

HAZARDOUS MATERIALS HANDLING IN SOLANO COUNTY

2008-2009 Grand Jury Report

REASONS FOR INVESTIGATION

The 2008-2009 Solano County Grand Jury elected to investigate the manner in which Solano County handles the collection and disposal of Hazardous Materials.

GRAND JURY ACTIONS

- Reviewed Hazardous Materials Policies and Procedures from Solano County and its individual cities
- Interviewed Solano County Office of Emergency Services Manager
- Toured a temporary holding area for Hazardous Materials in Vallejo and interviewed the Traffic Supervisor for the City of Vallejo
- Reviewed certification documentation provided by Solano County and its individual cities
- Reviewed reports of exposure incidents provided by Solano County and its individual cities
- Reviewed Solano County cities' notices to residents identifying Hazardous Materials and the procedure for disposal and collection

BACKGROUND AND SUMMARY

With the passage of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Prop. 65), Californians demonstrated a desire to be more aware of materials which might pose a health risk or threaten safety in their environment. Proposition 65 prohibits contamination of drinking water with chemicals known to cause cancer or reproductive toxicity and requires warnings of possible exposure to those same chemicals. Hazardous Materials include, but are not limited to, inappropriate disposal of paint, motor oil, batteries, electronic devices and mercury.

The Grand Jury investigated three areas of Hazardous Materials handling: Emergency exposure and disposal; Oversight of Hazardous Materials within the County; Local collection sites for Hazardous Materials.

Emergency Exposure and Disposal

Solano County has Interagency Hazardous Materials Team Standard Operating Guidelines. The guidelines delineate the various requirements for training, safety, recordkeeping and disposal of Hazardous Materials found in the County. The general plan of action is for the first response team (usually the local Fire Department) to determine what level of action is required for the Hazardous Material(s) found. One qualified team member designated as the Incident Commander makes the appropriate notifications to the State Office of Emergency Services. The Incident Commander informs businesses, residents or government agencies near the potential contamination. This ensures the safety of everyone in the vicinity. The Incident Commander must also prepare a written report for the Solano County Department of Resource Management and Health Services Division. After the Hazardous Material has been removed or contained, a report is generated for the affected agency (or agencies) and an attempt is made to recover the costs of the clean-up or disposal from the responsible parties.

On December 22, 2008, the Grand Jury had a pre-arranged conducted tour of the site in Vallejo (1046 Virginia Street) where Hazardous Materials are stored on a temporary basis. The site is located in a residential neighborhood and the Grand Jury wanted to determine its level of safety for the surrounding area. The site is surrounded by a fence with a locked gate and a separate secured area for waste materials inside. See satellite photo below.

The City uses the yard for storing vehicles and equipment. The yard falls under the jurisdiction of the Traffic Department. The Traffic Supervisor for the City of Vallejo is in charge of the site and provided the following information:

- The site is only used to hold low level contaminants, such as used motor oil or discarded paint
- Waste containers are stored in an open cement sump with no drainage (to contain potential leakage)
- Waste containers remain on-site until full and are then transported to the appropriate disposal site
- The California Environmental Protection Agency requires an annual report for documenting stored materials and their disposal
- People leave containers on the street outside the fence for disposal even though there is no signage for public drop off

The Grand Jury took notice of the following:

- The storage area, although fenced, is located immediately adjacent to the sidewalk
- There is no signage on the fence along the street to indicate the site contains Hazardous Materials
- Some of the storage containers did not have labels (see photo below)
- Material Safety Data Sheets (MSDS, as required by Federal Occupational Safety and Health Administration law) were not visible
- The yard is unattended although authorized City personnel with a key have access
- There is no access log on site

Oversight of Hazardous Materials within the County

The Solano County Department of Resource Management, Environmental Health Services Division, is the Certified Unified Program Agency for Solano County. The Department is responsible for implementation of laws and regulations governing Hazardous Materials and Hazardous Wastes within the County. The County's cities report Hazardous Materials incidents (e.g., accidental spills and public exposure) to this Department. The Solano Department of Resource Management reports to the State Department of Toxic Substance Control, State Water Resources Control Board, California Regional Water Quality Control Board, California Air Resources Board, California Fish and Game, U.S. Environmental Protection Agency and the U.S. Coast Guard.

The California Highway Patrol enforces Hazardous Materials transportation on public roads. The California Fire Marshals Office regulates the transportation of liquid hazardous materials through pipelines. The Public Utilities Commission regulates the transportation of natural gas through pipelines. U.S. Department of Transportation regulates the transportation of Hazardous Materials by rail. U.S. Coast Guard regulates Hazardous Materials transported on waterways.

However, no other Federal, State or local agency can prohibit specific Hazardous Materials or Wastes from being transported through the County if it is done in compliance with laws and regulations to protect public health and safety. However, if a local agency desires to lodge a complaint concerning the proposed transportation of Hazardous Materials through its jurisdiction, it may appeal to the appropriate agency.

Several temporary Hazardous Materials storage sites exist within the County. The County Interagency Hazardous Materials Team Standard Operating Guidelines do not address the temporary storage of Hazardous Materials within the County. State and County Fire Marshalls enforce guidelines for temporary Hazardous Materials. Cities within Solano County also have local ordinances for the temporary storage of Hazardous Materials.

Local collection sites for Hazardous Materials

There are designated facilities in the area where Solano County residents can dispose of their household hazardous materials (such as used motor oil, paint, fluorescent bulbs, unwanted medications, batteries and other potentially toxic substances).

Benicia and Vallejo	Household Hazardous Waste 889A Devlin Road American Canyon CA 94503 (800) 984-9661
Dixon and Vacaville	Sanitary Service Recycle Center 855½ Davis Street, Vacaville CA 95687 (707) 448-2945
Fairfield and Suisun City	Solano Garbage Company 2901 Industrial Court, Fairfield CA 94533 (707) 439-2800
Rio Vista	[Appointment Required] Call (707) 374-6451

FINDINGS AND RECOMMENDATIONS

Finding 1 - The Vallejo temporary Hazardous Materials site is located in a residential neighborhood. There is no appropriate informational signage at the Vallejo temporary Hazardous Waste holding facility.

Recommendation 1 – The City of Vallejo should contact the residents in the neighborhood of the facility through mailings, newspaper articles, etc., advising them that hazardous materials are being stored in their area. Proper signage should be immediately posted around the exterior of the Vallejo temporary Hazardous Waste holding site. As an alternative, the City should relocate the temporary Hazardous Materials storage site out of a residential neighborhood.

Finding 2 - Residents leave containers of Hazardous Materials on the sidewalk outside of the Vallejo temporary storage facility located in a residential area, which is potentially hazardous to the residents of the area.

Recommendation 2 - A procedure should be established for drop-off of Hazardous Materials by residents with specific posted days and hours.

Finding 3 – The facility has no access log recording movement of materials nor did the Grand Jury observe any visible Material Safety Data Sheets (MSDS) on site. Hazardous Materials deposition and removal are not adequately controlled.

Recommendation 3a - An access log should be started immediately and kept current.

Recommendation 3b - Material Safety Data Sheets should be posted in a location visible to all workers and visitors.

Finding 4 – There are no permanent on-site personnel to handle potential emergencies and only a limited number of authorized personnel have a key to access the Hazardous Materials site.

Recommendation 4 – The City should post telephone numbers inside and outside the storage yard to contact staff who is authorized access in case of an emergency.

Finding 5 – Drums containing temporarily stored Hazardous Materials at the Vallejo site were not adequately labeled (see photo below). This could lead to the loss of control over the contents of the individual drums.

Recommendation 5 – All drums with Hazardous Materials should be accurately labeled and checked periodically to ensure that the label is still attached and legible.

Finding 6 - The County Interagency Hazardous Materials Team Standard Operating Guidelines do not address the temporary storage of Hazardous Materials within the County. This could lead to inconsistent handling of temporary Hazardous Materials storage by the various agencies within the County.

Recommendation 6 – The County Interagency Hazardous Materials Team Standard Operating Guidelines should address the temporary storage of Hazardous Materials within the County.

RESPONDING AND AFFECTED PARTIES

Solano County Department of Resource Management
Solano County Office of Emergency Services
Vallejo City Manager
Vallejo Fire Chief
Vallejo Fire Marshall
Vallejo Code Enforcement Officer
Vallejo Traffic Supervisor

COURTESY COPY

Solano County Board of Supervisors
Solano County Sheriff/Coroner's Office
Napa County Administrator
Napa County Grand Jury
California Environmental Protection Agency



Barrels containing Hazardous Materials at the Vallejo temporary storage facility