

## **Appendix D**

### **Hazardous Materials Database Search and Regulations**

## APPENDIX D

### HAZARDOUS MATERIALS

This appendix supplements the information provided in Section 4.4 of the DEIR. It provides an overview of the federal, state, and regional hazardous materials regulatory framework; describes specific regulatory requirements for assessment and abatement of hazardous building materials, hazardous waste disposal, and worker health and safety protection; and documents regulatory databases reviewed to identify permitted hazardous materials uses and environmental cases. The local hazardous materials regulatory framework is described in Section 4.4 of the DEIR.

#### **REGULATORY FRAMEWORK**

Hazardous materials and hazardous wastes are extensively regulated by various federal, state, regional, and local regulations, with the major objective of protecting public health and the environment. This section summarizes the overall regulatory framework governing hazardous materials management.

#### **FEDERAL REGULATIONS**

The U.S. Environmental Protection Agency (U.S. EPA) is the lead agency responsible for enforcing federal regulations that affect public health or the environment. The primary federal laws and regulations include: the Resource Conservation and Recovery Act of 1974 (RCRA); the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); and the Superfund Act and Reauthorization Act of 1986 (SARA). Federal statutes pertaining to hazardous materials and wastes are contained in the Code of Federal Regulations (40 CFR).

RCRA was enacted in 1974 to provide a general framework for the national hazardous waste management system, including the determination of whether hazardous wastes are being generated, techniques for tracking wastes to eventual disposal, and the design and permitting of hazardous waste management facilities. The Hazardous and Solid Waste Amendment was enacted in 1984 to better address hazardous waste; this amendment began the process of eliminating land disposal as the principal hazardous waste disposal method. Other specific areas covered by the amendment include regulation of carcinogens, listing and delisting of hazardous wastes, permitting for hazardous waste facilities, and leaking underground storage tanks.

CERCLA, also known as Superfund, was enacted in 1980 to ensure that a source of funds was available to clean up abandoned hazardous waste sites, compensate victims, address releases of hazardous materials, and establish liability standards for responsible parties. SARA amended CERCLA in 1986 to increase the Superfund budget, modify contaminated site clean up criteria and schedules, and revise settlement procedures. SARA also provides a regulatory program and fund for underground storage tank cleanups and Emergency Planning and Community Right-to-Know Program (EPCRA).

In 1976, Congress passed the Toxic Substances Control Act (TSCA) which was implemented in 1979. This act governs the manufacture, processing, distribution in commerce, use, cleanup, storage, and disposal of PCBs. Since 1978, the U.S. EPA has promulgated numerous rules further addressing all aspects of the life cycle of PCBs. The most recent rule was the Final Rule: Amendments to the TSCA PCB Disposal Regulations Including Amendments to the PCB

Notification and Manifesting Rule promulgated on June 24, 1999. This rule is deregulatory in nature and provides individuals with more flexibility in their PCB disposal practices while continuing to provide protection from unreasonable risk.

#### **STATE AND REGIONAL REGULATIONS**

The California Department of Toxic Substances Control (DTSC) and the California Regional Water Quality Control Board (CRWQCB) are the primary state agencies regulating hazardous materials in California. These agencies are part of the Cal EPA. The CRWQCB is authorized by the State Water Resources Control Board to enforce provisions of the Porter - Cologne Water Quality Control Act of 1969. This act gives the CRWQCB authority to require groundwater investigations when the quality of groundwater or surface waters of the state is threatened, and to require remediation of the site, if necessary. The DTSC is authorized by the U.S. EPA to regulate the management of hazardous materials including the remediation of sites contaminated by hazardous materials.

California hazardous materials laws incorporate federal standards but are often stricter than federal laws. The primary state laws include: the California Hazardous Waste Control Law (HWCL), the state equivalent of RCRA; and the Carpenter-Presley-Tanner Hazardous Substance Account Act (HSAA), the state equivalent of CERCLA. State hazardous materials and waste laws are contained in the California Code of Regulations, Titles 22 and 26.

The HWCL, enacted in 1972 and administered by the DTSC, is the basic hazardous waste statute in California and has been amended several times to address current needs, including bringing the state law and regulations into conformance with federal laws. This act implements the RCRA “cradle-to-grave” waste management system in California but is more stringent in its regulation of non-RCRA wastes, spent lubricating oil, small quantity generators, transportation and permitting requirements, as well as in its penalties for violations. The HWCL also exceeds federal requirements by mandating the recycling of certain wastes, requiring certain generators to document a hazardous waste source reduction plan, requiring permitting for federally exempt treatment of hazardous wastes by generators, and stricter regulation of hazardous waste facilities.

The HSAA, enacted in 1981, addresses similar concerns as CERCLA. The primary difference is in how liability is assigned for a site with more than one responsible party. This is important for petroleum clean up sites because federal law is usually used to force responsible party cleanups; state law is used for petroleum cleanup sites which are exempt from CERCLA.

Other relevant State of California statutes include:

- The Toxic Pit Cleanup Act of 1984 and the Toxic Injection Well Act of 1985 which were established to provide a regulatory framework for open pits or injection wells as a means of hazardous waste or disposal;
- The Hazardous Waste Management Act of 1986 which coordinates the state's implementation of federal landfill bans and authorizes landfill bans for non-RCRA hazardous wastes;
- The Aboveground Petroleum Storage Act of 1989 which requires the owner or operator of aboveground petroleum storage tanks to file a storage statement with the State Water Resources Control Board (SWRCB) if tank storage exceeds 10,000 gallons and holds petroleum or petroleum product which is liquid at ambient temperatures. In addition, the tank or tanks must be registered if they are subject to federal requirements; this potentially expands the requirement for a storage statement to any tank over 660 gallons or aggregate storage of 1,320 gallons;

- The Hazardous Waste Source Reduction and Management Act which required large quantity generators to document hazardous wastes being generated and to prepare a documented waste reduction plan beginning in 1991;
- The Hazardous Waste Treatment Permitting Reform Act of 1992 which required a permit for any hazardous waste treatment by a generator beginning on April 1, 1993. This statute established a new tiered permitting program whereby on-site treatment facilities are permitted or authorized to operate subject to different levels of regulatory requirements depending on the nature and size of the treatment activity. Amendments to this statute adopted in 1993-96 have enacted certain exemptions and modified compliance requirements.; and
- The Hazardous Waste Management Reform Act of 1995 which required the DTSC to revise its regulations to more closely conform to federal hazardous waste identification criteria and essentially eliminate land disposal restrictions for California-only hazardous wastes among other major changes. However, many of these changes have been deferred to a DTSC advisory committee for further study and are not expected to be implemented for several years, and in certain cases, not at all.

The Bay Area Air Quality Management District (BAAQMD), a regional regulatory agency, may impose specific requirements on remediation activities to protect ambient air quality from dust or other airborne contaminants.

## **ASSESSMENT AND ABATEMENT OF HAZARDOUS BUILDING MATERIALS**

### **ASBESTOS-CONTAINING MATERIALS**

Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition (defined as moving or dismantling or any structural member of a building) or any renovation in which more than 100 linear feet, 100 square feet, or 35 cubic feet of asbestos-containing material is to be removed.

Notification to the BAAQMD includes the names, addresses and phone numbers of operations and persons responsible, including the contractor; description and location of the structure to be renovated/demolished including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The local office of the California Occupational Safety and Health Administration (OSHA) must also be notified if asbestos abatement is to be carried out. Pursuant to California law, a building permit would not be issued until the applicant has complied with all notice requirements.

During abatement, asbestos abatement contractors must follow State regulations contained in 8 CCR 1529 and 8 CCR 341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California and the owner of the property where abatement would occur must have a Hazardous Waste Generator Number assigned by, and registered with, the California Department of Health Services. The contractor

and the hauler of the material are required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of the material. The BAAQMD randomly inspects asbestos removal operations and also inspects any removal operations about which a complaint has been received.

#### ***LEAD-BASED PAINT***

Lead-based paint is defined by state and federal regulations as paint containing lead at a concentration of 5,000 milligrams per kilogram (or 0.5%) or greater. In accordance with regulatory guidance, lead-based paint waste that has been separated from building materials (such as delaminated or chipping paint) must be evaluated separately from other building materials for waste disposal purposes during building demolition. Accordingly, any chipping or delaminated paint would need to be removed before any renovation or demolition activities. Depending on the level of lead identified in the paint, it may require disposal as a hazardous waste. Building materials which still have the paint adhered to them may generally be disposed of as regular construction debris, regardless of the lead level in the paint.

The Lead in Construction Standard contained in Title 29 of the Code of Federal Regulations, Section 1926.62 applies to the removal of chipping or delaminated lead-based paint. In accordance with this standard, it is necessary for workers to wear respiratory protection until the work is completed or until an employee exposure assessment can demonstrate that air lead levels during scraping are below the PEL. Other applicable requirements of the standard include worker awareness training, use of protective clothing, provisions for change areas and hand washing facilities, biological monitoring, and development of a site specific compliance program. California regulations relating to the abatement of lead-based paint are contained in Title 8 of the California Code of Regulations, Section 1532.1). These state regulations are similar to the Federal regulations.

#### ***POLYCHLORINATED BIPHENYLS (PCBs)***

PCB-containing oil was historically used in transformers and other electrical equipment. With the implementation of TSCA, the U.S. EPA banned the use of PCB-containing oil and prohibited the use of PCB-containing oil in electrical transformers in July of 1979.

On June 29, 1998, the U.S. EPA issued its final rule concerning known and potential PCB-containing equipment. The regulations categorize transformers into these three categories on the basis of their PCB content:

- Non-PCB: Transformers containing less than 50 ppm of PCBs;
- PCB-Contaminated: Transformers containing 50 to less than 500 ppm of PCBs; and
- PCB: Transformers containing 500 ppm of PCBs or greater.

Under the final rule, in-use transformers whose PCB content is unknown but were manufactured before July 2, 1979 should be assumed to be non-PCB. In-use transformers manufactured before July 2, 1979 should be considered PCB-contaminated if filled with mineral oil and PCB if filled with a fluid other than mineral oil.

Under the final rule, the following electrical equipment can be considered non-PCB in the absence of sampling to demonstrate otherwise:

- transformers with less than 3 pounds of fluid;
- circuit breakers;
- reclosers;
- oil-filled cable; and
- rectifiers.

The actual PCB content of all transformers, regardless of the date of manufacture, must be determined prior to disposal. In addition, all transformers known or assumed to contain PCBs were required to be registered with the federal government by December 28, 1998 whether in use or in storage for reuse.

#### ***FLUORESCENT LAMPS AND TUBES***

All fluorescent lamps and tubes are considered hazardous waste in California when they are discarded because they contain mercury (Title 22 of the California Administrative Code, Division 4.5, Chapter 11, Section 66261.50). Under California's Universal Waste Rule, large quantity generators of fluorescent light tubes and lamps are currently required to legally recycle high mercury lamps and tubes (labeled as "TTLC failing") if they elect to handle them as a universal waste. After February 8, 2006, large quantity generators, small quantity generators, and households must legally recycle all mercury-containing light lamps and tubes (low and high mercury containing, labeled as "TTLC passing" or "TTLC failing") if they are handled as a universal waste which eliminates the need for a hazardous waste manifest and increases the allowable storage time to one year. If the tubes and lamps are not handled as a universal waste, then they must be handled as a hazardous waste and hazardous waste transportation and manifesting requirements apply.

#### ***WASTE DISPOSAL***

All California landfills have been segregated by regulatory authority into the categories of Class I, Class II and Class III facilities. Class I facilities can accept hazardous wastes with chemical levels below the federal land disposal restriction (land ban) treatment standards. Class II and III facilities can accept non-hazardous wastes that meet acceptance criteria determined by the state for organic and inorganic compounds. Each landfill has individual acceptance criteria and the appropriate disposal site for a waste would be determined on the basis of the classification of the waste and individual landfill acceptance criteria.

In accordance with state and federal regulations, a waste is hazardous if it:

- Is a listed hazardous waste as defined in RCRA; or
- Exhibits the characteristics of ignitability, corrosivity, reactivity, or toxicity as defined in the California Code of Regulations.

Hazardous materials and hazardous wastes are defined in the California Code of Regulations, Title 22, Sections 66260 through 66261.10. A waste is considered toxic if it contains certain metals or organic substances at concentrations greater than federal toxicity regulatory levels using a test method called the TCLP;<sup>1</sup> if it contains certain substances at concentrations greater than the state regulatory levels, including the total threshold limit concentration TTLC<sup>2</sup> or the STLC;<sup>3</sup> if it contains specified carcinogenic substances at a single or combined concentration of 0.001 percent; or if toxicity testing indicates toxicity greater than specified criteria.

The California Health and Safety Code, § 25157.8 also specifies that waste disposed in California that contains lead in excess of 350 milligrams per kilogram can only be disposed in a Class I hazardous waste disposal facility, unless the CRWQCB issues a variance to the waste disposal facility for the acceptance of the waste, modifies the waste disposal facility's permit to accept the waste, amends the waste disposal facility's waste discharge requirements to specifically allow disposal of the waste, or approves disposal of the waste at the site of generation.

Class II and III landfills in the Bay Area have acceptance criteria for lead that are lower than the TCLP or STLC. Soil containing total petroleum hydrocarbons must be disposed of at an appropriate landfill facility and individual disposal facilities have site specific acceptance criteria for soil containing petroleum hydrocarbons.

Lead-based paint would be considered a hazardous waste because the total lead concentration is greater than the TTLC of 1,000 milligrams per kilogram. Spent fluorescent light ballasts containing PCBs are also considered a hazardous waste. It would be necessary to dispose of these materials at a Class I facility.

The California Department of Toxic Substances Control has classified friable, finely divided and powdered wastes containing greater than one-percent asbestos as a hazardous waste.<sup>4</sup> A friable waste can be reduced to powder or dust under hand pressure when dry. Non-friable asbestos-containing wastes are not considered hazardous and are not subject to regulation under Title 22, Division 4.5 of the California Code of Regulations. The management of these wastes would still be subject to any requirements or restrictions which may be imposed by other regulatory agencies. The state standard for classification of asbestos wastes is contained in Section 66261.24 of Title 22 of the California Code of Regulations. Asbestos is not currently regulated as a hazardous waste under the RCRA; because of this it is considered a non-RCRA waste. Asbestos wastes, totaling more than 50 pounds, must be transported by a registered waste hauler to an approved treatment, storage or disposal facility.

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<sup>1</sup> A waste would be considered hazardous if it contains a soluble concentration of the specified substance at a concentration greater than the federal toxicity characteristic level specified in CCR, Title 22, Section 66261.24 (a)(i). The soluble concentration is determined using the TCLP, which involves a 20-to-1 dilution of the sample. Because of this, the total concentration of a substance would need to exceed 20 times the TCLP level for the soluble concentration to possibly be greater than the TCLP level.

<sup>2</sup> In accordance with CCR, Title 22, Section 66261.24(a)(2), a waste would be considered hazardous on the basis of toxicity if it contains the specified substance at a total concentration greater than the TTLC.

<sup>3</sup> In accordance with CCR, Title 22, Section 66261.24(a)(2), a waste would be considered hazardous on the basis of toxicity if it contains the specified substance at a soluble concentration greater than the STLC. The soluble concentration is determined by performing a Waste Extraction Test, which involves a 10-to-1 dilution of the sample. Because of this, the total concentration of a substance would need to exceed 10 times the STLC for the soluble concentration to possibly be greater than the STLC.

<sup>4</sup> California Department of Toxic Substances Control, *Fact Sheet, Asbestos Handling, Transport and Disposal*, October 1993.

Wastes containing asbestos may be disposed of at any landfill which has waste discharge requirements issued by the RWQCB that allow disposal of asbestos-containing materials, provided that the wastes are handled and disposed of in accordance with the Toxic Substances Control Act, the Clean Air Act's National Emission Standards for Hazardous Air Pollutants, and Title 22 of the Code of California Regulations (Division 4.5). The Department of Toxic Substances Control also has treatment standards for asbestos-containing wastes, which require submittal of a notification and certification form to the land disposal facility as well as wetting and containment of the asbestos-containing materials.

The owner of properties where hazardous wastes are produced or abatement would occur must have a Hazardous Waste Generator Number assigned by and registered with the California Department of Toxic Substances Control in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest, which details the hauling of the material from the site and the disposal of the material.

### **HAZARDOUS MATERIALS WORKER SAFETY REQUIREMENTS**

The Federal Occupational Safety and Health Administration (Fed OSHA) and the California Safety and Health Administration (Cal OSHA) are the agencies responsible for assuring worker safety in the handling and use of chemicals in the workplace. The federal regulations pertaining to worker safety are contained in the Code of Federal Regulations, Title 29 (29 CFR) as authorized in the Occupational Safety and Health Act of 1970. They provide standards for safe workplaces and work practices, including standards relating to hazardous materials handling. In California, Cal OSHA assumes primary responsibility for developing and enforcing workplace safety regulations; Cal OSHA standards are generally more stringent than federal regulations.

The state regulations concerning the use of hazardous materials in the workplace are included in Title 8 of the California Code of Regulations, which contain requirements for safety training, availability of safety equipment, accident and illness prevention programs, hazardous material exposure warnings, and emergency action and fire prevention plan preparation. Cal OSHA also enforces hazard communication program regulations, which contain worker safety training and hazard information requirements, such as procedures for identifying and labeling hazardous materials, communicating hazard information relating to hazardous materials and their handling, and preparation of health and safety plans to protect workers and employees at hazardous waste sites.

### **REGULATORY DATABASE REVIEW**

A regulatory database review was conducted to identify permitted hazardous materials usage and environmental cases within 1/2 mile of the proposed project (EDR, 2003). The databases reviewed are listed in Tables D-1 and D-2 with the date of each database reviewed. Each database is described in the following sections.

#### **FEDERAL REGULATORY DATABASES**

Federal agencies publish numerous lists of sites that track permitted uses of hazardous materials and environmental cases. The lists reviewed for this EIR are summarized in Table HM-1. They include:



**TABLE D-1 FEDERAL REGULATORY DATABASES REVIEWED**

<b>Name of List</b>	<b>Responsible Agency</b>	<b>Acronym</b>	<b>Date of List</b>
National Priority List	USEPA	NPL	10/24/02
Proposed National Priority List Sites	USEPA	Proposed NPL	10/24/02
Superfund Consent Decrees	USEPA	CONSENT	N/A
Records of Decision	USEPA	ROD	12/21/01
Federal Superfund Liens	USEPA	NPL LIENS	10/15/91
National Priority List Deletions	USEPA	Delisted NPL	10/18/02
Comprehensive Environmental Response, Compensation, and Liability Information System	USEPA	CERCLIS	12/13/02
CERCLIS- No Further Remedial Action Planned	USEPA	CERCLIS NFRAP	12/13/02
Toxic Chemical Release Inventory System	USEPA	TRIS	12/31/00
Emergency Response Notification System	USEPA	ERNS	12/31/01
Hazardous Materials Information Reporting System	USDOT	HMIRS	7/31/02
Resource Conservation and Recovery Information System	USEPA	RCRIS	9/9/02
Biennial Reporting System	USEPA	BRS	12/31/99
RCRA Corrective Action Sites	USEPA	CORRACTS	9/29/02
RCRA Administrative Action Tracking System	USEPA	RAATS	4/17/95
Facility Index System	USEPA	FINDS	10/10/02
Toxic Substances Control Act	USEPA	TSCA	12/31/98
Federal Insecticide, Fungicide and Rodenticide Act/TSCA	USEPA	FTTS	10/24/02
Federal Insecticide, Fungicide and Rodenticide Act/TSCA	USEPA	FTTS INSP	10/24/02
Section 7 Tracking Systems	USEPA	SSTS	12/31/00
Material Licensing Tracking System	NRC	MLTS	10/21/02
Underground Storage Tanks on Indian Land	USEPA	INDIAN UST	N/A
Mines Master Index File	MSHA	MINES	9/10/02

Source: EDR, 2003

**TABLE D-2 STATE AND LOCAL REGULATORY DATABASES REVIEWED**

<b>Name of List</b>	<b>Responsible Agency</b>	<b>Acronym</b>	<b>Date of List</b>
Annual Work Plan	DTSC	AWP	1/6/03
California Bond Expenditure Plan	DHS	CA BOND EXP PLAN	1/1/89
List of Deed Restrictions	DTSC	DEED	1/3/03
Spills, Leaks, Investigation, and Cleanup Cost Recovery Listing	RWQCB	SLIC Reg2	10/1/02
Calsites	DTSC	CAL-SITES	11/21/02
Voluntary Cleanup Program Properties	DTSC	VCP	12/30/02
Leaking Underground Storage Tank Information System	SWRCB	LUST	1/6/03
Fuel Leak List	RWQCB	LUST Reg2	10/1/02
Solid Waste Information System	Cal IWMB	SWF/LF	12/16/02
Waste Management Unit Database	SWRCB	WMUDS/SWAT	4/1/00
Cortese Hazardous Waste and Substances Sites List	Cal EPA	CORTESE	4/1/01
Toxic Pits Cleanup Act Sites	SWRCB	TOXIC PITS	7/1/95
Waste Discharge System	SWRCB	CA WDS	12/23/02
Proposition 65 Records	SWRCB	NOTIFY 65	10/21/93
California Hazardous Material Incident Report System	Cal OES	CHMIRS	12/31/01
Hazardous Waste Information System	Cal EPA	HAZNET	12/31/00
Active UST Facilities	SWRCB	CA UST	1/6/03
Facility Inventory Database	Cal EPA	CA FID UST	10/31/94
Hazardous Substance Storage Container Database	SWRCB	HIST UST	10/15/90
Aboveground Petroleum Storage Tank Facilities	SWRCB	AST	11/20/02
Cleaner Facilities	DTSC	CLEANERS	3/18/02
Fuel Leak Site Activity Report	Santa Clara Valley Water District	LUST SCC	1/8/03

Source: EDR, 2004

- The National Priority List (NPL) which is a subset of the CERCLIS database (described below) and includes priority sites for cleanup under the federal Superfund Program;
- The Proposed NPL sites (Proposed NPL) which includes sites proposed for addition to the NPL;
- Superfund Consent Decrees (CONSENT) which includes NPL sites with major legal settlements that establish responsibility and standards for cleanup;
- Records of Decision (ROD) list which includes NPL sites where a record of decision has been developed that mandates a permanent remedy and includes technical and health information to aid in the cleanup of the site;
- Federal Superfund Liens (NPL LIENS) list which includes sites where the US EPA has filed liens against real property to recover remedial action expenditures or the property owner has been issued a notification of potential liability;
- NPL Delisted sites (Delisted NPL) which includes sites that have been removed from the NPL because no further response is required in accordance with criteria contained in the National Oil and Hazardous Substances Pollution Contingency Plan;
- The Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) which tracks potentially contaminated properties identified under CERCLA and SARA;
- The CERCLIS No Further Action (CERCLIS-NFRAP) database which lists sites where, following an initial investigation, no contamination was found, contamination was removed quickly, or the contamination was not serious enough to require federal Superfund action or NPL consideration. As part of the U.S. EPA's Brownfields Program, these sites have been removed from the CERCLIS database to lift unintended barriers to redevelopment;
- The Toxic Chemical Release Inventory System (TRIS) which identifies sites which release chemicals to the air, water, or land as required by Title III of the Superfund Amendments and Reauthorization Act of 1986;
- The Emergency Response Notification System (ERNS) which identifies spills of oil or hazardous materials reported pursuant to Section 103 of CERCLA as amended, Section 311 of the Clean Water Act, and sections 300.51 and 300.65 of the National Oil and Hazardous Substances Contingency Plan;
- The Hazardous Materials Information Reporting System (HMIRS) which includes hazardous material spill incidents that were reported to the US Department of Transportation;
- RCRA Information System (RCRIS) which includes facilities permitted to handle hazardous wastes under RCRA including treatment, storage, and disposal facilities (RCRA - TSD); large quantity generators which report generation of greater than 1000 kilogram per month of non-acutely hazardous waste or 1 kilogram per month of acutely hazardous waste (RCRA-LgGen); and small quantity generators which report generation of less than 1000 kilogram per month of non-acutely hazardous waste or 1 kilogram per month of acutely hazardous waste (RCRA-SmGen);
- Biennial Reporting System (BRS) which is a national system administered by the EPA that collects data on the generation and management of hazardous wastes. RCRA Large Quantity Generators and Treatment, Storage, and Disposal facilities are included;
- RCRA Corrective Action Sites (CORRACTS) which includes RCRA permitted facilities that are undergoing corrective action. A corrective action order is issued, when there has been a release of hazardous waste or constituents into the environment from a RCRA facility. Corrective actions may be required beyond the facility's boundary and can be required regardless of when the release occurred, even if it predates RCRA;

- RCRA Administrative Action Tracking System (RAATS) which includes enforcement actions taken under RCRA pertaining to major violations including administrative and civil actions brought by the US EPA;
- Facility Index System (FINDS) which includes facility information and “pointers” to other sources that contain more detail. The following databases are included in FINDS: Permit Compliance System (PCS); Aerometric Information Retrieval System (AIRS); Enforcement Dockets (DOCKET); Federal Underground Injection Control (FURS); Criminal Docket System (C-Docket); Federal Facilities Information System (FFIS); State Environmental Laws and Statutes (STATE); and PCB Activity Database System (PADS);
- Toxic Substances Control Act (TSCA) list which includes manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list;
- Federal Insecticide, Fungicide, and Rodenticide Act/TSCA (FTTS) list which includes administrative cases and pesticide enforcement actions and compliance actions related to the Federal Insecticide, Fungicide, and Rodenticide Act;
- Federal Insecticide, Fungicide, and Rodenticide Act/TSCA (FTTS INSP) list which includes inspection information for cases regulated under the Federal Insecticide, Fungicide, and Rodenticide Act;
- Federal Insecticide, Fungicide, and Rodenticide Act/TSCA Section 7 Tracking System (SSTS) list which includes registered pesticide producing establishments required to submit a report to the U.S. EPA annually;
- The Material Licensing Tracking System (MLTS) which includes sites that possess or use radioactive materials which are subject to Nuclear Regulatory Commission licensing requirements;
- The Underground Storage Tanks on Indian Land (Indian UST) list which includes permitted UST facilities on Indian land;
- Mines Master Index File (MINES) which includes properties that have been involved in mining including coal mining, quarrying, or sand and gravel operations; and

#### **STATE REGULATORY DATABASES**

Regulatory databases to track the status of environmental cases are maintained by several state agencies including the DTSC, RWQCB, SWRCB, Cal IWMB, and the Cal OES. The SWRCB also maintains databases that identify registered ASTs and permitted USTs and the DTSC maintains a list identifying facilities that conduct dry cleaning operations. The state databases reviewed for this EIR are summarized in Table HM-2. They include:

- The Annual Work Plan (AWP), formerly known as the Bond Expenditure Plan, identifies hazardous material sites targeted for cleanup;
- The California Bond Expenditure Plan (CA BOND EXP PLAN) includes sites for which a site-specific expenditure plan has been prepared for the appropriation of California Hazardous Substance Cleanup Bond Act of 1984 funds. This list is no longer updated;
- List of Deed Restrictions (DEED) which lists sites which have been issued deed restrictions because of the presence of hazardous materials;
- The Spills, Leaks, Investigation, and Cleanup Cost Recovery Listing (SLIC Reg2) which include various sites within the jurisdiction of the San Francisco Bay RWQCB;

- Calsites (CAL-SITES), which was previously referred to as the Abandoned Sites Program Information System (ASPIS), identifies potential hazardous waste sites, which are then screened by the DTSC for further action. Sites on this list which are designated for no further action by the DTSC were removed from this list in 1996;
- Voluntary Cleanup Program (VCP) which includes sites that pose a low threat with either confirmed or unconfirmed releases where the project proponents have requested that the DTSC oversee investigation and/or clean up activities and have agreed to provide coverage for DTSC's costs;
- The Leaking Underground Storage Tank Information System (LUST) which is an inventory of sites with reported leaking underground storage tank incidents maintained by the State Water Resources Control Board.
- The Fuel Leak List (LUST Reg2) which tracks remediation status of known leaking underground tanks;
- The Solid Waste Information System (SWF/LF) which includes a list of active, inactive or closed solid waste disposal sites, transfer facilities, or open dumps, as legislated under the Solid Waste Management and Resource Recovery Act of 1972;
- The Waste Management Unit Discharge System (WMUDS/SWAT) which tracks waste management units. The list contains sites identified in the following databases: Facility Information; Scheduled Inspections Information; Waste Management Unit Information; SWAT Program Information; SWAT Report Summary Information; Chapter 15 Information; Chapter 15 Monitoring Parameters; TPCA Program Information; RCRA Program Information; Closure Information; and Interested Parties Information;
- Cortese Hazardous Waste and Substances Sites List (CORTESE) which includes sites designated by the State Water Resources Control Board (LUST cases), Integrated Waste Board (SWF/LS), and the Department of Toxic Substances Control (CAL-SITES);
- Toxic Pits Cleanup Act Sites (TOXIC PITS) which includes sites suspected of containing hazardous materials where cleanup has not yet been completed;
- The Waste Discharge System (CA WDS) which lists sites which have been issued waste discharge requirements;
- Proposition 65 Records (NOTIFY 65) which includes facility notifications about any release which could threaten drinking water and thereby expose the public to a potential health risk;
- California Hazardous Materials Incident Reporting System (CHMIRS) which includes reported hazardous materials accidental releases or spills;
- The Hazardous Waste Information System (HAZNET) which includes facility and manifest data for sites that file hazardous waste manifests with the DTSC. The information contained in the database is based on manifests submitted without correction, and therefore may contain some invalid information;
- The Active UST Facilities list (CA UST) which lists registered USTs;
- The Facility Inventory Database (CA FID UST) which is a historical listing of active and inactive underground storage tank locations. Local records should contain more current information;
- The Hazardous Substance Storage Container Database (HIST UST) which is a historical listing of UST sites. Local records should contain more specific information;
- The Aboveground Petroleum Storage Tank Facilities database (AST) which lists registered ASTs;
- The Cleaner Facilities database (CLEANERS) which lists drycleaner related facilities that have EPA identification numbers

#### **LOCAL REGULATORY DATABASES**

The Santa Clara Valley Water District maintains the Fuel Leak Site Activity Report which lists sites with fuel leaks.

#### **OTHER DATABASES REVIEWED AND FEATURES IDENTIFIED**

In addition to the regulatory databases described above, the database review included review of the Former Manufactured Gas Site database provided by Real Property Scan, Inc.

#### **REFERENCES**

Environmental Data Resources, *EDR Field Check Report, West Valley College, 14000 Fruitvale Avenue, Saratoga, CA, 95070*. February 4, 2003.