investigation and cleanup on a voluntary basis. The site will be remediated under the oversight of DTSC, as stipulated in the Voluntary Cleanup Agreement (VCA) that was entered into between PG&E and DTSC in 2007. According to DSTC records, a draft Removal Action Workplan, which describes how the site will be cleaned up, is expected in spring/summer 2010. The public and government agencies will have the opportunity to comment on the work plan. Actual cleanup of the site is planned in spring/summer 2011.¹⁴

The proposed alternative education school site on Yosemite Avenue was investigated in early 2009. The approximately 5-acre site formerly contained various structures from the late 1950s to the mid-1980s, including livestock pens. Various chlorinated pesticides were detected in a soil stockpile on the site. The stockpile was removed, and additional testing was performed site-wide to characterize the type and extent of chemicals in the soil. In December 2008, the Stanislaus County Department of Education entered into a VCA with DTSC to remediate the site.

¹⁴ California Environmental Protection Agency, Department of Toxic Substances Control, Public Participation Plan: PG&E Former Oakdale Manufactured Gas Plant, January 2009.

DTSC determined that a release or threatened release of hazardous material or the presence of naturally occurring hazardous materials that would pose a threat to public health or the environment under restricted land use was not indicated on approximately 3.6 of the 5 acres. The soils on the remaining 1.4 acres of the site are being remediated under the oversight of DTSC in accordance with a DTSC-approved Remedial Action Workplan and under the terms of a School Cleanup Agreement (SCA), which was signed in March 2009.¹⁵

Leaking Underground Storage Tanks

Prior to comprehensive regulation beginning in the early 1980s, older underground storage tanks – primarily used for gasoline – were single-walled steel tanks. The State of California now requires replacement of older tanks with new double-walled tanks, with flexible connections and monitoring systems.

However, many of the older tanks have leaked as a result of corrosion and detached fittings. Extensive federal and State legislation addresses underground fuel storage tanks (USTs), including replacement and cleanup. The State Water Resources Control Board (SWRCB) has been designated the lead regulatory agency in the development of UST regulations and policy. State law and regulations pertaining to USTs are in the California Health and Safety Code, Chapter 6.7, and the California Code of Regulations (CCR) Title 23, commonly referred to as the “California Underground Storage Tank Regulations.” State programs include leak reporting and investigation regulations, and standards for clean up and remediation. UST cleanup programs exist to fund the remediation and contaminated soil and groundwater caused by leaking tanks. California’s program is more stringent than the federal program, requiring that all tanks be double-walled, and prohibiting gasoline delivery to non-compliant tanks.

The CVRWQCB maintains a listing of the known leaking USTs and remediation actions occurring within the City. As of July 2009, there were over 20 cases in the Study Area listed in the UST database. Of these, only four are active cases, as of July 2009. Table D.4-2 lists the active UST sites in the Study Area.

Facility	Address	Status	Case Type
Texaco (former)	368 F Street	Post-remedial action verification monitoring	Gasoline (groundwater; aquifer used for drinking water)
Paul Oil Company	534 Sierra Avenue	Site assessment	Diesel (groundwater; aquifer used for drinking water)
Union Bulk Plant (former)	532 Sierra Avenue	Post-remedial action verification monitoring	Gasoline, diesel (groundwater; aquifer used for drinking water)
Money Mart	1149 West F Street	Post-remedial action verification monitoring	Gasoline (groundwater; aquifer used for drinking water)
Source: Central Valley Regional Water Quality Control Board, Geotracker database; Environmental Data Resources, Inc., 2009			

¹⁵ California Environmental Protection Agency, Department of Toxic Substances Control, “Partial Site Approval and Approval of Form SFPD 4.15, Commitment to Complete Further Investigation and/or Response Action Prior to School Occupancy, Proposed Alternative Education School, 1013 S. Yosemite Avenue, Oakdale,” letter from Jose Luevano to Kathy Lasiter, Stanislaus County Office of Education, March 23, 2009; Padre Associates, Inc., Technical Memorandum: Stanislaus County Office of Education Alternative Education School, Oakdale, CA, February 26, 2009.

“Superfund” or Other Listed Sites

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), is a regulatory or statute law developed to protect the water, air, and land resources from the risks created by past chemical disposal practices. Under CERCLA, the U.S. EPA maintains a list of all contaminated sites in the nation that are currently, or have in the past, undergoing clean-up activities. This list is known as the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS). CERCLIS contains information on hazardous waste sites, potential hazardous waste sites, and remedial activities, including sites that are on the National Priorities List (NPL) or being considered for the NPL (“Superfund”). There are no NPL sites in the Study Area.¹⁶

There are no properties in the Study Area that have DTSC-imposed deed restrictions or other environmental liens.¹⁷

Asbestos, Lead, and PCBs in Structures

Asbestos, a naturally-occurring fibrous material, was used as a fireproofing and insulating agent in building construction before such uses were terminated due to liability concerns in the late 1970s. Because it was widely used prior to the discovery of its adverse health effects, asbestos may be found in a variety of building materials and components such as insulation, walls and ceilings, floor tiles, and pipe insulation. Friable (easily crumbled) materials are particularly hazardous because inhalation of airborne fibers is the primary mode of asbestos entry into the body. Non-friable asbestos is generally bound to other materials such that it does not become airborne under normal conditions.

Among its numerous uses and sources, lead can be found in paint, water pipes, solder in plumbing systems, and in soils around buildings and structures painted with lead-based paint. In 1978, the federal government required the reduction of lead in house paint to less than 0.06 percent (600 parts per million [ppm]). However, some paints manufactured after 1978 for industrial or marine uses legally contain more than 0.06 percent lead. Excessive exposure to lead (even low levels of lead) can result in the accumulation of lead in the blood, soft tissues, and bones. Children are particularly susceptible to potential lead-related health problems because it is easily absorbed into developing systems and organs.

Old light tubes, thermostats, and other electrical equipment typically contain heavy metals such as mercury. Elemental mercury can also be found in many electrical switches. Due to accidental spills and historic disposal practices before the adoption of more stringent disposal regulations, it is possible elemental mercury may be present in non-structural features of the buildings located on-site. At certain levels of exposure, mercury vapors are toxic and can cause kidney and liver damage.

Polychlorinated biphenyl (PCB) is an organic chemical, usually in the form of an oil that was historically used in electrical equipment. PCBs are most commonly associated with pole-mounted electrical transformers, but they were also used in insulators and capacitors in building electrical equipment. PCBs are highly persistent in the environment, and exposure to PCBs can cause serious liver, dermal, and reproductive system damage. PCBs are also a suspected human carcinogen. Typically, the presence of asbestos, lead, PCBs, or other materials is tested at the time a structure is proposed for demolition or renovation, so there are no study area-wide surveys showing where these materials may be present.

¹⁶ Environmental Data Resources, Inc., City of Oakdale GPU EDR DataMap™ Area Study, July 9, 2009.

¹⁷ Environmental Data Resources, Inc., City of Oakdale GPU EDR DataMap™ Area Study, July 9, 2009.

Emergency Response

The release of a hazardous material into the environment could cause a multitude of problems to property, or human health, the significance of which is dependent on the type, location, and quantity of the material released. Although hazardous material incidents can happen almost anywhere, certain locations may be at higher risk (e.g., industries that use large quantities of hazardous materials and transport hazardous materials through the Study Area).

The Oakdale Fire Department is responsible for the initial response to a hazardous materials release. The City of Oakdale Fire Department has five Hazardous Materials/Specialists who are members of Stanislaus County Hazardous Materials Team. The City is responsible for the containment and cleanup of small-scale releases. If, after assessing the release, the department determines that clean up is beyond the level of its equipment, expertise or manpower the department will notify the Stanislaus County DER, Hazardous Materials Division.¹⁸ In the event of a large hazardous materials incident, other resources, such as the State Office of Emergency Services, may be required.

Emergency Evacuation Routes

According to the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan, SR 120/108 is identified as an emergency evacuation route in the county.¹⁹

REGULATORY CONTEXT

A number of federal, State, and local laws and regulations have been enacted to regulate the management of hazardous materials. For purposes of this report, the term “hazardous materials” refers to both hazardous substances and hazardous wastes. Implementation of these laws and the management of hazardous materials are regulated independently of the CEQA process through programs administered by various agencies at the federal, State, and local levels. An overview of the key hazardous materials laws and regulations that apply to the Study Area is provided below.

Federal

Several federal agencies regulate hazardous materials. These include the U.S. EPA, the Occupational Safety and Health Administration (OSHA), and the Department of Transportation (DOT). Applicable federal regulations are contained primarily in Titles 10, 29, 40, and 49 of the Code of Federal Regulations (CFR). The U.S. DOT has developed regulations pertaining to the transport of hazardous materials and hazardous wastes by all modes of transportation. The U.S. Postal Service (USPS) has developed additional regulations for the transport of hazardous materials by mail. DOT regulations specify packaging requirements for different types of materials. U.S. EPA has also promulgated regulations for the transport of hazardous wastes. These more stringent requirements include tracking shipments with manifests to ensure that wastes are delivered to their intended destinations.

State

California Environmental Protection Agency

The California Environmental Protection Agency (Cal/EPA) has broad jurisdiction over hazardous materials management in the state. Within Cal/EPA, the DTSC has primary regulatory responsibility for hazardous waste management and cleanup, while enforcement of

¹⁸ City of Oakdale, Fire Suppression, Emergency Response, and Rescue Systems, web page: <http://www.ci.oakdale.ca.us/content/view/242/304/>, accessed June 2009.

¹⁹ Stanislaus County, Multi-Jurisdictional Hazard Mitigation Plan, 2005. p.7.

regulations has been delegated to local jurisdictions, such as the Stanislaus County Department of Environmental Health. Along with the DTSC, the RWQCB is responsible for implementing regulations pertaining to management of soil and groundwater investigation and cleanup. RWQCB regulations are contained in Title 27 of the CCR. Additional State regulations applicable to hazardous materials are contained in Title 22 of the CCR. Title 26 of the CCR is a compilation of those sections or titles of the CCR that are applicable to hazardous materials.

Department of Toxic Substances Control

The DTSC regulates hazardous waste in California primarily under the authority of the federal Resource Conservation and Recovery Act (RCRA) of 1976, and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. In addition, DTSC reviews and monitors legislation to ensure that the position reflects the DTSC's goals. From these laws, DTSC's major program areas develop regulations and consistent program policies and procedures. The regulations spell out what those who handle hazardous waste must do to comply with the laws. Under RCRA, DTSC has the authority to implement permitting, inspection, compliance, and corrective action programs to ensure that people who manage hazardous waste follow state and federal requirements. As such, the management of hazardous waste in the City would be under regulation by the DTSC to ensure that State and federal requirements pertaining to hazardous waste are complied with. California law provides the general framework for regulation of hazardous wastes by the Hazardous Waste Control Law (HWCL) passed in 1972. DTSC is the State's lead agency in implementing the HWCL. The HWCL provides for State regulation of existing hazardous waste facilities, which include "any structure, other appurtenances, and improvements on the land, used for treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste.

Business Plan Act

State and federal laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and, in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. California's Hazardous Materials Release Response Plans and Inventory Law, sometimes called the "Business Plan Act," aims to minimize the potential for accidents involving hazardous materials and to facilitate an appropriate response to possible hazardous materials emergencies. The law requires businesses that use hazardous materials to provide inventories of those materials to designated emergency response agencies, to illustrate on a diagram where the materials are stored on site, to prepare an emergency response plan, and to train employees to use the materials safely.

The State requires the owner or operator of any business that handles hazardous materials in quantities equal to or greater than 55 gallons, 500 pounds, or 200 cubic feet of gas at standard temperature and pressure, to develop and submit a business plan. The State of California Office of Emergency Services (OES), acting pursuant to Health and Safety Code Section 25503.3, has developed a single comprehensive hazardous materials inventory form for businesses to use to submit their individual hazardous materials inventories. This form contains all state and federally required inventory information. Use of this form is mandatory.

Worker and Workplace Hazardous Materials Safety

Occupational safety standards exist in federal and State laws to minimize worker safety risks from both physical and chemical hazards in the workplace. The California Division of Occupational Safety and Health (Cal/OSHA) is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials.

Among other requirements, Cal/OSHA obligates many businesses to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle. For example, manufacturers are to appropriately label containers, Material Safety Data Sheets are to be available in the workplace, and employers are to properly train workers.

Hazardous Materials Transportation

Section 31303 of the California Vehicle Code and DOT regulations state that hazardous materials being directly transported from one location to another (“through-transport”) must use routes with the least overall travel time (e.g., major roadways/highways instead of local streets). However, local roadways can be used for deliveries and pickups of hazardous materials wastes to or from a specific location. The California Highway Patrol (CHP) and Caltrans are the enforcement agencies for hazardous materials transportation regulations in the planning area. Transporters of hazardous materials and waste are responsible for complying with all applicable packaging, labeling, and shipping regulations. The California OES also provides emergency response services involving hazardous materials incidents. The City of Oakdale Fire Department provides first-response to hazardous materials spills, supplemented, as necessary by County resources, as described above.

Agricultural Chemicals

The application of restricted agricultural products on farming operations is regulated, monitored, and enforced by the California Department of Food and Agriculture Pesticide Regulation (Title 3 of the California Code of Regulations).

Investigation and Cleanup of Contaminated Sites

The oversight of hazardous materials release sites often involves several different agencies that may have overlapping authority and jurisdiction. The DTSC and RWQCB are the two primary State agencies responsible for issues pertaining to hazardous materials release sites. Air quality issues related to remediation and construction at contaminated sites are also subject to federal and State laws and regulations that are administered at the local level. Investigation and remediation activities that would involve potential disturbance or release of hazardous materials must comply with applicable federal, State, and local hazardous materials laws and regulations. DTSC has developed standards for the investigation of sites where hazardous materials contamination has been identified or could exist based on current or past uses. The standards identify approaches to determining if a release of hazardous wastes/substances exists at a site and delineating the general extent of contamination; estimating the potential threat to public health and/or the environment from the release and providing an indicator of relative risk; determining if an expedited response action is required to reduce an existing or potential threat; and completing preliminary project scoping activities to determine data gaps and identifying possible remedial action strategies to form the basis for development of a site strategy.

Siting of Schools On or Near Sources of Hazardous Materials

The California Education Code (Section 17210 et seq.) outlines the requirements of siting school facilities near or on known or suspected hazardous materials sites, or near facilities that emit hazardous air emissions, handle hazardous or acutely hazardous materials, substances, or waste. The code requires that, prior to commencing the acquisition of property for a new school site, an environmental site investigation be completed to determine the health and safety risks (if any) associated with a site. Recent legislation and changes to the Education Code identify DTSC’s role in the assessment, investigation, and cleanup of proposed school sites. All proposed school sites that receive State funding for acquisition and/or construction must go through a comprehensive investigation and cleanup process under DTSC oversight.

DTSC is required to be involved in the environmental review process to ensure that selected properties are free of contamination, or if the property is contaminated, that it is cleaned up to a level that is protective of students and faculty who will occupy the new school. All proposed school sites must be suitable for residential land use, which is DTSC's most protective standard for children.

Hazardous Materials in Structures

Asbestos is regulated as a hazardous air pollutant under the Clean Air Act and is also regulated as a potential worker safety hazard under the authority of the OSHA. The California Occupational Safety and Health Administration (Cal OSHA) considers asbestos-containing building material a hazardous substance when a bulk sample contains more than 0.1 percent asbestos by weight. Cal OSHA requires that a qualified contractor licensed to handle asbestos materials handle any material containing more than 0.1 percent asbestos by weight. Any activity that involves cutting, grinding or drilling during building renovation or demolition, or relocation of underground utilities, could release friable asbestos fibers unless proper precautions are taken. The San Joaquin Valley Air Pollution Control District also regulates asbestos abatement.

Several regulations and guidelines pertain to abatement of and protection from exposure to asbestos-containing materials (ACM) and lead-based paint. These include Construction Safety Orders 1529 (pertaining to ACM) and 1532.1 (pertaining to lead-based paint) from Title 8 of the CCR, Part 61, Subpart M of the CFR (pertaining to ACM). These rules and regulations prohibit emissions of asbestos from asbestos-related demolition or construction activities, require medical examinations and monitoring of employees engaged in activities that could disturb asbestos, specify precautions and safe work practices that must be followed to minimize the potential for release of asbestos fibers, and require notice to federal and local government agencies prior to beginning renovation or demolition that could disturb asbestos. In California, ACBM and lead-based paint abatement must be performed and monitored by contractors with appropriate certification from the California Department of Health Services.

Local

Stanislaus County

Department of Environmental Resources

Cal-EPA implements the "Unified Hazardous Waste and Hazardous Materials Management Regulatory Program" (Unified Program) regulations. The six program elements of the Unified Program are hazardous waste generators and hazardous waste on-site treatment, underground storage tanks, above-ground storage tanks, hazardous material release response plans and inventories, risk management and prevention program and Uniform Fire Code hazardous substances management plans and inventories. The program is implemented at the local level by a local agency – the Certified Unified Program Agency (CUPA). The CUPA is responsible for consolidating the administration of the six program elements within its jurisdiction.

The Stanislaus County DER is the CUPA for Stanislaus County, including the Study Area. As the CUPA, the Stanislaus County DER performs the following functions:²⁰

- Oversees Risk Management and Prevention laws to minimize chemical releases in the community.

²⁰ Stanislaus County, Department of Environmental Resources, Hazardous Materials, web page: <http://www.co.stanislaus.ca.us/er/hazardous-materials.shtm>, accessed June 2009.

- Maintains hazardous materials response team to assist police and fire agencies during transportation and industrial accidents involving chemical spills.
- Prepares and implements the County's Area Plan for emergency response to chemical spills in the community.
- Inspects facilities impacted by the State Aboveground Storage Tank Program
- Oversees site investigation for soil and ground water contamination and clean-up.
- Inspects, permits, monitors, and implements the Underground Storage Tank Program.
- Inspects hazardous waste generators.
- Reviews procedures for storage, treatment and disposal of hazardous wastes.
- Oversees the investigation and remediation of properties contaminated by Methamphetamine Manufacture.
- Prepares and implements the County's Hazardous Waste Management Plan.
- Develops and implements the Household Hazardous Waste collection program.
- Inspects medical facilities to ensure compliance with state medical waste management laws.
- Implements hazardous materials disclosure laws (business plan programs) to ensure access to information about chemicals handled by businesses.
- Promotes the recovery of obsolete electronic equipment (E-Waste) through a free electronics recycling program for consumers.

The City of Oakdale relies on County personnel to perform these activities within the City limits.²¹

Hazardous Waste Management Plan

Stanislaus County has prepared a Hazardous Waste Management Plan (HWMP) in accordance with California Health and Safety Code Section 24135 et seq. The HWMP identifies hazardous waste generators within the County, amounts and types of waste produced, and projected waste generation. The major goal of the HWMP is to reduce the need for new hazardous waste facilities by the reduction of waste at its source through recycling, reducing the use of hazardous materials, and educating the public.

The Stanislaus County Hazardous Waste Management Advisory Board advises County staff, the Board of Supervisors and cities on issues related to the development, approval, and administration of the County's Hazardous Waste Management Plan and hazardous waste management issues, generally.

City of Oakdale 2015 General Plan

The 2015 Oakdale General Plan includes the following policies that pertain to hazardous materials management.

²¹ Rick Fields, Division Chief/Fire Marshal, Oakdale Fire Department, July 10, 2009.

6.5 Guiding Noise, Air Quality, and Safety Policies

- S14. Encourage business and industry compatible with Oakdale's quality of life by avoiding air pollution or hazardous materials uses.
- S19.Reduce the potential danger to public health and safety from hazardous materials.
- S20. Plan the location of hazardous material production, storage and distribution so that it does not unnecessarily impact populated areas.
- S21. The City will utilize the California Environmental Quality Act process to review and determine appropriate mitigation measures for uses which may involve the storage, processing or distribution of potentially hazardous materials within the Planning Area.
- S22. The City will support the guidelines and regulations of the California Occupational Health and Safety Administration and other state and federal agencies responsible for the regulation of hazardous materials.
- S23. The City will request that the State designation of truck routes within the City minimizes the transportation of hazardous materials through residential areas.

Municipal Code - Uniform Fire Code

Chapter 12 of the City's Municipal Code establishes the requirements for implementing requirements of the Uniform Fire Code in the City of Oakdale, as they pertain to regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises. Subsection 12-3 further provides prohibitions for the use and storage of certain types of hazardous materials in specific zoning districts.

Oakdale Fire Department

As noted previously, the Oakdale Fire Department is responsible for the initial response to a hazardous materials release. However, due to staffing levels, the Fire Department currently defers to the County DER for inspections of facilities using hazardous materials.²²

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KEY TERMS

Hazardous Materials. For purposes of this document, the definition of "hazardous materials" is from the California Health and Safety Code, Section 25501, where "a hazardous material is any material that, because of its quantity, concentration, or physical, chemical characteristics poses a significant present (i.e., existing) 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, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment."

Hazardous Waste. *Subset of hazardous materials.* For the purposes of this document, the definition of "hazardous waste" is that from the California Health and Safety Code, Sections 25117 and 25141, as well as the California Code of Regulations (CCR), Title 22, Section 66261.3, where "...because of their quantity, concentration, or physical, chemical, or infectious characteristics, (they) may either cause, or significantly contribute to, an increase in mortality or serious illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed."