



**SOLANO COUNTY**  
**Department of Resource Management**

Environmental Health Division

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Birgitta Corsello, Director  
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June 15, 2009

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

Re: Solano County Department of Resource Management (DRM) Responses to 2008-2009  
Grand Jury Report Entitled Hazardous Materials Handling In Solano County

Dear Honorable Ramona Garrett:

Following is the Department of Resource Management's (Department) response to the 2008-2009 Grand Jury report entitled "Hazardous Materials Handling in Solano County". The Department appreciates the opportunity to comment on the Grand Jury Report. The Department is the Certified Unified Program Agency (CUPA) for Solano County and is responsible for implementation of laws and regulations pertaining to the safe storage, handling, treatment and disposal of hazardous waste and hazardous materials. Most of the Grand Jury's findings and recommendations are directed at the City of Vallejo and outside of the scope of the Department's authority. The Department's comments will be made in context of its responsibility as the CUPA and in terms of the laws and regulations that it implements acting as this agency.

**RESPONSES**

**Grand Jury Finding #1:**

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

Building & Safety  
David Cliche  
Building Official

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Engineering Manager

Public Works-  
Operations  
Rick O'Neil  
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Department Response to Finding #1:

The Department partially disagrees with finding #1. The California Health and Safety Code, chapter 6.95 does not require signage at this facility.

Grand Jury 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 area 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.

Department Response to Recommendation #1:

This recommendation will not be implemented because it is not warranted. The California Health Safety Code does not require neighborhood notification for this type of facility. The California Health and Safety Code, chapter 6.95 does require this facility to have a Hazardous Materials Business Plan (HMBP). An HMBP includes identification of the chemicals stored onsite, an emergency response plan, and employee training. The use of external signage is only one method that can be utilized to partially fulfill these requirements. Hazardous Materials Business Plans are available for public review through a public records request from the Department. The Department has conducted an inspection of this facility and is working with the City of Vallejo to ensure that this facility properly complies with HMBP requirements contained in the California Health Safety Code.

Grand Jury Findings #2:

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

Department Response to Finding #2:

The Department agrees with Finding #2. The improper disposal of hazardous materials and wastes by residents poses a potential risk to public health and the environment. Residents are encouraged to dispose of their hazardous materials and hazardous wastes properly at an approved Household Hazardous Waste facility. A permanent Household Hazardous Waste facility located at the Delvin Road Transfer Facility on Devlin Road in American Canyon is available to Vallejo residents.

Grand Jury Recommendation #2:

A procedure should be established for the drop-off of hazardous materials by residents with specific posted days and hours:

Department Response to Recommendations #2:

This recommendation will not be implemented because it is not warranted. The California Health and Safety Code does not require the City of Vallejo to establish a Household Hazardous Waste facility at this location or establish procedures to receive hazardous wastes from residents. However, if the City of Vallejo chooses to accept hazardous waste from the public at this facility then they must obtain a permit to operate a household hazardous waste facility from the Department and establish appropriate procedures.

Grand Jury Findings #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.

Department Response to Finding #3

The Department partially disagrees with finding #3. The California Health and Safety Code does not require an access log recording the movements of hazardous materials into or within this facility. However, California Health and Safety Code does require that hazardous wastes are transported for proper disposal at least every 180 days and that disposal records, such as manifests or bills of lading, are retained for review.

Grand Jury Recommendation 3a:

An access log should be started immediately and kept current.

Department Response to Recommendation #3a:

This recommendation will not be implemented because it is not warranted. While the City of Vallejo may want to develop an access log for their own use, the California Health and Safety Code does not have this as a requirement for facilities managing hazardous materials and/or hazardous wastes.

Grand Jury Recommendation 3b:

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

Department Response to Recommendation #3b:

This recommendation will not be implemented because it is not warranted. This facility manages hazardous wastes that are mixtures of various discarded hazardous materials. These mixtures have various chemical characteristics and they are not a manufactured hazardous material, so Material Safety Data Sheets (MSDS) will not be available for the mixtures. Additionally the State and Federal Hazard Communication Standard exempts hazardous wastes from its

requirements, including the requirement for Material Safety Data Sheets. There are also no requirements that Material Safety Data Sheets be posted where visible to all workers and visitors. However, to the extent that a Material Safety Data Sheets exist for a hazardous material product, then the MSDS must be kept at the site.

Grand Jury 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.

Department Response to Finding #4

The Department agrees with finding #4.

Grand Jury 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.

Department Response to Recommendation #4:

This recommendation has not yet been implemented but will be implemented within 30 days. The Department has performed an inspection of this facility and is working with the City of Vallejo to ensure compliance with HMBP requirements for this facility, including posting of emergency contact telephone numbers in a visible location.

Grand Jury Finding #5:

The drums containing temporarily stored Hazardous Materials at the Vallejo site were not adequately labeled. This could lead to the loss of control over the contents of the individual drums.

Department Response to Finding #5

The Department agrees with finding #5. Title 22, California Code of Regulations requires hazardous waste containers to be labeled as hazardous waste. The label must also identify the contents and the hazardous characteristics of the contents. Personnel must conduct weekly inspections to verify containers are in good condition, are closed, and labels are intact and legible.

Grand Jury Recommendation #5

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

Department Response to Recommendation #5:

This recommendation has not yet been implemented but will be implemented within 30 days. The Department has performed an inspection of this facility and is working with the City of Vallejo to ensure that all hazardous waste containers are properly labeled. See Department Response to Finding #5.

Grand Jury 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 various agencies within the County.

Department Response to Findings #6

The Department disagrees with finding #6. The County Interagency Hazardous Materials Team's role is to respond to hazardous material/waste releases at the request of other first responding agencies in order to identify unknown substances and to contain and control spilled hazardous materials/wastes in order to prevent additional impact to human health and the environment. The County Interagency Hazardous Materials Team does not manage, transport, and dispose of hazardous wastes and they have no legal authority to oversee the safe storage, handling, treatment and disposal of hazardous waste.

Grand Jury Recommendation #6:

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

Department Response to Recommendation #6:

This recommendation will not be implemented because it is not warranted. It is not within the purview of the County Interagency Hazardous Materials Team to regulate the temporary storage of hazardous materials within the County. The Department of Resource Management is the Certified Unified Program Agency in Solano County and is responsible for the regulatory oversight of hazardous materials and hazardous waste management within the County. Each agency that handles hazardous materials and/or wastes is required to do so in compliance with all applicable State laws and regulations.

Sincerely,

Birgitta E. Corsello, Director  
Department of Resource Management

cc: Board of Supervisors  
Michael Johnson, CAO  
DRM, Environmental Health Division Staff  
2008-09 Grand Jury