

Chapter 2

POLICY DIRECTIONS FOR HAZARDOUS WASTE MANAGEMENT IN ALAMEDA COUNTY

A. INTRODUCTION

This chapter explains the policy framework in which this plan was developed and which is intended to guide its implementation in Alameda County through the turn of the century. It also describes how the plan relates to the hazardous waste management policies of other levels of government, as well as to existing county policies.

B. FEDERAL AND STATE POLICIES AND REQUIREMENTS

Recent state and federal legislation has established clear policies concerning management of hazardous wastes. These policies express a preference for reducing waste generation, and mandate a near-total phaseout of land disposal of all untreated hazardous wastes between 1985 and 1992. These wastes are to be treated, greatly reducing the remaining risks to public health and the environment.

In a significant break from traditional hazardous waste management approaches, Congress in 1984 established a new policy direction. This policy states that land disposal should only be used as a last resort for residues from waste treatment, and eliminated as quickly and completely as possible for all untreated wastes. The 1984 federal Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (P. L. 98-616; 40 CFR Part 240 et. seq.) requires a nationwide phaseout of disposal of all untreated liquid hazardous wastes on the land by 1992--including disposal in landfills, pits, ponds, lagoons, surface impoundments, injection wells, or similar facilities.

Congressional intention on this issue is specific. In the opening statement of its findings and objectives in this legislation, the House-Senate conferees expressed the judgment by Congress that the risks from land disposal were too great and made clear their preference for alternative management approaches for dealing with hazardous wastes:

The Conferees intent to convey a clear and unambiguous message to the regulated community and the Environmental Protection Agency: reliance on land disposal of hazardous waste has resulted in an unacceptable risk to human health and the environment. Consequently, the Conferees intent that through the vigorous implementation of this Act, land disposal will be eliminated for many wastes and minimized for all others, and that advanced treatment, recycling, incineration, and other hazardous waste control technologies should replace land disposal. In other words, land disposal should be used

only as a last resort and only under conditions which are fully protective of human health and the environment.¹

HSWA established a statutory presumption against land disposal of all untreated hazardous wastes unless the U.S. Environmental Protection Agency (EPA) specifically found that such a ban for a particular waste was not required to protect human health and the environment. The amendments established a set of specific deadlines for banning groups of hazardous wastes from land disposal. EPA can extend these deadlines for up to 2 years only if there is a lack of alternate treatment capacity to handle those wastes, thus providing the link to successful planning and siting.

HSWA brought small quantity generators (those producing less than 13.2 tons annually) into the federal "cradle to grave" hazardous waste management system for the first time; required generators to certify their efforts at reducing their waste production; greatly strengthened operating, groundwater monitoring, financial capability, and closure standards for hazardous waste management facilities; and established a national program to address leaking underground storage tanks.

In many respects, California has led the nation in acting to protect public health and the environment by restricting the land disposal of hazardous wastes. This program, begun in 1981, served as the national model for the 1984 federal HSWA. For example, HSWA incorporates the so-called "California List" of hazardous wastes to be banned from land disposal, so named because pre-existing California law provided for similar restrictions. Through a large number of statutes, the state has restricted the ability of generators to continue to rely on land disposal.

The Toxic Pits Cleanup Act (Katz, 1984) required Regional Water Quality Control Board (RWQCB) inspections of surface impoundments and other pits, ponds, and lagoons used for hazardous waste disposal, and significantly limits their continued operation. In 1986, California accelerated this program through the hazardous Waste Management Act (SB1500, Roberti), which requires the state to promote reduction in hazardous waste generation, increase recycling and treatment of hazardous wastes, and allow land disposal of treatment residuals only. The California phaseout relative to land disposal is more restrictive than that under RCRA and HSWA. The Legislature declared:

The disposal of untreated hazardous waste in, or onto the land without adequate technical safeguards threatens not only the quality of the state's land, air, and water resources, but poses a direct hazard to health and safety by exposing the public to substances that have been found to cause cancer, birth defects, miscarriages, nervous disorders, blood diseases, and damage to vital organs and genes.... It is, therefore, in the public interest to establish a program to limit the use of land disposal practices which do not meet certain prescribed standards and promote alternatives for hazardous waste management.²

¹Legislative History, Hazardous and Solid Waste Amendments of 1984, Public Law 98-616, 98 Stat. 3211, p.5651.

²Hazardous Waste Management Act of 1986 (SB 1500, Roberti), as passed, p.1.

No untreated wastes may be placed on or in the land in California after May 1990, as a result of SB 1500, which accelerates the federal mandate. This act, signed on the same day as the AB 2948 planning and siting statute, extends state policies to reduce the volumes of hazardous wastes being disposed on land. The act directs the State Water Resources Control Board (SWRCB) and State Department of Health Services (DHS) to promote hazardous waste management practices following the hazardous waste management hierarchy: reduction in hazardous waste generation, recycling, treatment, and land disposal only of residuals from recycling and treatment.

Another significant policy directive, the federal Superfund Amendments and Reauthorization Act (SARA) of 1986, requires each state to provide EPA by October 1989 with assurance that adequate hazardous waste treatment or disposal facilities will be available for handling the state's waste stream. This can be accomplished either within or outside the state in accordance with an interstate or regional agreement, to provide adequate capacity for the destruction, treatment, or secure disposition of all hazardous wastes that are reasonably expected to be generated during the next 20 years. If this assurance cannot be provided, EPA could withhold Superfund monies from the state to provide for cleanup of known and yet to be identified hazardous waste sites.

Inherent in satisfying these state and federal laws, and the approximately 150 other pieces of related legislation that have been passed over the last 3 years, is the need to establish a comprehensive planning process to address hazardous waste management in a rational way. This need has been recognized in AB 2948 (Tanner, 1986), which established an opportunity for each county in California to develop and implement a County Hazardous Waste Management Plan. In adopting the Tanner Bill, the Legislature saw the need for reducing hazardous waste generation as well as siting environmentally appropriate alternatives to land disposal of untreated wastes:

Safe and responsible management of hazardous wastes is one of the most important environmental problems facing the state at the present time. This management is critical to the protection of the public health and the environment and also to the economic growth of the state. If environmentally sound hazardous waste facilities are not available to effectively manage the hazardous wastes produced by the many industries of the state, the state's economic activity will be hampered and cannot prosper, public health and the environment will be threatened by the increased illegal disposal, and the use of outmoded disposal practices will continue....³

A solution to the safe and responsible management of hazardous wastes also requires improved programs of waste source reduction and recycling, and encouraging onsite treatment of hazardous wastes, as preferable to the siting of new land disposal facilities. The goal of this act, which recognizes the long-term health, environmental, and economic risks of hazardous waste land disposal, is to prevent hazardous waste from being permanently disposed into land, or emitted into the air, without being processed by an economically and technically feasible alternative technology. Attaining this goal will

³Sec. 1(a)(2), Health and Safety Code

require the development of feasible programs which should result in the reduction of the volume and hazard of hazardous wastes at their source, and the development of expanded recycling programs for hazardous waste. This goal also requires that, as an alternative to traditional land disposal methods, residuals repositories be utilized for the byproducts of preferred hazardous waste treatment technologies. Because of the threat to public health and safety posed by the traditional land disposal of hazardous wastes, it is necessary that these methods of dealing with hazardous wastes come quickly into place.⁴

The Legislature, therefore, declares that it is in the public interest to establish an effective process for hazardous waste management planning at the local level. This process is consistent with the responsibility of local governments to assure that adequate treatment and disposal capacity is available to manage the hazardous wastes generated within their jurisdictions.⁵

C. EXISTING COUNTY GOALS AND POLICIES

Policies in the Alameda County Solid Waste Management Plan provide important starting points for the comprehensive approaches to hazardous waste management planning.

COUNTY SOLID WASTE MANAGEMENT PLANNING

Before AB 2948 was passed, county hazardous waste management planning was authorized under state statutes mandating every county to prepare a County Solid Waste Management Plan with triennial updates. The portion of the Solid Waste Management Plan dealing with hazardous waste disposal was required to be reviewed by DHS for conformity with state hazardous waste standards.

DHS recommended that the discussion of hazardous wastes be prepared as a separate element of the County Solid Waste Management Plans.

The 1987 Alameda County Solid Waste Management Plan contains a separate Hazardous Waste Element, prepared after the passage of AB 2948 but before the development of the DHS Guidelines for the preparation of County Hazardous Waste Management Plans. This element represents "an interim approach to management of hazardous waste in Alameda County that will be followed by a detailed County Hazardous Waste Management Plan." This Hazardous Waste Management Plan will supersede the information and programs contained in the Alameda County Solid Waste Management Plan.

⁴Section 1(a)(4), Health and Safety Code

⁵Section 25135(b), Health and Safety Code

D. OVERALL GOALS AND POLICIES FOR HAZARDOUS WASTE MANAGEMENT

Goals, policies, objectives, and activities all have specific meaning in this plan:

- Goals, as broad statements of fundamental values, serve to orient policy discussion and guide decisionmaking. They reflect consensus on basic social, political, and economic aims.
- Policies characterize the directions taken regarding major issues: steps designed to achieve the goals. They reflect decisions made after consideration of specific alternative positions and are the basis for directing development and implementation of the Alameda County Hazardous Waste Management Plan.
- Objectives--specific statements of desired achievements over time--are measurable. Progress toward reaching them can be assessed at specific points during implementation of the Alameda County Plan. They are the key milestones between 1988 and 2000 in carrying out the policies to reach the goals.
- Activities are those steps needed to achieve the objectives in a timely fashion. They describe the responsibilities, timing, and resources to achieve objectives.

Basic goals and policies for hazardous waste management in Alameda County are discussed in this chapter; specific objectives and the activities that comprise the implementation effort, including the various new and revised programs to be developed for action in Alameda County, are discussed in Section IV (implementation).

These goals and policies are based on extensive discussion by the Waste Management Authority's Hazardous Waste Committee elected officials, Hazardous Waste Management Advisory Committee, city managers, industry, and the general public regarding those major issues affecting Alameda County's Hazardous Waste Management Plan.

The primary goals of Alameda County's Hazardous Waste Management Plan are to protect the public health, welfare and safety, and the environment, and to preserve and enhance the economic vitality of the county by providing an overall framework for responsibly managing hazardous wastes over the next decade or longer. Another goal is to assist industry and government in meeting state and federal requirements to eliminate land disposal of untreated hazardous wastes by 1990 with a minimum of economic disruption or improper (or illegal) waste storage, management, or disposal. All areas of California share responsibility for meeting these goals on an equitable basis.

In accord with the provisions of state law (AB 2948; Tanner, 1986), new hazardous waste management facilities and significant expansions of existing facilities must all be consistent with the

goals, objectives, policies, and siting criteria contained in each county's Hazardous Waste Management Plan and must meet the demonstrated hazardous waste management needs of each county.

The Waste Management Authority's Hazardous Waste Committee will continue to make policy recommendations to the Authority.

E. ALAMEDA COUNTY HAZARDOUS WASTE MANAGEMENT POLICIES

POLICY 1: LAND DISPOSAL

ALAMEDA COUNTY SHOULD AGGRESSIVELY PURSUE THE PHASEOUT OF LAND DISPOSAL OF HAZARDOUS WASTE GENERATED BY INDUSTRY IN THE COUNTY

Policy 1A. Alameda County, its cities, special districts, and the Waste Management Authority will promote the responsible management of hazardous materials and wastes by providing a sound basis for planning and siting those new facilities that offer alternatives to continued reliance on disposal of hazardous wastes in the air, water, or land.

Policy 1B. Alameda County, its cities, special districts, and the Waste Management Authority will continue to encourage economic development in Alameda County. Under this plan, these agencies will require the responsible management of hazardous wastes and the cooperation and compliance of all firms, existing and new, with restrictions on land disposal of hazardous wastes.

POLICY 2: HAZARDOUS WASTE MANAGEMENT HIERARCHY

ALAMEDA COUNTY SHOULD OVER TIME LIMIT THE OVERALL GENERATION OF HAZARDOUS WASTES

Policy 2A. Alameda County, its cities, special districts, and the Waste Management Authority will assist local, regional, and state authorities in establishing, maintaining, and monitoring standards necessary to protect public health, safety and welfare, and the environment in managing hazardous materials and wastes. It is essential that government at all levels ensure that any activities involving hazardous materials and wastes comply with appropriate regulatory standards.

Policy 2B. In this plan, Alameda County, its cities, special districts, and the Waste Management Authority shall all require all hazardous waste generators, including large generators, small quantity generators, local governments and special districts, as well as households--to adopt and implement the hierarchy of hazardous waste management strategies to the maximum extent feasible both economically and practically. Whenever possible, hazardous waste management decisions should give preference to those practices that are higher on the hierarchy.

1. Source reduction including toxics use reduction
2. Reuse and recycling onsite
3. Reuse and recycling offsite
4. Treatment onsite
5. Treatment offsite
6. Incineration except as otherwise prohibited
7. Secure disposal of residuals from recycling, treatment, and incineration

This fundamental hierarchy emphasizes the importance of preventing (rather than managing or controlling) pollution--whether of air, water, or land--by giving highest priority to reducing hazardous waste generation at the source. This can be accomplished in a variety of ways, including substituting the use of less-hazardous materials in manufacturing and consumption, process modifications, and housekeeping measures.

Once source reduction has been pursued to the extent practical, second priority should be given to recycling and reuse of wastes. All remaining wastes would then be treated either onsite or offsite. If appropriate, recycling and treatment residuals would then be incinerated, along with incinerable wastes. Where hazardous waste is amenable to forms of treatment other than incineration, these other forms of treatment should be given preference over incineration. The ash from incineration, plus other inorganic treatment residuals, would then be placed in special land disposal units made secure from liquids that might create leachate and contaminate groundwater.

Hazardous waste incineration should be considered the treatment technology of last choice. Those wastes defined as incinerable wastes should be targeted as the highest priority in source reduction and waste minimization efforts. Measures implementing source reduction and minimization of incinerable wastes should be established in all jurisdictions and should be allowed sufficient time to show results before incinerator proposals are considered.

Policy 2C. Alameda County, its cities, special districts, and the Waste Management Authority will require through regulation that firms adopt and follow this hazardous waste management hierarchy to the maximum extent feasible both economically and practically. Alameda County shall devise and implement a special comprehensive new program to eliminate barriers and encourage and assist source reduction and waste minimization actions by private firms and government agencies.

POLICY 3: HAZARDOUS MATERIALS USE REDUCTION

HAZARDOUS MATERIALS USE REDUCTION SHOULD REPRESENT A TOP PRIORITY IN ALAMEDA COUNTY'S PLAN AND PURSUIT OF THE HIERARCHY

Policy 3A. Hazardous materials use reduction is a top priority of the Plan. The county, its cities, the special districts, and the Waste Management Authority will promote an aggressive hazardous materials use reduction effort for all existing industry, and will encourage existing industry to conduct hazardous materials use reduction audits and develop plans for toxic use reduction. These agencies of government should work cooperatively with industries, assisting and supporting them in efforts to use fewer toxic materials in manufacturing processes whenever feasible. Reduction in materials use is the most effective method of reducing waste from the standpoint of cost to industry (manufacturing and disposal) and cost to government (less regulation and reduced need for treatment and disposal facilities).

Policy 3B. Firms wishing to locate in Alameda County (or to expand existing facilities significantly) shall demonstrate commitment to the policy of hazardous materials use reduction as a condition for receiving land use approvals and business permits. Industries may be required to supplement initial designs with mandatory plans to further reduce the amount and toxicity of hazardous materials required for manufacturing processes. Progress toward accomplishing this objective should be assessed as part of the permit renewal process.

POLICY 4: SOURCE REDUCTION AND WASTE MINIMIZATION

SOURCE REDUCTION AND WASTE MINIMIZATION ARE A TOP PRIORITY IN ALAMEDA COUNTY'S HAZARDOUS WASTE MANAGEMENT PLAN

Policy 4A. Source reduction and waste minimization are a top priority of the plan. The county, its cities, the special districts, and the Waste Management Authority will promote an aggressive effort for all existing industry. Special new efforts will be devised and implemented to ensure maximum pursuit of source reduction and waste minimization at these existing facilities.

Government agencies should encourage innovative private-sector waste reduction activities and should act to remove barriers to wider source reduction and recycling through creation and implementation of a waste reduction program designed in concert with both large and small generators in Alameda County. The Waste Management Authority will develop a model source reduction program as its highest-priority task in implementing this plan. Where barriers exist that are beyond the direct control of local governments and districts to resolve, local agencies will advise appropriate state or federal authorities with recommendations for removing the barriers to accelerate source reduction.

Policy 4B. Implementing an aggressive waste reduction program will require local governments to work closely and cooperatively with industry and draw upon its expertise. The policy of Alameda County, its cities, special districts, and the Waste Management Authority is to work collaboratively in a spirit of public-private partnership with local firms, existing and new, in

pursuing waste reduction and implementing the hazardous waste management hierarchy. Waste reduction can be rapidly implemented by each firm to the maximum extent economically feasible.

POLICY 5: ONSITE TREATMENT

THE PLAN SHOULD ENCOURAGE ONSITE TREATMENT IN PREFERENCE TO OFFSITE TREATMENT OF HAZARDOUS WASTES FROM ALAMEDA COUNTY GENERATORS

Policy 5. Alameda County, its cities, the special districts, and the Waste Management Authority encourage firms whenever practical to employ onsite management in preference to offsite management of hazardous wastes. Firms should incorporate onsite management as part of overall manufacturing processes in order to reduce transportation risks to the community. Special attention should be given to the needs of small business generators for whom some types of hazardous waste management may not be practical onsite. While regulatory measures to give priority to onsite hazardous waste management may be needed, rigorous enforcement of standards necessary to protect the public health, safety, and welfare or the environment should be undertaken.

POLICY 6: CENTRALIZED VS. DISPERSED FACILITIES

OFFSITE HAZARDOUS WASTE MANAGEMENT RECYCLING AND TREATMENT ACTIVITIES SHOULD BE CENTRALIZED IN A RELATIVELY SMALL NUMBER OF LARGE FACILITIES

Policy 6. Alameda County, its cities, the special districts, and the Waste Management Authority strongly encourage locating offsite hazardous waste management facilities as closely as possible to the sources of hazardous waste generation, taking into consideration the siting of such facilities within the jurisdiction where the predominant amount of waste to be processed by the facility is generated. Within the practical limits reasonably imposed by economies of scale, market service areas, and environmental suitability (including consistency with the siting criteria contained in this plan), hazardous waste management facilities should be dispersed as close as possible to clusters of hazardous waste generation sources. This is consistent with implementation of the hazardous waste management hierarchy, and with Alameda County's intention to distribute facility siting decisions fairly at the County's jurisdictions according to their basic shares of local hazardous waste generation.

POLICY 7: TRANSFER STATIONS

DEVELOPMENT OF NEW HAZARDOUS WASTE TRANSFER STATIONS AT APPROPRIATE (DISPERSED) LOCATIONS IN ALAMEDA COUNTY SHOULD BE ENCOURAGED

Policy 7. Alameda County, its cities, the special districts, and the Waste Management Authority recognize the important role played by hazardous waste transfer stations dispersed

among clusters of generators, taking into consideration the siting of such facilities within the jurisdiction where the predominant amount of waste to be processed by the facility is generated. Easily-accessible transfer facilities will be encouraged as a key to the county's ability to address the hazardous waste management needs of its smaller generators and households. This is an essential element in implementation of Alameda County's small quantity generator and household hazardous waste programs.

POLICY 8: SMALL GENERATORS

ATTENTION SHOULD BE DIRECTED TO SMALL BUSINESSES THAT GENERATE SMALL QUANTITIES OF HAZARDOUS WASTES

Policy 8A. The highest priority for immediate attention in this hazardous waste management plan is to meet the needs of the larger industrial firms that generate the greatest volumes of hazardous waste. These generators will be expected to comply first with the provisions of Policies 2B and 2C regarding the hazardous waste hierarchy. Small firms and small generators of hazardous wastes have special needs and pose enormous potential risks from possible illegal disposal of these waste. Special attention from local governments should be directed to small generators. Alameda County, its cities, the Waste Management Authority, and the special districts address the special hazardous waste management programs of small business/small quantity generators by first identifying such a generator and then by identifying and reducing barriers to improved practices, especially waste reduction. The Plan encourages waste management firms to provide regulatory and technical information, affordable waste audits, and pickup and recycling services specifically tailored to small businesses. Special programs to provide financial assistance (e.g., loans or loan guarantees) to allow smaller firms to pursue the hazardous waste hierarchy are also needed on a high-priority basis.

Policy 8B. Programs to assist small business hazardous waste generators in Alameda County should be designed to be self-sustaining by providing their own revenue source(s) (e.g., through fees or the like). However, such a funding basis should be designed not to impose such a burden on the program's target groups that it discourages their participation and responsible hazardous waste management. The availability of state grants, loans, and loan guarantees and of creative private-sector financing mechanisms all deserve careful exploration.

POLICY 9: HOUSEHOLD HAZARDOUS WASTES

A PROGRAM FOR HOUSEHOLD HAZARDOUS WASTES SHOULD BE DEVELOPED

Policy 9. An effective ongoing program should be developed to help educate households in Alameda County regarding household hazardous materials and wastes and the potential effects when these wastes are discarded into landfills. The program must provide for effectively collecting household hazardous wastes. Funding for household hazardous waste programs should be sought from the state. Alternatively, a modest surcharge could be added to existing fees for garbage collection and disposal under the provisions of AB 1809 (Tanner, 1986). Provisions should

eventually be made to treat household hazardous wastes rather than disposing of them in hazardous waste landfills.

POLICY 10: PUBLIC PARTICIPATION

PUBLIC PARTICIPATION IN HAZARDOUS WASTE MANAGEMENT PLANNING AND SPECIFIC FACILITY SITING IN ALAMEDA COUNTY SHOULD BE ENCOURAGED

Policy 10. Active public involvement, on the part of both citizens and industry, in developing and implementing the Alameda County Hazardous Waste Management Plan is essential. It forms the basis for a responsible program to protect public health, safety and welfare, and the environment in order to move away from reliance on land disposal. The economic vitality of Alameda County can best be maintained through the cooperative involvement of local industry in developing and implementing the plan. All sectors of the public, including large and small industry and civic and environmental organizations, are encouraged to participate in plan development and implementation. Alameda County, its cities, special districts, and the Waste Management Authority must all encourage active public involvement in the hazardous waste planning and siting process.

POLICY 11: PUBLIC EDUCATION

AN ONGOING PUBLIC EDUCATION PROGRAM ON HAZARDOUS MATERIALS AND HAZARDOUS WASTES SHOULD BE INSTITUTED IN ALAMEDA COUNTY

Policy 11. Alameda County, its cities, special districts, and the Waste Management Authority will promote widespread ongoing education of citizens on hazardous materials and waste management issues. Citizens have a right to know how these materials and wastes are managed and ways in which people can contribute to improving that management and the protection of their health, safety, and economic well-being.

Local agencies will also make special efforts to include industry--especially smaller businesses--as a target of educational and outreach efforts, and a vehicle for citizens' education. Adequate funding will be sought to sustain a long-term public education effort. The public participation effort undertaken as part of the development and implementation process represents a major component of this education. The purpose of a strong public participation/education program is to educate the public over the long-term to improve the level of general understanding about hazardous waste management issues; to inform the public about the planning and siting process; to involve the public in the process; and to incorporate the public's concerns and issues into the Plan process.

POLICY 12: REGIONAL AND STATEWIDE RESPONSIBILITIES

THE PLAN SHOULD IDENTIFY AND ADDRESS ALAMEDA COUNTY'S RESPONSIBILITIES TO OTHER COUNTIES IN CALIFORNIA TO HELP MEET OVERALL REGIONAL AND STATEWIDE HAZARDOUS WASTE MANAGEMENT NEEDS

Policy 12A. Alameda County, its cities, special districts, and the Waste Management Authority recognize their responsibility to join in with other governments in the region and the state in planning for the effective management of all the hazardous wastes generated in the region and the state in accord with the hazardous waste management hierarchy set forth in Policy 2B. Legal constraints such as the Interstate Commerce Clause in the U.S. Constitution limit local governments' ability to restrict use of privately-owned hazardous waste management facilities to those generators located within their own jurisdictions. Therefore, sound hazardous waste management planning, waste reduction efforts, and appropriate facility siting are the mutual responsibility of all governments. Alameda County, its cities, the special districts, and the Waste Management Authority encourage multi-county and regional efforts to plan and implement alternatives to land disposal of hazardous wastes and to limit the risks posed by large-scale transportation of hazardous wastes around the state. Local agencies will participate in and support efforts designed to allocate and develop facilities among all jurisdictions according to interjurisdictional agreements, each facility's environmental suitability, and each facility's economic viability.

Policy 12B. Alameda County, its cities, the special districts, and the Waste Management Authority encourage developing new hazardous waste management facilities adequate by type and capacity to meet all of the expected or potential needs of hazardous waste generators located within Alameda County, including sufficient redundancy to ensure flexibility in responding to unanticipated future events.

Policy 12C. Alameda County, its cities, special districts, and the Waste Management Authority agree to consider as part of an intercounty compromise set forth in a formal intercounty agreement to host an environmentally appropriate, economically viable hazardous waste management facility (or facilities) within its own borders and designed to serve the needs of hazardous waste generators in other counties as well as generators within Alameda County. Facilities that are built in accord with intercounty agreements will receive local land use approval in accord with existing legislation.

Policy 12D. Local jurisdiction will assure that private firms located in Alameda County and using out-of-county hazardous waste management facilities follow all appropriate federal and state procedures; that they pursue aggressive source reduction; that such facilities receive all necessary mitigation measures to protect the environment and public health in their vicinity; and that host counties are adequately compensated as provided under state law. Alameda County and the Waste Management Authority similarly seek reciprocal agreements with other counties to provide mitigation and compensation for hosting a facility intended to serve generators from outside Alameda County.

Policy 12E. Alameda County, its cities, special districts, and the Waste Management Authority will consider the feasibility and desirability of developing innovative new fee and rebate mechanisms designed to provide specific fiscal incentives for local hazardous waste generators to follow the hazardous waste management hierarchy and to make maximum use of those hazardous waste management facilities located within Alameda County (or to use those out-of-county facilities covered in a formal intercounty agreement).

POLICY 13: ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY MAY CONSIDER DEVELOPING CERTAIN PUBLIC HAZARDOUS WASTE MANAGEMENT FACILITIES

Policy 13. If necessary, the Alameda County Waste Management Authority, in cooperation with local jurisdictions, will explore the possibility of developing facilities needed to serve generators in the county that may not otherwise be developed appropriately by private developers. Joint public-private combinations might be explored as well.

POLICY 14: HAZARDOUS WASTE MANAGEMENT PLANNING AND SITING PRINCIPLE

The County and its cities will act to provide for the safe, effective management of hazardous waste generated within the county. New offsite hazardous waste management facilities shall be primarily limited to a scale necessary to meet the hazardous waste management needs of this county: larger facilities may be permitted in accordance with agreements reached between this county and other jurisdictions or upon determination of the local governing body that the project meets local planning criteria and serves public needs. The "fair share principle," as defined below, will guide the County's efforts to provide for the management of hazardous wastes generated within the county.

The County and its cities recognize their collective responsibility to cooperate with other governments in the region and the state in planning for the effective management of hazardous wastes generated in the region and the state in accordance with the hazardous waste management hierarchy. Sound hazardous waste management planning, waste reduction efforts, and appropriate facility siting are the mutual responsibility of all governments. To this end, the County and its cities encourage multicounty and regional efforts to plan and implement alternatives to land disposal of untreated wastes and to limit the risks posed by transportation of hazardous wastes around the state. Agreements for new facilities to provide the offsite capacity needed for hazardous waste treatment and residuals disposal should be reached among jurisdictions according to their fair share of the hazardous waste stream, each jurisdiction's environmental suitability for different types of facilities, their economic interests, and economic viability of different types and sizes of facilities. Any privately-owned facility located in this county shall be available to serve generators from inside and outside the County.

"Fair share" denotes that each county is responsible for the disposition of its own waste; that is, responsible for its share of waste management. A county cannot be required to accept a facility with a capacity that significantly exceeds the county's own needs, except as provided by an

interjurisdictional agreement. It is recognized that the waste streams in each county will probably not support an economically efficient hazardous waste facility of each type needed to handle a county's waste. Therefore, counties are encouraged to enter into interjurisdictional agreements to balance economic efficiency in the size of facilities and to responsibly handle their fair share of the wastes generated. If the county has approved the siting of a facility or facilities that have a capacity equal to or in excess of the county's total hazardous waste management needs, the county will have achieved its fair share of hazardous waste management facilities siting and cannot be forced to accept the siting of additional facilities except as provided by interjurisdictional agreement. The county recognizes that if it does not fulfill its obligations under Implementation Objectives 1-3 below, county policy with regard to the siting of facilities, will be to permit siting of environmentally appropriate facilities, otherwise consistent with the Plan, without regard to the fair share principle.

The Fair Share language does not become operative until interjurisdictional agreements are in place.

SITING CRITERIA

Any proposed specified hazardous waste management facility shall be consistent with the goals and policies of this Plan. In particular, any proposed facility shall be consistent with the fair share principle and with any interjurisdictional agreements on hazardous waste management. Local needs are to be the primary basis for this decision, along with regional commitments. Specifically, facilities are to be designed and sized primarily to meet the hazardous waste management needs of this county, or to meet the county's broader commitments under an interjurisdictional agreement or upon determination of the local governing body that the project meets local planning criteria and serves public needs.

IMPLEMENTATION OBJECTIVES

(1) **Siting Consistency:** The county, and each city, shall require that all local land use decisions on siting specified hazardous waste management facilities are consistent with the goals and policies and the siting criteria contained in the Plan. Specifically, the county will approve the siting of an environmentally appropriate facility that is consistent with the policies of this plan and disapprove the siting of a facility that is inconsistent with plan policies or is environmentally inappropriate.

(2) **County Actions:** The county will actively seek to meet its unmet hazardous waste management capacity needs through any combination of the following: waste reduction, facility siting, and interjurisdictional agreements. Proposals for hazardous waste management facilities will receive the full attention of the county planning staff and governing body. The county will continue to actively seek to meet its hazardous waste management capacity needs until such time as the county has met those needs through any combination of waste reduction, facility siting, or interjurisdictional agreements.

(3) **Focus of Interjurisdictional Agreement Negotiations:** The county shall enter into negotiations with other jurisdictions for the purpose of negotiating one or more interjurisdictional agreements for the siting of hazardous waste management facilities adequate and necessary to meet the needs of the signatory jurisdictions. Such agreements shall follow the principle of fair share and may take into account both the volumes and degree of hazard for the wastes generated that require offsite management within each participating jurisdiction and the degree of waste reduction effort made by each participating jurisdiction.

If the siting of a particular type of hazardous waste management facility needed in this county is not environmentally appropriate or economically viable, the county shall reach an agreement with one or more other jurisdictions to facilitate the siting of a larger, environmentally appropriate and economically viable facility (or facilities) to be located elsewhere. This county and its cities, in turn, agree to actively consider and, if appropriate, to commit as part of an interjurisdictional agreement to approve the siting of an environmentally appropriate facility (or facilities) within its own borders designed and sized to serve the hazardous waste management needs of other jurisdictions as well as of this county.