

Chapter 18.62
SPECIAL REGULATIONS FOR
HAZARDOUS WASTE FACILITIES

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18.62.010 Purpose and Applicability

- (a) The purpose of this chapter is to require all proposals for new or expanded hazardous waste facilities to comply with certain siting criteria, contained in the Santa Clara County Hazardous Waste Management Plan, in order to assure compatibility with neighboring land uses, adequate mitigation for any identified environmental impacts, and consistency with the city's Comprehensive Plan and zoning and the county hazardous waste management plan.
- (b) This chapter shall apply to any proposal for a new or expanded hazardous waste facility.
- (c) No new hazardous waste facility shall be constructed or established, nor shall any existing such facility be expanded, unless such facility is located in a hazardous waste facility (HW) combining district.

(Ord. 4286 § 2 (part), 1995)

18.62.020 Definitions

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (a) "Hazardous waste" means a waste as defined in California Health and Safety Code Section 25117.
- (b) "Hazardous waste facility" means a facility, as defined in California Health and Safety Code Section 25117.1, which accepts hazardous wastes that are generated at another location (i.e. off-site) and serves more than one producer of hazardous waste. Types of such facilities include, but are not limited to:
 - (1) Treatment facilities, which absorb, precipitate, recycle, resource recover, neutralize, distill, stabilize, and/or incinerate the wastes;
 - (2) Transfer and storage facilities, which provide a location for collecting and consolidating wastes prior to treatment; and
 - (3) Residuals repositories, which are specially designed, long-term disposal sites for residuals from treated wastes.

(Ord. 4286 § 2 (part), 1995)

18.62.030 Hazardous Waste Facility Combining District

The hazardous waste facility (HW) combining district is intended to provide a mechanism for application for the siting criteria contained in the county hazardous waste management plan to all applications for a new or expanded hazardous waste facility. The hazardous waste facility (HW) combining district may be combined with the LM District in the Stanford Research Park, in accord with Chapters 18.08 and 18.80 of this title.

(Ord. 4286 § 2 (part), 1995)

18.62.040 Zoning Map Designation

The hazardous waste facility (HW) combining district shall apply to properties designated on the zoning map by the symbol “HW” within parentheses, following the limited industrial/research park (LM) designation with which it is combined.

(Ord. 4286 § 2 (part), 1995)

18.62.050 Site Development Regulations

Within the hazardous waste facility (HW) combining district, the siting criteria set forth in this section shall apply to all new or expanded hazardous waste facilities:

- (a) A minimum buffer zone of two thousand feet should be provided between the portion of a hazardous waste facility where hazardous waste will be stored, treated, or disposed and an existing or planned residence or immobile population. Based on the risk assessment and analysis of environmental impacts, a buffer zone of greater or less than two thousand feet may be required to protect the present and future public health, safety, and welfare.
- (b) A minimum buffer zone of two thousand feet should be provided between the portion of a hazardous waste facility where hazardous waste will be stored, treated, or disposed and an existing or planned public facility. Based on the risk assessment and analysis of environmental impacts, a buffer zone of greater or less than two thousand feet may be required to protect the present and future public health, safety, and welfare.
- (c) Siting of hazardous waste facilities will require an analysis of local emergency response capability — including fire, police, medical, and hazardous materials incident response personnel to ensure adequate protection in the event of an accident at the proposed facility. It may be necessary for the facility developer to supplement these capabilities by maintaining additional emergency response equipment and/or personnel onsite, by financially upgrading the local capabilities to provide these needed services, and/or by providing additional facility design features to limit the impact of potential accidents at the facility.
- (d) To the maximum extent possible, hazardous waste facilities shall be located in close proximity to major paved roads designed and constructed to accommodate heavy vehicles, with good access to divided highways or freeways. All designated routes

should preclude the transport of hazardous waste on residential streets and in areas housing immobile populations.

- (e) The applicant for a hazardous waste facility to be sited within three thousand feet of a known or suspected fault, as established by the Alquist-Priolo maps of the state of California or identified in the most recently available local maps or information, shall conduct a subsurface exploration to determine that there are no active faults within two hundred feet of the portions of the facility where hazardous waste will be stored, treated, or disposed.
- (f) The portions of a hazardous waste facility where hazardous waste will be stored, treated, or disposed shall not be located within two hundred feet of an active (Holocene Period) earthquake fault, as established by the Alquist-Priolo maps of the state of California or identified in the most recently available local maps or information.
- (g) Hazardous waste facilities should not be located in areas below a dam or levee structure that would be inundated by the flow of water, if the dam or levee structure were to fail. Facilities locating in such areas shall be designed, constructed, operated, and maintained to preclude failure due to such an event.
- (h) Hazardous waste facilities should not be located in areas subject to inundation by floods having a 100-year return period or by flash flooding or major surges from storms, river flooding or rainfall (as identified on Federal Flood Insurance Rate Maps). Facilities locating in such areas shall be designed, constructed, operated, and maintained to preclude failure due to such an event.
- (i) Hazardous waste facilities should not be located in areas where slope exceeds fifteen percent unless site-specific factors mitigate the impact of the site's slope. Facilities locating in such areas shall require appropriate land use designations.
- (j) Hazardous waste facilities should not be located in areas of potential rapid geologic change (such as landslide, soil creep, earth flow, other mass movement of earth material, subsidence or liquefaction) unless the applicant demonstrates and the local jurisdiction makes a finding that an overriding public need is served by allowing the facility to be located on the proposed site. Facilities locating in such areas shall be designed, constructed, operated and maintained to preclude failure as a result of rapid geologic change.
- (k) All applicants for a hazardous waste facility are required to obtain written comments from the Santa Clara Valley Water District (SCVWD) regarding the potential for a proposed facility to adversely impact water quality or resources. Based on the SCVWD letter and other information obtained during the land use decisionmaking process, the proposed facility may be disallowed, further hydrogeological investigation may be required of the applicant, or, if the facility is allowed, appropriate environmental protection measures may be required.
- (l) Hazardous waste facilities should not be located in watershed areas tributary to any reservoirs as well as those drainage basins supplying water to major recharge areas. Facilities locating in such areas shall have appropriate engineered containment features, inspection measures, and other environmental protection controls necessary to minimize any risks to watershed areas.

- (m) Hazardous waste facilities should not be located in areas known to be, or suspected of, supplying principal recharge to a major aquifer. Facilities locating in such areas shall have appropriate engineered containment features, inspection measures and other environmental protection controls necessary to minimize any risks to recharge areas.
- (n) Hazardous waste facilities should not be located within the cone of depression created by pumping a well or well field (included are drinking water, irrigation, and remediation and monitoring wells) for ninety days, unless an effective hydrogeological barrier to vertical flow exists.
- (o) Hazardous waste facilities should not be located on highly permeable soils or sediment. Facilities locating in such areas shall have appropriate engineered containment features, inspection measures, and other environmental protection controls provided in accordance with the requirements of the State Water Resources Control Board.
- (p) Hazardous waste facilities should not be located in areas posing a threat of contamination to useable surface water supplies or groundwater. Facilities locating in such areas shall have appropriate engineered containment features, inspection measures, and other environmental protection controls necessary to minimize any risks to surface or groundwater.
- (q) Hazardous waste facilities should not be precluded from locating in non-attainment areas unless the risk assessment shows that emissions will significantly contribute to non-attainment of standards, that such emissions cannot be mitigated, and that the emissions from such facilities are significantly greater than those associated with the transport of hazardous waste out of the area.
- (r) Hazardous waste facilities shall demonstrate that air emissions can be adequately mitigated in order to be established in PSD (“prevention of significant deterioration”) areas.
- (s) Hazardous waste facilities shall not be located within an area designated by the United States Department of Defense or the Santa Clara County Airport Land Use Commission as having the greatest potential for aircraft accidents, generally defined as the area immediately surrounding a public or military airport, including the immediate approach and take-off paths.
- (t) Low-volume transfer and storage facilities may be allowed in areas having particular cultural, aesthetic, historical, or archaeological significance or within other designated open space identified in the applicable general plan or in any regional or state plan, if necessary, to handle hazardous waste generated by visitors, workers, or residents, thereof. Treatment and incineration facilities shall not be located within these areas.
- (u) Hazardous waste facilities should not be located on prime agricultural lands, specifically areas designated by the Soil Conservation Service as Class 1 or Class 2 soils or designated as prime agricultural land in the applicable general plan or in any regional or state plan. Facilities locating on such areas shall be allowed only if the local jurisdiction makes a finding that an overriding public need is served by allowing the facility to be located on the proposed site.

- (v) Hazardous waste facilities shall not be sited so as to preclude extraction of mineral resource deposits that may be suitable for commercial development or hold outstanding scientific significance. Facilities shall be carefully planned so as not to prevent or restrict the preservation or use of mineral deposits in areas identified under the California Surface Mining and Reclamation Act of 1975 with classifications of MRZ-2, MRZ-3, or SZ.
- (w) Hazardous waste facilities shall not be located in wetland areas as defined by the U.S. Fish and Wildlife Service.
- (x) Hazardous waste facilities shall not be located within critical habitats of endangered species, as defined or designated in the applicable general plan or in any regional or state plan.
- (y) Hazardous waste facilities shall be consistent with the goals and policies of the Santa Clara County Hazardous Waste Management Plan, and specifically, shall be designed and sized to meet the needs of hazardous waste generators located in Santa Clara County, or to meet the county's broader commitments under any interjurisdictional agreements.
- (z) Hazardous waste facilities shall be located only in areas which meet all the siting criteria set forth in this section and are consistent with the city's Comprehensive Plan. These facilities shall be located only in areas consistent with existing and proposed industrial areas. An applicant may seek a general plan amendment for a site that appears to meet all other siting criteria.

(Ord. 4642 § 41, 2000; Ord. 4286 § 2(part), 1995)

18.62.060 Residuals Repositories Prohibited

Because no locations exist in the city where a residuals repository could be located in a manner consistent with the siting criteria for such facilities contained in the county hazardous waste management plan, no such facility shall be permitted.

(Ord. 4286 § 2 (part), 1995)

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