

Article 28:

HAZARDOUS WASTE (HW) OVERLAY DISTRICT

- Sec. 9-1.2800: Purposes
- Sec. 9-1.2805: Application
- Sec. 9-1.2810: Definitions
- Sec. 9-1.2815: Permitted Uses
- Sec. 9-1.2820: Special Requirements for Certain Permitted and Conditional Uses
- Sec. 9-1.2825: Prohibited Uses
- Sec. 9-1.2830: Site Development Standards
- Sec. 9-1.2835: Criteria and Procedures
- Sec. 9-1.2840: Development Plan Review

Sec. 9-1.2800:

Purposes

The Hazardous Waste Overlay District is established to achieve the following purposes:

- A. To regulate the storage, generation, transfer treatment, handling and transportation of hazardous waste, as deemed in the attached definitions;
- B. To provide specific requirements applicable to the siting of a hazardous waste facility in order to safeguard life, health, property and the public welfare.

Sec. 9-1.2805:

Application

The Hazardous Waste Overlay District established by this article may, through zone change procedures, be applied to any property located in the General Industrial District (M2), Industrial Park (M2.5), Public Facilities (PF), and, if permitted in the Specific Plan document and unless specifically allowed an adopted Specific Plan (SP) area which meet the siting criteria and other requirements of this article. The provisions of this article shall take precedence over any inconsistent regulations of the base district in which the properties are classified.

Sec. 9-1.2810:

Definitions

For the purposes of this hazardous waste management chapter, unless otherwise apparent from context, certain words, terms and phrases used in this article are defined in this section. Words used in the present tense include the future. Words in the singular number include the plural and words in the plural number include the singular, unless the natural construction of the wording indicates otherwise. The word "shall" indicates a mandatory requirement, except when used in connection with an action or decision of the Council or any City Commission, Board, or official, in which case the word "shall" shall be directory only. Wherever used in this chapter, the word "day" means a calendar day.

- A. **Cement kiln incineration.** The burning of organic wastes as a supplementary fuel at very high temperature during the production of cement;
- B. **Class "I" land disposal facility.** A land disposal facility which must conform to the requirements of the State Water Resources Control Board for Class "I" units, and which must be located where natural geologic features provide optimum conditions for isolation of wastes from waters of the state. Currently, these facilities may accept solid and dry hazardous waste. After 1990, they will be precluded from accepting any untreated hazardous wastes;

- C. Class "II" Land Disposal Facility.** A land disposal facility which must be located where site characteristics and containment structures isolate wastes from the waters of the State. Class "II" land disposal facilities are suitable for wastes which have been granted a variance from Hazardous Waste Management requirements pursuant to Section 66310, Title 22, California Code of Regulations (CCR);
- D. Class "III" land disposal facility.** A land disposal facility for nonhazardous waste, including garbage, trash, refuse, paper, ashes, etc., provided such wastes do not contain hazardous or designated wastes. Class "III" facilities must conform to the requirements of the State Water Resources Control Board as specified in Subchapter 15 of Chapter 3, Title 23 of the CCR and must be located where site characteristics provided adequate separation between the waste and the waters of the State. (Also called municipal or sanitary landfill.)
- E. Deep well injection.** Subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension (CCR, Title 22, Section 66224).
- F. Disposal, hazardous waste.**
1. The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste so that the waste or any constituent of the waste is or may be emitted into the air or discharged into or on any land or waters, including groundwater, or may otherwise enter the environment;
 2. The abandonment of any waste (Health and Safety Code Section 25113).
- G. Hazardous material.**
1. A substance or combination of substances which, because of its facility, concentration, or physical, chemical or infectious characteristics, may either:
 2. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
 3. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed. Unless expressly provided otherwise, the term "hazardous material" shall be understood to also include extremely hazardous material. (CCR, Title 22, Section 66084).
- H. Hazardous substance.**
1. Any substance designated pursuant to States Environmental Protection Agency has taken action pursuant to Section 2606 of Title 15 of the United States Code;
 2. Any element, compound, mixture, solution or substance designated pursuant to Section 102 of the Federal Act, 42 U.S.C. 9602;
 3. Any hazardous waste having the characteristics identified under or listed pursuant to Section 6921 of Title 42 of the United States Code, but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by act of Congress;
 4. Any toxic pollutant listed under Section 1317(a) of Title 33 of the United States Code;
 5. Any hazardous air pollutant listed under Section 7412 of Title 42 of the United States Code;

6. Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United Procedure or Waste Extraction Test), or demonstrate toxicity in animal studies. (CCR, Title 22, Section 66696 et seq.).
 7. Any hazardous waste or extremely hazardous waste as defined by Section 25117 and 25115, respectively, unless expressly excluded, Calif. Health and Safety Code Section 25316.
- I. **Hazardous waste.** A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:
1. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
 2. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed. Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include "extremely hazardous waste," Calif. Health and Safety Code, Section 25117. The EPA has established four characteristics of hazardous waste that can be determined by tests:
 - a. Ignitability. The ability to catch fire, or to burst into flame spontaneously or by interaction with another substance or material;
 - b. Corrosivity. The ability to wear away or destroy other materials, including human tissue;
 - c. Reactivity. The ability to enter into a violent chemical reaction, which may involve explosion or flames;
 - d. Toxicity. The ability to release certain toxic constituents when leached with a mild acid (Extraction Section 1321 (b)(2)(A) of Title 33 of the United States Code;
- J. **Hazardous waste facility.** Hazardous waste facility or facilities means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer storage, resource recovery, or recycling hazardous waste management units, or combinations of these units. (California Health and Safety Code, Section 25117.1)
- K. **Hazardous waste landfill.** A disposal facility, or part of a facility, where hazardous waste is placed in or on land that is not a land treatment facility, a surface impoundment, or an injection well (Title 22, California Code Regulations, Section 66123). After 1990, the disposal of untreated hazardous waste, except solid clean up waste from existing contaminated sites in a landfill will be illegal. (California Health and Safety Code, Section 15179.6)
- L. **Household hazardous waste collection center.** A collection center which accepts household hazardous waste from residents, which consist of but not limited to, paint, waste oil, thinners, household cleansers, etc., with a capacity of less than fifty-five (55) drums of waste;
- M. **Incinerator.** An enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste, examples are a rotary kiln, fluidized bed liquid injection and a cement kiln;
- N. **Land disposal facility.** Where hazardous waste is disposed in, on, under or to the land;
- O. **Land farming (land application, land spreading).** A treatment technique which involves spreading the waste on land and utilizing evaporation and microbial action to degrade the wastes. Used primarily for crude oil wastes;

- P. Off-site hazardous waste facility.** An operation involving handling, treatment, storage or disposal of hazardous waste at a site physically separate from the site where the waste was generated; at a site not owned by, or leased to the producer of the waste; or at a site which receives hazardous waste from more than one generator. (Also see specified hazardous waste facility);
- Q. On-site hazardous waste facility.** An operation involving treatment and storage of hazardous waste on land owned by the waste producer, contiguous to the site of waste generation, which receives hazardous waste produced only by the generator;
- R. Residuals repository.** A hazardous waste facility which accepts for disposal only treated hazardous waste, meets all applicable federal and state regulations, and holds a hazardous waste facility permit;
- S. Specified hazardous waste facility.** An off-site hazardous waste facility that accepts disposal wastes from more than one producer of hazardous waste (California Health and Safety Code, Section 25199.1(m)). For purposes of this chapter, a household hazardous waste collection center with a capacity of less than fifty (50) drums of waste is not considered a specified hazardous waste facility;
- T. Storage facility/hazardous waste.** A hazardous waste facility at which hazardous waste is contained for a period greater than ninety-six(96) hours at an off-site facility or for periods greater than ninety (90) days at an on-site facility. (Health and Safety Code Section 25123.3);
- U. Surface impoundment.** A facility or part of a facility which is a natural topographic depression. man-made excavation or diked area formed primarily of earthen materials (although it may be lined with man-made materials, which is designed to hold an accumulation of liquid wastes containing free liquids. and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds and lagoons. (CCR, Title 22, Section 66200);
- V. Transfer stations.** Any hazardous waste facility where hazardous wastes are located, unloaded, pumped or packaged. (CCR, Title 22, Section 66212);
- W. Transportable treatment unit.** Hazardous waste treatment works which are designed to be moved either intact or in modules and which are intended to be operated at a given location for a limited period of time;
- X. Treatment facility.** A facility at which hazardous waste generated in the City of Ontario is subjected to treatment or where a resource is recovered from a hazardous waste;
- Y. Waste pile.** Any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage (CCR. Title 22, Section 66160).

Sec. 9-1.2815:**Permitted Uses**

The following uses are be permitted in the Hazardous Waste Overlay Districts:

- A.** Household hazardous waste collection centers which must be located a minimum of two thousand feet (2000') from residential, schools, hospitals or any environmentally sensitive use.

Sec. 9-1.2820:**Special Requirements for Certain Permitted and Conditional Uses**

The following facilities or processes may be permitted in the HW hazardous waste overlay district upon the granting of a conditional use permit (CUP) in accordance with the provisions of Article 9 of this chapter as well as the completion of a full environmental impact report (EIR) and risk assessment:

- A. On-site hazardous waste facility;
- B. Storage facility limited to storage of hazardous waste generated in the City of Ontario;
- C. Treatment facility limited to treatment of hazardous waste generated in the City of Ontario;
- D. Transfer station limited to the transfer of hazardous waste generated in the City of Ontario;
- E. Class III disposal facilities.

**Sec. 9-1.2825:
Prohibited Uses**

The following uses shall be prohibited in all zones of the City:

- A. Cement kiln incinerator;
- B. Class I disposal facilities;
- C. Class II disposal facilities;
- D. Hazardous waste landfill;
- E. Incinerator;
- F. Land disposal facility;
- G. Land farming;
- H. Off-site hazardous waste facility;
- I. Residuals repository;
- J. Specified hazardous waste facility;
- K. Surface impoundment;
- L. Transportable treatment unit;
- M. Waste pile;
- N. Deep well injection.

**Sec. 9-1.2830:
Site Development Standards**

All uses in the HW Hazardous Waste Overlay District shall conform with the following site development standards. As used herein, "hazardous waste facility" shall include an on-site facility at which hazardous waste, material or substances is treated, stored, transferred and handled:

- A. **Use of required setback areas.** Except as otherwise provided in the district regulations, required setback areas adjoining streets may be used only for landscaping, access drives, walkways, lighting standards, and signs in accordance with the provisions of Article 32;

- B. Outdoor storage of materials.** The outdoor storage of materials and equipment shall be permitted only within an area surrounded by a security wall at least twelve feet (12') in height with gates capable of being locked. Chemicals/materials with low flash points must be stored outside of an enclosed building in accordance with City of Ontario Fire and Engineering Department specifications. A secondary confinement area must be provided to contain the total volume of the materials being stored as in addition to the volume of a twenty-four (24) hour rainfall as determined by a twenty-five (25) year storm. Liquid leakage and fire protection water from the secondary containment system should be directed to a safe location away from the building, valves, means of egress, fire access roadway, storm drains or the public sewer. Within outdoor storage areas, except for trucks or other vehicles necessary for the operation, no materials or equipment shall be stored to a height greater than twelve feet (12'). In the HW Hazardous Waste Overlay District where the storage area is visible from a public street or from adjoining properties in residential, office, public or institutional use, the storage area shall be screened by a twelve-foot (12') sight-obscuring wall along the side of the storage area facing the street or use;
- C. Security fencing for uses employing hazardous waste.** A security wall at least twelve feet (12') in height with gates capable of being locked shall be provided at the perimeter of the area within which the hazardous waste is stored, processed, transferred or treated, and the gate shall be kept closed and locked at all times when not in use or under direct supervision;
- D. Access.** All internal roads and all access roads to the proposed facility shall be constructed or improved to City standards as approved by the Engineering and Fire Departments.
- E. Locational criteria:**
1. No hazardous waste facility shall be located closer than five hundred feet (500') from any lot line;
 2. No hazardous waste facility shall be located within two thousand feet (2,000') of the lot line of any lot actually used or zoned for residential or institutional use;
 3. No hazardous waste facility shall be located within a liquefaction area.
- F. Safety and security:**
1. The CUP holder shall prevent any unknown entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto any portion of the facility;
 2. The CUP holder shall provide a twenty-four (24) hour surveillance system (e.g. television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry on to the facility;
 3. All gates or other entrances to the facility shall be provided with adequate means to control entry at all times. Signs with the legend: "Danger - Hazardous Waste Area - Unauthorized Personnel Keep Out," shall be posted at each entrance to the facility and at sufficient other locations to be seen from any approach. The legend shall be written in English, Spanish and any other language predominant in the area surrounding the facility, and shall be legible from a distance of at least twenty-five feet (25'). All other provisions of Article 32 shall be applicable.
- G. Seismic Safety.** A hazardous waste facility shall comply with the requirements of the applicable seismic zone of the Uniform Building Code or with the seismic design recommendation in an approved geotechnical report on the project.

H. Monitoring:

1. Upon reasonable notice, city officials or their designated representative may enter a parcel on which a hazardous waste facility CUP has been granted for the purpose of monitoring the operation of the facility;
 2. The holder of a hazardous waste facility CUP shall report quarterly to the City of Ontario, Fire and Planning Departments the amount, type and disposition of all wastes processed by the facility. The report shall include copies of all manifests showing the delivery and types of hazardous waste. The report shall also include a map showing the exact location (coordinates and elevation), quantities and types of wastes placed in repositories or otherwise stored or disposed of on the site.
- I. A hazardous waste facility CUP shall be granted for only those wastes and quantities of wastes specified in the conditions of approval. No additional types of wastes or increases in those quantities of approved wastes shall be allowed beyond those specified in the approved CUP unless a separate application is made therefor in accordance with the same procedures as those required for an initial application;
- J. **Emergency procedures.** Every hazardous waste facility shall have a contingency plan for emergency procedures designed to minimize hazards to human health and the environment from fires, explosions or unplanned release of hazardous waste or hazardous waste constituents to air, soil or surface water. The plan shall provide for its immediate implementation whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. The contingency plan shall designate a local facility emergency coordinator to implement the contingency plan and local and state emergency response agencies in the event of a fire, explosion or release of hazardous waste. On-site storage of protective and cleanup supplies shall be provided, and provisions shall be made for the response of certified hazardous materials technicians or other Fire Department approved cleanup personnel within a thirty (30) minutes response radius from the site.

K. Closure.

1. Every hazardous waste facility shall have a written closure plan. A Fire Department permit shall be outlined prior to the closure of any hazardous waste facility, a closure plan shall be submitted thirty (30) days prior to facility closure. The plan shall identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. A copy of the closure plan and all revisions to the plan shall be filed with the City of Ontario and shall be kept at the facility until closure is completed;
2. Every hazardous waste facility where hazardous waste will remain after closure shall have a written post-closure plan providing for post-closure monitoring, care and maintenance, a copy of the post closure plan and all revisions to the plan shall be filed with the City of Ontario Fire Department;
3. The holder of a hazardous waste facility CUP shall establish and continuously maintain financial assurance for closure of the facility and for post-closure care if required. Copies of all documents demonstrating such financial assurance shall be filed with the City of Ontario Planning, Fire and Administrative Services Departments.

L. Financial responsibility:

1. Prior to the commencement of any use under a hazardous facility CUP, the holder of the CUP shall provide proof of insurance as required in the conditions of permit approval. The types, amounts, periods of coverage, and provisions for periodic review as to adequacy of coverage shall be specified in the conditions of approval. Required insurance shall include, but not be limited to: general liability insurance, automotive liability insurance, environmental impairment liability insurance, and architect and engineer's professional liability insurance. All such insurance shall name the City as an additional insured and shall

be maintained for the life of the site and such additional periods as shall be specified in the conditions of approval;

2. The holder of a hazardous waste facility CUP shall defend, indemnify and hold harmless the City and its officers, agents, servants and employees from all claims.

M. Use and revocation of CUP. A hazardous waste facility CUP may be exercised or revoked pursuant to Article 9.

See. 9-1.2835:

Criteria and Procedures

The following criteria shall be applicable to any hazardous waste facility within the guidelines of the (HW) Hazardous Waste Overlay District:

A. Procedure. The following procedures are for the purpose of identifying the steps for processing an application for a hazardous waste facility CUP. These procedures include the steps to be taken by the applicant/representative. Public Utility/District. County of San Bernardino, State of California and the City of Ontario:

1. At least ninety (90) days before filing an application with the City of Ontario for land use decision for a hazardous waste facility project, the applicant shall file with the Office of Permit Assistance (OPA) in the State Office of Planning and Research and with the City of Ontario a Notice of Intent to make an application. The Notice of Intent shall contain a complete description of the nature, function, use, phasing and scope of the project. The OPA should immediately notify the affected State agencies of the Notice of Intent. The City of Ontario shall publish a notice in a newspaper of general circulation in the area affected by the proposed project, and shall notify, by a direct mailing, the owners of property within two (2) mile radius, as shown in the latest equalized tax assessment role. A fee is required by project applicant equal to or in excess of Ten Thousand and no/100ths (\$10,000) Dollars, which shall be deposited into a special account to cover and be drawn upon by the Planning Department for incurred expenses (staff time, advertising notification, phone calls and photocopying) to process the Hazardous Waste Facility Project Application. If a larger fee is required in excess of Ten Thousand and no/100ths (\$10,000) Dollars. to further the processing of the application request, the Planning Department will notify the applicant within thirty (30) days. Any funds deposited into the special account not expended to process the application will be refunded to the applicant upon completion of processing;
2. Within ninety (90) days after a Notice of Intent is filed with the OPA and City of Ontario, the OPA shall convene a public meeting within the City to inform the public on the nature, function, life, phasing and scope of the proposed facility and the procedures that are required for approving applications for the project. The City will coordinate the OPA regarding the location and time of the meeting with representatives in attendance. (Requirements of Section 25199.7(c) of the California Health and Safety Code);
3. Within ninety (90) days after receiving a notification of the filing of a Notice of Intent, the City shall appoint a seven (7) member Local Assessment Committee (LAC) pursuant to Section 9-1.2835(b). (Requirement of Section 25199.7(d) of the California Health and Safety Code);
4. The City shall notify the OPA within ten (10) days after an application for a hazardous waste facility once accepted as complete. Within sixty (60) days after receiving this notice, the OPA shall convene a meeting of the Lead and Responsible Agencies for the project, the applicant. the Local Assessment Committee (LAC) and the interested public, for the purpose of determining the issues which concern the agencies and the public. The meeting shall take place in the City of Ontario. (Requirement of Section 25199.7(e) of the California Health and Safety Code);

5. Following the meeting as specified in Section 9-1.2835(c) of this chapter, the applicant and the LAC of the City shall meet and confer on the hazardous waste facility project for the purpose of establishing the terms and conditions under which the project will be acceptable to the community. (Requirement of Section 25199.7(f) of the California Health and Safety Code). (6) At the request of the applicant, City of Ontario approval body (City Council) shall, within sixty (60) calendar days after the City has determined the application for a hazardous waste facility complete, issue an initial written determination on whether the hazardous waste facility project is consistent with the City of Ontario General Plan/ Zoning Ordinances/Development Code, fairshare requirements, San Bernardino County Hazardous Waste Management Plan. (Requirement of Section 25199.5(a) of the California Health and Safety Code);
6. The applicant for a hazardous waste facility project shall pay a fee, established by the City, equal to the cost of hiring independent consultants to review the project. The City shall create an account in the City Treasury for receipt of these funds, to make technical assistance grants to the LAC to enable the LAC to hire an independent consultant to assist the LAC in reviewing the project and negotiating terms and conditions with the applicant. The City shall return any unused funds and accrued interest to the project applicant upon completion of the project review. If the local assessment committee and the applicant cannot resolve any differences through the meetings, the Office of Permit Assistance may recommend the use of a mediator. The proponent shall pay one-half (1/2) of the costs of this mediation and the remaining costs shall be paid, upon appropriation by the Legislature, from the General Fund. This section applies only to a specified hazardous waste facility project. The City may request technical assistance from any State, County or local agency which authorizes permits for hazardous waste facilities projects. (Requirements of Section 25199.7(g) of the California Health and Safety Code);
7. An applicant may file an appeal within thirty (30) days following a land use decision made by the City of Ontario approval body for a hazardous waste facility project with the Governor or the Governor's designee. (Requirement of Section 25199.7(g) of the California Health and Safety Code).

B. Local Assessment Committee formation. Pursuant to Section 9-1.2835(a)(3) of this chapter, the City Planner shall appoint a seven (7) member Local Assessment Committee (LAC). (Note: The City of Ontario may have authority to appoint additional members to this Committee as deemed appropriate):

1. The membership of the LAC shall:
 - a. Be broadly constituted to reflect the makeup of the community and shall include three representatives of the community at large, two representatives of environmental or public interest groups, and two representatives of affected businesses and industries. Members of the LAC shall have no direct financial interest, as defined in Section 87103 of the California Government Code, in the proposed specified hazardous waste facility project. (Requirement of Section 25199.7(d)(1) of the California Health and Safety Code);
 - b. Negotiate with the applicant for the proposed hazardous waste facility project on the detailed terms of, provisions of, and conditions for project approval which would protect the public health, safety and welfare, and environment of the City of Ontario and its surroundings and would promote the fiscal welfare of the City through special benefits and compensation. (Requirement of Section 25199.7(d)(2)(A) of the California Health and Safety Code);
 - c. Represent generally, in negotiation with the applicant, the interests of the residents and businesses of the City and the interests of adjacent communities. (Requirement of Section 25199.7(d)(2)(B) of the California Health and Safety Code);
 - d. Receive and expend the technical assistance grants made available as specified in Section 9-1.2835(a)(6) of this chapter. (Requirement of Section 25199.7(d)(2)(C) of the California Health and Safety Code);

- e. Adopt rules and procedures which are necessary to perform its duties as outlined in this chapter. (Requirement of Section 25199.7(d)(2)(D) of the California Health and Safety Code);
 - f. Advise the City of the terms, provisions and conditions of project approval which have been agreed upon by the LAC and the applicant and of any additional information which the LAC deems appropriate, the legislative body of the City may use this advice for its independent consideration of the project. (Requirement of Section 25199.7(d)(2)(E) of the California Health and Safety Code);
 - g. Cease to exist after final administrative action has been taken by the State and local agencies on permit applications for the project for which the LAC was formed. (Requirement of Section 25199.7(d)(4) of the California Health and Safety Code).
2. The City approval body shall provide staff resources to assist the LAC in performing its duties. (Requirement of Section 25199.7(d)(3) of the California Health and Safety Code);
3. If the LAC and the applicant cannot resolve any differences through the meetings specified in Section 9-1.2835(c) of this chapter, the OPA may recommend the use of a mediator. The applicant shall pay one-half of the costs for this mediation and remaining costs shall be paid, upon appropriation by the Legislature, from the State General Fund. (Requirement of Section 25199.7(h) of the California Health and Safety Code).
- C.** A public hearing shall be held on an application for a hazardous waste facility CUP in accordance with the provisions of Article 27 of this chapter, and except as otherwise expressly provided herein, all of the procedural requirements and rights of appeal as set forth therein shall apply. The hearing bodies shall be the Planning Commission and City Council:
- 1. In addition to the notice of hearing provided under Article 3, notice of hearing on an application for a hazardous waste facility CUP shall be given by mail at least ten (10) days prior to the hearing to:
 - a. All owners of real property which is located within two (2) miles of the exterior boundaries of the subject property as such owners are shown on the last equalized assessment roll and any update;
 - b. All registered voters residing within two (2) miles of the exterior boundaries of the subject property.
 - 2. No application for a hazardous waste facility CUP shall be approved unless an environmental impact report (EIR) and risk assessment is completed in accordance with the California Environmental Quality Act (CEQA).
- D. Application.** Every application for a hazardous waste facility CUP shall be made in writing to the Planning Director on the forms provided by the Planning Department and shall be accompanied by the filing fee as set forth in Section 9-1.0440 of this chapter. The permit application shall include all maps, drawings, plans, tabulations and other documents prescribed on the application form. In addition, the following information shall also be required:
- 1. Identification of all wastewater, treated and untreated, which will be generated by the proposed facility and the method and place of final discharge as required upon a non-domestic wastewater survey and permit application form (City Ord. 2443);
 - 2. An analysis of all visual, noise, soils and olfactory impacts associated with the project and proposed mitigation measures;
 - 3. An analysis of all air quality impacts associated with the project and proposed mitigation measures to insure no degradation of air quality in the area;

4. Identification of any rare or endangered species of plants or animals within the project site and proposed impact mitigation measures;
5. Identification of the amounts, sources and types of hazardous wastes to be treated, stored, transferred or handled at the proposed facility; the ultimate disposition of the wastes; and the anticipated life of the facility. Information as to the amounts, sources and types of hazardous wastes shall be based on an actual survey of the industries to be served and shall be representative of the wastes that will be processed at the facility;
6. Three (3) sets of mailing labels for all owners of real property located within two (2) miles of the exterior boundaries of the subject property, as such owners are shown on the last equalized assessment roll and any update; and three (3) sets of mailing labels for all registered voters residing within two (2) miles of the exterior boundaries of the subject property;
7. A risk assessment that analyzes in detail the probability of accident or discharges both at the facility and in transportation to and from the facility. The risk assessment shall identify mitigation measures to reduce identified risks, and shall identify the routes proposed for transporting hazardous wastes to and from the facility;
8. A plan providing for an ongoing monitoring program to insure no unintentional release of any hazardous substance from the facility. The plan shall include any monitoring required by other permitting agencies;
9. All applications shall contain a designation of at least two (2) reasonable alternative sites which shall be reviewed pursuant to the California Environmental Quality Act (CEQA) Section 15126(d);
10. A plan for supplementary public review and comment on the proposed project prior to the public hearing. This plan shall provide for adequate public review and comment on the project in order to reduce public concerns prior to formal public hearing;
11. A contingency plan for emergency procedures designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, public sewer, storm drain or surface water. The plan shall provide for its immediate implementation whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents which would threaten human health or the environment.

Sec. 9-1.2840:**Development Plan Review**

Development Plan Review in accordance with the provisions of Article 8 of this chapter shall be required for conditional uses in the Hazardous Waste Overlay District.