Appendix G

Proposed Land Use Designation Hazardous Material/ Hazardous Waste Conditions

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MEMORANDUM

To:	Lithium Valley Specific Plan
From:	Dudek
Subject:	Regulatory Requirements for Hazardous Material Handling
Date:	April 18, 2025

As described in Section 3.2 of the April 2025 Draft Lithium Valley Specific Plan, the following Land Use Designations are proposed: Green Industrial (GI); Manufacturing (M); Logistics (L); Playas Renewables (PRen); Community Opportunity Area (COA); Interim Agriculture (IA); Solar (S); Playas Restoration (PRes); River Corridor (RC); and Conservation (C). Table 1 provides a matrix of proposed Land Use Designations and the hazardous material/hazardous waste regulations that are likely to apply. This table does not conclusively determine the regulations applicable to all land use types. It instead serves as a guide to understand likely applicable rules and regulations based on proposed future land use.

Tables 2 through 4 describe the relevant plans, policies, and ordinances, as outlined in Section 4.9.2 of the Hazards and Hazardous Materials section of the Draft PEIR.

Table 1. Land Use Designation and Likely Applicable Regulations, Hazardous Materials and Waste

Land Use Designation	Federal Regulations							State Regulations										Local Regulations[1]		
	40 CFR 112	40 CFR 116	40 CFR 260 – 273	15 CFR Subchapter I	29 CFR 1910	49 CFR 172	40 CFR 68	HSC Division 20, Chapter 6.11	APSA	HSC Division 20 Chapter 6.95, Sections 25500 through 25519	HSC Division 20 Chapter 6.95, Sections 25531 through 25543.3	CCR Title 24 Part 9, California Fire Code, Section 407 and Chapter 50	HSC Division 20 Chapter 6.5 CCR Title 22 Division 4.5	CCR Title 23 Chapters 16, 17, and 18 HSC Chapters 6.7, 6.75, and 6.11	CCR Title 14, Division 7, Chapter 8.2	CCR Title 13, Division 2, Chapter 6	CCR Title 8 Chapters 3.2 and 4	HSC Division 20, Chapter 6.11	ICAPCD Regulation X, Rule 1002*	ICAPCD Regulation VIII, Rules 800 and 801*
GI	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
M	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
L	X	X	X		X	X		X	X	X		X	X	X	X	X	X	X	X	X
PRen	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
COA					X	X		X	X	X		X			X	X	X	X	X	X
IA	X				X			X	X	X			X			X	X	X	X	X
S				X	X			X	X	X			X			X	X	X	X	X
PRes																			X	X
RC																			X	X
C																			X	X

Notes:

[1] Local regulations included in this table do not include elements of the Imperial County General Plan.

* ICAPCD (Imperial County Air Pollution Control District) Regulations generally apply to earthwork during construction activities, and therefore can apply to any proposed project.

Table 2. Federal Regulations

Regulation	Summary	Permitting or Action Required
40 CFR 112	Oil Pollution Prevention. Facilities that store oil in excess of 1,320 gallons aboveground or 42,000 gallons below ground, in containers 55-gallons or larger, must prepare a Spill Prevention, Control and Countermeasure (SPCC) Plan	If onsite oil storage is greater than 1,320 gallons (in containers 55-gallons or larger) an SPCC Plan must be prepared and implemented.
42 CFR 116	Emergency Planning and Community Right-to-Know Act (EPCRA) requires facilities that store and manage specified chemicals to report the storage and release of these chemicals, via accidental discharge or air emission. **Section 302: Emergency Planning Notification and Regulated Substances** requires an emergency plan and reporting of any extremely hazardous substances present at a facility at any one time above the threshold planning quantity (TPQ).	If extremely hazardous substances, as defined in 40 CFR Part 355 Appendix A, are present at any one time at a facility above their TPQ, notification must be made to the State Emergency Response Commission (SERC). The facility must then have a delegate participate in facility emergency planning in coordination with the SERC. For California, the is California Office of Emergency Services (CalOES).
40 CFR 260 through 273	Resource Conservation and Recovery Act (RCRA) establishes requirements for the management of solid wastes and hazardous wastes, landfills, underground storage tanks, and some medical wastes. The following parts specifically would apply to the project. **Part 261: Identification and Listing of Hazardous Waste** outlines the requirements for identifying, characterizing, testing, and listing hazardous wastes. **Part 262: Standards Applicable to Generators of Hazardous Waste** outlines the requirements that must be followed if hazardous waste is generated at a facility, including handling, labeling, containerization, reporting, disposal, and recordkeeping. Requirements vary based on the volume of hazardous waste generated. **Parts 263, 264, and 265** set forth rules and requirements for transportation, treatment, and disposal. The generator, as defined and discussed in Part 262, is responsible for hazardous wastes being transported and disposed of in accordance with these regulations.	Waste generated by a project must be characterized for disposal. If hazardous wastes are generated, they must be managed in accordance with the rules outlined in 40 CFR Part 262. All project wastes must be characterized based on processes or chemical composition. Materials generated by the project that cannot be utilized as products and must therefore be disposed of must also be characterized in accordance with these rules and regulations. Wastes that are not categorized as hazardous wastes must be managed as solid wastes (e.g. disposal for municipal solid waste landfilling).

Table 2. Federal Regulations

Regulation	Summary	Permitting or Action Required
	Part 268: Land Disposal Restrictions further requires hazardous wastes not be landfilled in non-hazardous waste facilities. **Part 273: Universal Waste Management** establishes requirements for management of specific wastes that are identified as "universal wastes," including batteries, pesticides, mercury-containing equipment, lamps, and aerosols.	
15 CFR Subchapter I	Toxic Substances Control Act (TSCA) empowers the United States Environmental Protection Agency (USEPA) to require reporting, recordkeeping, testing, and restrictions on the use and handling of chemical substances and mixtures. All chemicals manufactured, processed, or imported into the United States are identified on the TSCA Inventory. Adequate information regarding effects to health and the environment must be developed for each chemical substance by the manufacturer or processor of said substance. TSCA also regulates consumer products. **Section 6** of TSCA allows the USEPA to prohibit or limit the manufacture, process, distribution, use, or disposal of a chemical if it has determined the chemical presents an unreasonable risk to human health or the environment.	Chemical substances processed by projects within the planning area must be managed in accordance with TSCA, including testing and keeping record of product quality. The project would not be allowed to the use of chemicals with unreasonable risk, such as asbestos.
29 CFR 1910	Occupational Safety and Health Administration (OSHA) has multiple rules and regulations established for worker protections, health, and safety to be established in the workplace. Specific to the project, **Subpart I** establishes requirements for personal protective equipment; **Subpart L** establishes fire protection standards; and **Subpart Z** establishes rules regarding toxic and hazardous substances. Under **Subpart Z,** the Hazard Communication Standard requires chemical manufacturers, distributors,	Personal protective equipment must be provided to workers handling hazardous materials and/or wastes that could result in injury or impairment of function of any part of the body. Subpart Z outlines exposure criteria for hazardous materials, including product gases anticipated for the project. Fire protection systems and equipment are required for the workplace to protect against site-specific fire hazards. Chemical products generated during project operations must include an SDS for downstream product users.

Table 2. Federal Regulations

Regulation	Summary	Permitting or Action Required
	or importers provide Safety Data Sheets (SDS) for each hazardous chemical to downstream users.	
49 CFR 172	The US Department of Transportation (DOT) has established standards for transportation of hazardous materials and wastes. These include labeling, packaging, shipping, manifests, recordkeeping, and training requirements.	Flammable gases, such as natural gas and propane, have special requirements for shipping under DOT regulations. Applicable regulations and shipping requirements are outlined in the Hazardous Materials Table, 49 CFR 172.101.
40 CFR 68	A facility, defined in 40 CFR 68.3 as a "stationary source", that stores a hazardous material above its applicable threshold quantity are required to comply with emergency response coordination activities, implement an emergency response program, conduct emergency response training exercises, and implement applicable accident prevention measures as required by 40 CFR 68.10. As stated in 40 CFR 68.115(b)(2): if a flammable regulated substance is present in a mixture at concentrations greater than 1 percent by weight, then the entire weight of the mixture shall be treated as a regulated substance.	If the proposed products are stored, either individually or in a mixture, in excess of the threshold quantities identified in 40 CFR 68.130, Table 1, accidental release prevention measures will be required in accordance with 40 CFR 68.

Notes:
[1] Land Use Types are those outlined in Section 3.2 of the February 2025 Draft Lithium Valley Specific Plan. CFR = Code of Federal Regulations

Table 3. State Regulations

Regulation	Summary	Permitting or Action Required
HSC Division 20, Chapter 6.11	California's Unified Hazardous Waste and Hazardous Materials Management Regulatory Program consolidates administration, permitting, inspection, and enforcement activities of several environmental programs at a local level. Duties are delegated to Certified Unified Program Agencies (CUPAs). The local CUPA for the project site is DTSC Imperial CUPA. Multiple programs are managed under the Unified program, including Aboveground Petroleum Storage Act	Permitting and reporting associated with any of the Unified Programs would be done primarily through the local CUPA, DTSC Imperial CUPA. Facility inspections associated with these programs would also be completed by the local CUPA.

Table 3. State Regulations

Regulation	Summary	Permitting or Action Required
	(APSA), area plans for hazardous material emergencies, California Accidental Release Prevention (CalARP), hazardous material business plans (HMBPs), hazardous material management plans and hazardous material inventory statements, hazardous waste permitting (tiered permitting), and underground storage tanks (USTs).	
Aboveground Petroleum Storage Act (APSA) Regulations	APSA requires facilities with 10,000 or more gallons of total aboveground petroleum storage to undergo facility inspections and meet additional requirements for tanks.	Facilities will be required to report all aboveground petroleum storage greater than 10,000 gallons (total capacity) and meet additional inspection and spill prevention requirements.
HSC Division 20 Chapter 6.95, Sections 25500 through 25519	A facility that handles a hazardous material, hazardous waste, or mixture containing a hazardous material at any one time during the reporting year greater than or equal to 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of gas are required to prepare and submit an HMBP.	Facilities will be required to prepare and submit an HMBP for hazardous materials stored on site. HMBPs are submitted through CERS online; through CERS, submittals will be sent to DTSC's Imperial CUPA for review, approval, and further inspection. HMBPs are updated annually, or within 30 days of a change in hazardous material or waste storage at the facility.
HSC Division 20 Chapter 6.95, Sections 25531 through 25543.3	The purpose of the California Accident Release Prevention (CalARP) program is to prevent accidental releases of substances that can cause serious harm to the public and the environment and to minimize the damage if a release does occur. Facilities subject to CalARP are also those subject to the federal emergency response program under 40 CFR 68 (see Table 1). In addition to the regulated substances listed in Table 3 of 40 CFR 68.130, CalARP identifies extremely hazardous substances as those listed in Appendix A of 40 CFR 355, and substances that pose a regulated substance accident risk pursuant as determined by CalEPA and Office of Environmental Health Hazard Assessment (OEHHA) under HSC 20 Chapter 6.95 Section 25532(i)(2)(A)(iv).	As noted in Table 2 under 40 CFR 68, the flammable substances, if stored either individually or in a mixture in excess of the threshold quantities listed below, a Risk Management Plan must be prepared and submitted to the local CUPA (DTSC's Imperial CUPA). This includes standard compressed gasses, such as propane and ethylene.

Table 3. State Regulations

Regulation	Summary	Permitting or Action Required
CCR Title 24 Part 9, California Fire Code, Section 407 and Chapter 50	The Office of the State Fire Marshal (OSFM) is responsible for implementation of the California Fire Code and Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) requirements under the Fire Code. Generally, these requirements are coordinated with the HMBP requirements noted above under HSC Division 20 Chapter 6.95, Sections 25500 through 25519. However, if required by OSFM, a HMMP and/or HMIS shall be prepared in accordance with Sections 5001.5.1 and 5001.5.2 of the Fire Code.	During the permitting process, the OSFM may require completion of a HMMP and/or HMIS. This requirement is at the discretion of the fire chief. The HMMP generally consists of a facility site plan showing hazardous material storage areas, evacuation points and routes, general use of site areas (interior and exterior), and emergency response equipment storage locations. The HMIS generally includes hazardous material information, such as the product name, chemical component(s), storage and use specifics (container type, size, location, volume in system operations), and hazard classifications.
HSC Division 20 Chapter 6.5 CCR Title 22 Division 4.5	California's Hazardous Waste Control Laws are implemented by Department of Toxic Substances Control (DTSC), with some permitting delegated through local CUPA agencies. In general, hazardous waste is defined under 40 CFR Parts 260-279 (see Table 1), while California-specific hazardous wastes are defined under HSC Division 20 Chapter 6.5. In addition to RCRA wastes, California has M-listed Wastes (mercury containing products), and state-specific requirements for characteristic wastes (ignitability, corrosivity, reactivity, and toxicity).	As outlined in Table 2, 40 CFR Part 260-273, waste generated by the project must be characterized for disposal. Materials generated by the project that cannot be utilized as products must be characterized for disposal in accordance with these rules and regulations. Wastes that are not categorized as hazardous wastes must be managed as solid wastes (e.g. disposal for municipal solid waste landfilling). Hazardous waste generators must file with DTSC and the local CUPA (DTSC Imperial CUPA); fees may be assessed through CTDFA (on behalf of DTSC) and Imperial County.
CCR Title 23 Chapters 16, 17, and 18 HSC Chapters 6.7, 6.75, and 6.11	The Underground Storage Tank (UST) program is a statewide program generally managed by the State Water Resources Control Board, with delegation to Regional Water Quality Control Boards and local CUPAs. The UST Program consists of four elements: leak prevention, office of tank tester licensing, cleanup of petroleum releases and low threat closure, and enforcement.	If the project will include installation and use of USTs for the storage of petroleum products or hazardous materials/wastes, the USTs would be permitted and regulated in accordance with the UST program.
CCR Title 14, Division 7, Chapter 8.2	If electronic components that were manufactured before 2006 are to be discarded, the following types of electronic components are considered	If electronics devices are to be discarded during construction or operation of the proposed project, they must be disposed of or recycled in

Table 3. State Regulations

Regulation	Summary	Permitting or Action Required
	hazardous wastes and must be properly recycled: cathode ray tube devices, LCD displays, and plasma TVs.	accordance with applicable waste regulations.
CCR Title 13, Division 2, Chapter 6	Hazardous material transportation is regulated by California Highway Patrol and California Department of Transportation (Caltrans). During transport, hazardous materials must be properly labeled, packaged to prevent leaks/spills, and shipping information must include emergency response procedures.	As discussed in Table 2 under 49 CFR 172, flammable gasses have special requirements for shipping under DOT regulations. Products that are transported from facilities must be labeled, packaged, and transported by a licensed transporter in accordance with 13 CCR Division 2, Chapter 6. This includes labeling and placards with US DOT Hazard Classifications, inclusion of SDS sheets and manifests, and verifying shippers have hazardous material transportation licenses.
CCR Title 8 Chapters 3.2 and 4	Under California's Department of Industrial Relations, California Occupational Safety and Health Administration (Cal/OSHA) has multiple rules and regulations established for worker protections, health, and safety to be established in the workplace. Specific to the project and hazardous materials, **Article 1 (Sections 340 – 340.4)** obligates communication to employees of safety hazards; and **Subchapter 7** outlines general industry safety requirements, including personal protective equipment, safe practices, control of hazardous substances, and flammable material safety.	The project owner/operator must post CalOSHA notices, employee rights, and potential exposures to hazardous materials and/or physical hazards. Safety devices, such as ventilation, and/or personal protective equipment must be provided for workers that handle or may be exposed to hazardous materials. Containers must be compatible with the stored material, incompatible materials shall not be stored together, and emergency response equipment, such as eyewash stations and showers, will be provided. Article 109 of Subchapter 7, Group 16 outlines all requirements for hazardous substances and processes as they relate to worker safety; and Subchapter 7, Group 20 outlines requirements for flammable substances as they relate to worker safety.

Notes: CCR = Code of California Regulations; HSC = Health and Safety Code

Table 4. Local Regulations

Regulation	Summary	Permitting or Action Required
HSC Division 20, Chapter 6.11	As discussed in Table 3, the DTSC – Imperial CUPA is the local CUPA for the project site. The following permitting	Building permits will be reviewed by Calipatria Fire Department for fire prevention safety and hazardous materials handling requirements. As

Table 4. Local Regulations

Regulation	Summary	Permitting or Action Required
	activities will be completed under this agency. ▪ Underground Storage Tanks ▪ Aboveground Petroleum Storage ▪ HMBPs ▪ CalARP ▪ Hazardous Waste Generators	discussed in Table 3 under HSC Division 20, Chapters 6.11, 6.95, and CCR Title 24 Part 9, additional submittals may be required for hazardous material handling, including a Risk Management Plan, HMBP, HMMP/HMIS, and permits for USTs and/or ASTs, as applicable.
ICAPCD Regulation X Rule 1002	This rule covers regulations on ATCMs, incorporating Title 17 CCR Section 93105 and 93106, which apply to disturbance of naturally occurring asbestos.	If the proposed project will disturb naturally occurring asbestos, permits and control plans must be prepared.
ICAPCD Regulation VIII Rules 800 and 801	These rules cover the generation of fine dusts and particulate matter during construction and earth moving activities.	Fine particulates and dust (PM-10) must be controlled during dust generating activities. Dust generation must be monitored to verify onsite activities are not generating dust in excess of regulated levels