

APPENDIX H
HAZARDOUS MATERIALS REGULATORY AGENCIES

Regulatory Agency Framework for Hazardous Materials Uptown Mixed-Use Project EIR

As noted in Section IV.G., Hazards and Hazardous Materials, Federal, State, regional, and local agencies are involved in the regulation of hazardous materials. A description of agency jurisdiction is summarized below. Because the regulatory framework for hazardous materials developed incrementally over time, some overlap exists in agency jurisdiction and responsibilities listed below.

(a) Environmental Protection Agency (USEPA). The United States Environmental Protection Agency (USEPA) is responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. The federal regulations are primarily codified in Title 40 of the Federal Code of Regulations (40 CFR). The legislation is outlined in the Resource Conservation and Recovery Act of 1976 (RCRA); the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA); and the Superfund Amendments and Reauthorization Act (SARA). These laws and associated regulations include specific requirements for facilities that generate, use, store, treat, and/or dispose of hazardous materials. The USEPA provides oversight and supervision for federal Superfund investigation/remediation projects, evaluates remediation technologies, and develops hazardous materials disposal restrictions and treatment standards.

(b) State Agencies. The roles of five State agencies are described below.

Department of Toxic Substances Control (DTSC). In California, the California EPA (CalEPA), Department of Toxic Substances Control (DTSC) is authorized by the USEPA to enforce and implement federal hazardous materials laws and regulations. Most State hazardous materials regulations are contained in Title 22 of the California Code of Regulations (CCR). DTSC provides cleanup and action levels for subsurface contamination; these levels are equal to or more restrictive than federal levels. DTSC acts as the lead agency for some soil and groundwater cleanup projects, although in Oakland most authority for contaminated sites has been ceded to local agencies. DTSC has also developed land disposal restrictions and treatment standards for hazardous waste disposal in California.

Air Resources Board (ARB). The California Toxic "Hot Spots" Information and Assessment Act of 1987 requires that industry provide information to the public on emissions of toxic air contaminants and their impact on public health. The Act requires that the ARB and local air quality districts inventory sources of over 200 toxic air contaminants, identify high priority emission sources, and prepare a health risk assessment for each of these priority sources. Industry-wide health risk assessments are in the process of being prepared for three common priority sources: auto body shops, dry cleaners, and gasoline service stations.

State Water Resources Control Board (SWRCB). The SWRCB issues regulations on how to implement Underground Storage Tank (UST) programs. It also allocates monies to eligible parties who request reimbursement of funds to clean up soil and groundwater pollution from UST leaks.

California Office of Emergency Services (OES). The OES State Warning Point compiles statistics on hazardous materials spills and releases, and acts as the Governor's 911 Dispatch Center, dispatching other regional, State, and federal agencies to the scene, if necessary, for spills and releases. The State Warning Point, under federal SARA Title III requirements must be notified as soon as possible after a spill or release.

(c) **Regional Agencies.** Two regional agencies oversee hazardous materials and are described below.

Regional Water Quality Control Board (RWQCB). The City of Oakland is located within the jurisdiction of the San Francisco Bay RWQCB. The RWQCB is authorized by the Porter-Cologne Water Quality Act of 1969 to protect the waters of the State. RWQCB can act as lead agency to provide oversight for sites where the quality of groundwater or surface waters are threatened and can approve site closure. The RWQCB also responds if, in an emergency, surface and groundwater is impacted.

Bay Area Air Quality Management District (BAAQMD). The BAAQMD is the regional enforcement agency for ARB regulations. This regional agency regulates point source air pollutants, including businesses such as metal platers and auto body shops, as well as mobile sources (e.g., automobiles). BAAQMD staff also respond to odor and asbestos complaints from City staff or the general public.

(d) **Local Agencies.** Three local agencies play a role in planning for and regulating hazardous materials.

Oakland Fire Services Agency (OFSA). As a Certified Unified Program Agency (CUPA), the Hazardous Materials Unit is responsible for enforcing most of the hazardous materials regulations within the City of Oakland, including regulations related to underground and aboveground storage tanks, hazardous waste generation, and Hazardous Materials Business Plans. OFSA is also responsible for inspections of businesses in the CUPA program, and acts as first responder to hazardous materials incidents in the City of Oakland.

Alameda County Health Care Services (ACHCS). ACHCS provides assistance to OFSA and other first-responders by providing an emergency vehicle for identification and advice to first responders regarding the hazardous materials present in the event of a fire or an accidental spill. Through its Local Oversight Program, ACHCS also acts as an oversight agency for remediation of some sites, including sites where releases from underground storage tanks have occurred.

City of Oakland Public Works Agency (OPWA). Although not directly responsible for the enforcement of hazardous materials regulations, OPWA's Environmental Services Division is responsible for several programs related to hazardous materials and public safety. This division is responsible for managing and implementing recycling programs as mandated by the County and the State, and for monitoring the Franchise Agreement for Solid Waste and Yard Waste Collection and Disposal Services. The division is also responsible for environmental site assessments for City-owned property, the Clean Water Program, the Watershed Improvement Program, and the Clean Creek Campaign including restoration projects on public property and adopt-a-creek volunteer programs. The Environmental Services Division also works on a wide range of environmental policy issues including air quality, water quality, and dioxin elimination.