



CITY OF VALLEJO

OFFICE OF THE CITY MANAGER

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August 17, 2009

Ramona Garrett, Presiding Judge of the Superior Court
Solano Superior Court
600 Union Ave.
Fairfield, California 94533

Re: 2008-09 Grand Jury Report, Hazardous Materials Handling in Solano County
Report Date: May 18, 2009

After receipt of the Grand Jury Report referenced above, the City of Vallejo reviewed the findings and responds as follows:

The report identified several deficiencies that can be corrected by the City according to the recommendations listed in the report. The report cited some corrective actions that were already in place and not observed by the Grand Jury upon inspection of the Vallejo facilities. The Grand Jury listed at least one finding in the report that is beyond the jurisdiction of the City of Vallejo to mitigate.

In addition, the Solano County Department of Resource Management conducted an inspection (attached) of the same facility shortly after the publication of the Grand Jury report. As a result, several of the same items were cited and require corrective action by the City of Vallejo and several additional items have been cited for corrective action.

Proposed Resolution:

The City of Vallejo requests a period of sixty (60) days to correct both the findings in the Grand Jury Report, and the corrective actions required by the Solano County Department of Resource Management. Some of the corrections have already been satisfied, but it will take some additional time to fully mitigate the remaining items. Finding and Recommendation #6 in the Grand Jury Report is not within the control of the City of Vallejo.

After all corrections have been completed, the City of Vallejo will request a reinspection of the facility by both the Solano County Department of Resource Management and the Grand Jury to make sure that all corrective actions in both reports have been satisfied.

Ramona Garrett, Presiding Judge of the Superior Court

August 17, 2009

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Please feel free to contact me if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Adams', with a long horizontal flourish extending to the right.

Robert F.D. Adams
City Manager

/je

Attachment



SOLANO COUNTY DEPARTMENT OF RESOURCE MANAGEMENT
 675 TEXAS STREET, SUITE 5500, FAIRFIELD CA 94533 707-784-6765

DATE 5/26/09 Type of Inspection Routine Follow-up Complaint Other
 www.solanocounty.com

SWEEPS #
 21/22-10780-4

Business Name City of Vallejo Address 1046 Virginia St
 City/ZIP Vallejo 94590 Manager Mike Schreiner
 Phone 707/448/4518 Emergency Phone / # Employees unmanned Pg 1 of 1

HAZARDOUS MATERIALS RELEASE RESPONSE PLAN & INVENTORY and HAZARDOUS WASTE
 The items below have been inspected. Circled items represent violations of the California Health and Safety Code (HSC) or the California Code of Regulations (CCR) Title 19 & Title 22, or other Regulations as listed and shall be corrected as follows or on page _____

VIOLATIONS **CORRECTIVE ACTIONS**

(A) BUSINESS PLAN		INSPECTED?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Consent to inspect, photograph, sample YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	(HSC 25508)
10	40	70	Plan not available, on file or updated - HSC 25503.5, 25504, 25505				
11	41	71	Chemical inventory statement not filed, or updated - HSC 25504, 25505, 25510				
12	42	72	Site diagram not accurate - HSC 25509				
13	43	73	Notification procedures and phone #s not available - HSC 25504, 25507, 25509				
14	44	74	Mitigate hazards to people, property, environment - CCR 2731 (c)				
15	45	75	SPCC required - # tanks <u>Size 1000 gal diesel</u>				

Based on Grand Jury published report, we inspected this facility and noted the following violations:
 The following reportable amounts of haz mat are onsite but no Haz Mat Bus. Plan (HMSP) on file:

(B) WASTE		INSPECTED?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Consent to inspect, photograph, sample YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	(HSC 25185)
10	40	70	Waste determination not made CCR 66262.11				
11	41	71	No EPA ID number - CCR 66262.12, 66263.42, HSC 25250.8				
12	42	72	Containers/tanks not labeled CCR, 66261.7, 66262.34				
13	43	73	Containers/tanks not managed properly - CCR, 66265.170-178 & 190-202				
14	44	74	Incompatibles not separated CCR 66262.34 & 66265.177				
15	45	75	Ignitable/reactive waste not 50' from property line - CCR 66265.176				
16	46	76	Waste area not inspected weekly/daily CCR 66265.174 & 195				
17	47	77	Spill kit, communication device or alarm not available - CCR 66265.32				
18	48	78	Facility not designed to minimize release - CCR 66265.31				
19	49	79	Manifests/receipts not available HSC 25160.2, CCR 66262.23, 66262.34				
20	50	80	Unauthorized disposal/treatment of waste HSC 25189.5 and 25201				
21	51	81	Waste oil/fuel filters not managed properly HSC 25250.22 & CCR 66266.130				

- 10 Gals xylene
 - 4.55 Gal hutz waste (sol, water, adsorb) from road striping operations
 - 1000 gal diesel AST
 Waste drums not labeled properly.
 Pesticide placard on corner box but no hazards inside and waste area not placarded.
 2 waste drums are full but no haz wastes picked up yet (excessive storage times)
 (A) Complete and submit HMSP
 (B) Properly label haz wastes.
 (C) Increase frequency of pickups - min annually or twice per year if satellite not allowed

(C) COMMON VIOLATIONS		INSPECTED?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Consent to inspect, photograph, sample YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	(HSC 25185)
38	68	98	Contingency/Emergency Response plan inadequate CCR 66265.50-56, HSC 25504				
39	69	99	Training; records not available and/or documented - CCR 66265.16, HSC 25504				

Report AST until removed from site above storage tanks
 Keep records onsite to legally prove proper disposal

EPA ID Number _____
 Class I = Major threat (health, safety, or the environment) Class II = Moderate threat, Minor = Low threat Corrected On Site = COS
 Not Later Than = NLT

The violations cited on _____ have not been corrected. An additional re-inspection shall be conducted on or after _____. A re-inspection fee will be billed to your facility for this service. Failure to comply may also result in additional fees, administrative enforcement, and or further legal action. For the violations listed above, submit the Return to Compliance letter (RTC) in 30 days 15 days NLT

Received By Mike Schreiner Inspector Brad Nicolet Date 5/26/09
 T:\ENVHLTH\HAZ\MAT\Cupa Templates\HMBP-Haz waste\Inspection Forms\Official CUPA Inspection formfront.doc

10	40	70	Submit the HMMP within 30/15 days of the date of this report. Keep plan on site. Update changes or update plan every three years. (Threshold: 55 gallons, 500 pounds, 200 cuft)
11	41	71	Submit an inventory annually. Submit for 100% increase in material, new undisclosed material, change of address/ownership/name. Submit within 30/15 days from the date of this report.
12	42	72	Complete a site diagram to scale, that depicts site layout, location of haz-mat, exits, fire fighting equipment, utility shutoffs, water drainage patterns, streets.
13	43	73	Notification phone numbers shall be listed on the HMMP. All releases of haz-mat shall be reported immediately to this office- 707-784-6765 and the State OES- 800-852-7550.
14	44	74	<input type="checkbox"/> Manufacturer's label: contents and hazard category- label all containers within 30 days. <input type="checkbox"/> MSDS shall be available. <input type="checkbox"/> Cylinders chained. <input type="checkbox"/> secondary containment present/ clean. <input type="checkbox"/> Spill response equipment available.
15	45	75	A SPCC is required for any tanks/containers with an aggregate quantity of 1320 gallons and be available on site.
10	40	70	Before you transfer, treat, store or dispose of any waste, you shall determine if the waste is hazardous. Generator knowledge may suffice.
11	41	71	You shall obtain an EPA ID number from DTSC within 30/15 days of the date of this report. Call: 916-255-1136 (1-800-61-TOXIC). You shall have one active EPA ID # per physical address.
12	42	72	1. Label with: Hazardous waste, generator address, contents, hazardous properties, physical state and accumulation date. Max accumulation: 90/180/270 days. Label containers/tanks today. 2. Label empty containers as empty with the date emptied; properly dispose of containers within 1 year if not put into use. Containers shall be: 1 Closed when not in use; 2. Serviceable; 3. Compatible with stored materials.
13	43	73	4. Containment required for tanks (facilities >1000 kg/month) 5. Tank integrity certified by Prof. Engineer
14	44	74	Incompatible wastes shall not be stored in the same container (e.g. acids and bases). A container holding hazardous waste that is incompatible with another waste or material must be separated.
15	45	75	Containers holding ignitable or reactive wastes shall be located at least 50' from the property line and shall be properly grounded if metallic.
16	46	76	Inspect waste storage area (containers weekly and tanks daily), for damage, evidence of leaks or spills, and proper labeling. A log shall be kept recording the inspections by date and person inspecting.
17	47	77	All facilities shall be equipped with communications or alarm devices for summoning help, fire control equipment, spill control and decontamination equipment and adequate water supply.
18	48	78	Facilities maintained/operated to minimize the possibility of fire, explosion, or release of hazardous wastes to air, soil, or surface water which could threaten human health or the environment
19	49	79	Manifest copies provided to CalEPA & the TSDF. Bill of Lading/receipts and manifest copies shall be available for three years. Hazardous Waste Manifest copy (blue) identified to be sent to the State of California Department of Toxic Substances Control must be sent to the State of California within 30 days shipping hazardous waste. Must complete an exception report within 45 days of the shipment and submit this report to DTSC if the TSDF signed manifest copy has not received by the generator.
20	50	80	The disposal of or treatment of any hazardous waste, or the causing thereof, is prohibited when the disposal is at a facility that does not have a permit issued by the appropriate agency. (see page _____)
21	51	81	Filters drained of free flowing oil and/or fuel e.g. diesel, gasoline, stored in an appropriate closed container, labeled with the words "Drained used oil/gasoline, diesel filters" and accumulation date. Dispose of filters (<1 ton) annually.
38	68	98	Design plan to minimize hazards to human health or the environment resulting from explosion fire or release of hazardous material or waste. Evaluate danger from fire and spills, consider evacuation and mitigation. Revise and submit the emergency response/ contingency plan within 30 days.
39	69	99	Personnel shall be trained within 6 months of hiring. Training documented and records kept until facility closure. Include training on spill prevention procedures and devices, response to fires, spills, equipment, failure, and hazardous waste management. Annual refresher training is required for hazardous materials, hazardous waste, and emergency response duties.