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Description:	This section includes the expected potential effects on human health and the environment from nonhazardous and hazardous waste generated by the Project.
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4.14 Waste Management

This section includes the expected potential effects on human health and the environment from nonhazardous and hazardous waste generated by the Project. Section 4.14.1 describes project site investigations and the waste and waste streams that the project will be generate. Section 4.14.2 describes the Project's environmental analysis in terms of waste and waste disposal sites. Section 4.14.3 discusses potential cumulative effects. Section 4.14.4 describes mitigation measures. Section 4.14.5 presents laws, ordinances, regulations, and standards (LORS) that apply to the generated waste. Section 4.14.6 lists the agencies that have jurisdiction over the generated waste and specifies whom to contact in those agencies. Section 4.14.7 describes permits required for generated waste and a schedule for obtaining those permits, and Section 4.14.8 provides the references used to prepare this subsection.

4.14.1 Affected Environment

This subsection discusses the condition of the site and the potential need to remove or otherwise treat contaminated soil or groundwater at the site. Additionally, this section identifies the various nonhazardous and hazardous waste streams for project construction, operation, and decommissioning phases.

4.14.1.1 Site Investigations

Existing site conditions were captured in a Phase I Environmental Site Assessment (ESA) conducted in March 2023. Appendix 4.5A contains the Phase I ESA. The ESA was conducted in accordance with methods prescribed by the American Society for Testing and Materials (ASTM) document entitled "Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process (Designation: E 1527-13)." The Phase I ESA report concluded the assessment revealed no evidence of recognized environmental conditions in connection with the Project location or property.

4.14.1.2 Project Waste Generation

This section identifies nonhazardous waste, hazardous waste, and wastewater that the Project will generate during facility pre-construction, construction, operation, and decommissioning phases.

4.14.1.2.1 Pre-Construction and Construction Waste Streams

During the construction phases, the Project will generate nonhazardous and hazardous waste. As discussed in Section 2, Project Description, the construction of the project from site preparation and grading to commercial operation will require approximately 15 months. Table 4.14-1 presents a summary of anticipated waste streams created by construction activities. The quantities listed in Table 4.14-1 are estimates and are subject to change based on design modifications or market conditions.

Table 4.4-1. Potential Waste Generated during Construction

Waste	Origin	Composition	Classification	Disposal	Estimated Quantity
Nonhazardous Solid Waste					
Scrap wood, plastic, paper, etc.	Construction	Normal refuse	Nonhazardous	Recycle and/or dispose of at a Class II or III landfill	10 tons
Concrete waste	Construction	Solids	Nonhazardous	Recycle and/or dispose of at a Class II or III landfill	20 tons
Scrap metal	Construction	Parts, wire, etc.	Nonhazardous	Recycle and/or dispose of at a Class II or III landfill	20 tons
Soil/rock	Excavation and grading	Subsurface soil and rock	Nonhazardous	See Section 4.14.2.3.1	0
Wastewater					
Sanitary waste	Portable toilets	Water	Nonhazardous liquid	Remove by contracted sanitary service	50,000 gallons
Hazardous Waste					
Empty hazardous material containers	Construction	Drums and containers	Hazardous and nonhazardous	Dispose of containers < 5 gallon as normal refuse. Return containers >5 gallons to vendors for recycling or reconditioning	5 units
Spent welding materials (welding rods, wire and grinding wheels, etc.)	Construction	Solids	Hazardous	Dispose of at Class I landfill	More than 100 pounds
Waste oil (Lubricating and insulating)	Construction equipment and vehicles, lube oil and flushes	Hydrocarbons	Non-RCRA hazardous liquid	Recycle or dispose of at a permitted facility	1,000 gallons
Waste oil filters	Construction equipment and vehicles	Solids	Hazardous	Recycle at a permitted facility	50 units
Oily rags, oil sorbent	Cleanup of small spills	Hydrocarbons	Hazardous	Recycle or dispose of at a	100 units

Table 4.4-1. Potential Waste Generated during Construction

Waste	Origin	Composition	Classification	Disposal	Estimated Quantity
				permitted facility	
Solvents, detergents, glycols, and refrigerants, paint, and adhesives	Equipment maintenance	Solvents	Hazardous	Recycle at a permitted facility	5 gallons
Spent lead-acid batteries and electrical fuses	Equipment	Metals	Universal waste	Recycle or dispose of offsite at Universal Waste Facility	< 5 units
Spent alkaline batteries	Equipment	Metals	Universal waste	Recycle or dispose of offsite at Universal Waste Facility	100 units

4.14.1.2.2 Operations Waste Streams

Section 2, Project Description includes a detailed description of the design, construction, and operations of the Project. The operation of the Project is anticipated to generate nonhazardous and hazardous waste. Although the primary waste stream will be nonhazardous, the potential exists for varying quantities of hazardous waste to be generated on a periodic basis. Table 4.14-2 presents a summary of potential wastes generated during Project operations.

Table 4.4-2. Potential Waste Generated during Operations

Waste	Origin	Composition	Classification	Disposal	Estimated Annual Quantity
Nonhazardous Solid Waste					
Scrap wood, plastic, paper, etc.	Maintenance activities	Normal refuse	Nonhazardous	Recycle and/or dispose of at a Class II or III landfill	200 pounds
Scrap metal	Maintenance activities	Parts, wire, etc.	Nonhazardous	Recycle and/or dispose of at a Class II or III landfill	100 pounds
Spent substation or electrical components	Maintenance activities	Metals, mineral oils, solids, electrical materials	Nonhazardous	Recycle and/or dispose of at a Class II or III landfill	150 pounds

Table 4.4-2. Potential Waste Generated during Operations

Waste	Origin	Composition	Classification	Disposal	Estimated Annual Quantity
Wastewater					
Sanitary waste	Office trailer toilets with containerized sanitary	Water	Nonhazardous liquid	Remove by contracted sanitary service	2,000 gal
Hazardous Waste					
Waste oil (Lubricating and insulating)	Maintenance from machinery, lubricating oil systems and oil filled transformers; small leaks and spills	Hydrocarbons	Hazardous	Cleaned up using sorbent and rags – disposed of by certified oil recycler	100 gallons
Empty hazardous material containers	Construction	Drums and containers	Hazardous and nonhazardous	Dispose of containers < 5 gallon as normal refuse. Return containers >5 gallons to vendors for recycling or reconditioning	50 pounds
Spent welding materials (welding rods, wire and grinding wheels, etc.)	Construction	Solids	Hazardous	Dispose of at Class I landfill	50 pounds
Waste oil filters	Construction equipment and vehicles	Solids	Hazardous	Recycle at a permitted facility	50 pounds
Battery Coolant (Ethylene glycol and water mixture)	Routine maintenance (5-7yr replacement)		Hazardous	Recycle at a permitted facility	4,000 gallons yearly average (replaced on 5 year cycle)
Oily rags/sorbents	Maintenance, wipe down of equipment, cleanup of spills	Hydrocarbons and cloth	Hazardous	Recycled or disposed of by certified oil recycler	1 unit
Spent Lithium-ion battery cells	Equipment	Metals	Metals	Returned to manufacturer for recycling	7.5 tons (5 modules)
Spent lead acid batteries	Equipment	Metals	Universal waste	Recycle or dispose of	<20 pounds

Table 4.4-2. Potential Waste Generated during Operations

Waste	Origin	Composition	Classification	Disposal	Estimated Annual Quantity
				offsite at Universal Waste Facility	
Spent alkaline batteries	Equipment	Metals	Universal waste	Recycle or dispose of offsite at Universal Waste Facility	<20 pounds
Controlled Waste Streams	Smoke detectors, fire extinguishers	Controlled Substance	Hazardous	Recycled or disposed of by certified waste hauler	<20 pounds

4.14.2 Environmental Analysis

The following section describes the project's environmental analysis in terms of waste and waste disposal sites.

4.14.2.1 Significance Criteria

Environmental analysis for waste management is in accordance with the criteria from the California Environmental Quality Act (CEQA) Guidelines Section 15002[g], Appendix G. This section evaluates the Project against the following criteria:

- Located on a site that is included on a list of hazardous materials sites (Cortese List) compiled pursuant to Government Code Section §65962.5 and, as a result, will create a significant hazard to the public or the environment.
- Have solid waste disposal needs beyond the capacity of appropriate landfills to accommodate them.

The risks or hazards posed by the transportation of hazardous materials, including hazardous wastes, are described, and analyzed in Section 4.5, Hazardous Materials Handling.

4.14.2.2 Cortese List

Government Code §65962.5 was originally enacted in 1985 and established a list consisted of sites bearing on the local permitting process as well as on compliance with the CEQA. Although it refers to a list, modern uses of the internet have propelled responsible organizations to make information web accessible (CalEPA 2023). For those requesting a copy of the Cortese List, CalEPA now refers users to the following agencies where listed sites and associated information is available:

- List of Hazardous Waste and Substances sites from the Department of Toxic Substances Control (DTSC) Envirostor database
- List of Leaking Underground Storage Tanks from the State Water Board's GeoTracker database

- List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit
- List of "active" Cease and Desist Orders and Cleanup Abatement Orders
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of Health and Safety Code, identified by DTSC.

A review of each of the online accessible databases or lists was conducted. The closest listed site is the Rancho Capistrano Community Church site which is located within the larger church property that the Project will be sited on. The site's address is 29251 Camino Capistrano, San Juan Capistrano, CA 92675. The Rancho Capistrano Community Church site is located approximately 1,700 feet north of the proposed BESS facility. The site consisted of a leaking underground storage tank site and diesel was listed as the potential contaminant of concern. Cleanup of the site was completed and closed in January 1991 (SWRCB 2023). Since cleanup has been completed, it is unlikely that any impacts will result from Cortese-listed properties, nor will the site present a significant hazard to the public or the environment.

4.14.2.3 Solid Waste Disposal

4.14.2.3.1 Nonhazardous Waste Disposal

The Project will dispose of nonhazardous waste, including construction waste and operational garbage at a Class III landfill. When practical, nonhazardous waste will be recycled to the extent possible. What cannot be recycled will be disposed of at any of the permitted landfills discussed below. Information about solid waste facilities, operations, and disposal sites was obtained from the CalRecycle Solid Waste Information System (CalRecycle 2023).

Solid Waste Disposal

During operation, the Applicant has indicated that all solid waste will not rely on municipal resources and will employ third parties to properly recycle and dispose of solid waste. There are three solid waste disposal facilities within Orange County. Table 4.14-3 presents a summary of solid waste disposal facilities near the Project.

Table 4.14-3. Solid Waste Disposal Facilities in the Vicinity of the Project

Landfill/ Transfer Station	Location	Class	Permitted Capacity (cubic yards)	Remaining Capacity (cubic yards)	Permitted Throughput (tons per day)	Estimated Closure
Prima Deshecha Landfill	32250 Avenida La Pata, San Juan Capistrano, California 92675	III	172,100,000	134,300,000	4,000	12/31/2102
Olinda Alpha Landfill	1942 N. Valencia Avenue, Brea, California 92823	III	148,800,000	17,500,000	8,000	12/31/2036
Frank R. Bowerman Landfill	11002 Bee Canyon Access Road, Irvine, California 92602	III	266,000,000	205,000,000	11,500	12/31/2053

Source: CalRecycle 2023b.

Excavated Soil

Construction of the Project would result in the excavation of soil. However, the grading plans show a net fill of over 50,000 cubic yards so all excavated soil would be reused for fill.

If needed, soil disposal is permitted at each of the three landfills discussed above. Criteria for the acceptance of clean soil is required to be met to protect the environment and ensure regulatory compliance (Orange County Waste & Recycling 2023b).

4.14.2.3.2 Hazardous Waste Disposal

Disposal of hazardous waste, including construction waste and operational waste, will be disposed of at a permitted be recycled or disposed of at a permitted treatment, storage, and disposal (TSD) facility. Hazardous waste generated at the facility will not be stored on site for more than 90 days following its generation date and will be transported by a transported by a permitted hazardous waste transporter. Depending on quality, excavated soil will be disposed at a facility appropriately licensed to accept the waste product.

California has two active Class I landfill facilities that accept hazardous waste: Waste Management Kettleman Hills Landfill and Clean Harbor's Buttonwillow Landfill (DTSC 2023). Class I landfill facilities vary considerably in what they can do with the hazardous waste they receive. Some waste disposal facilities can only store waste, some can treat the waste to recover usable products, and others can dispose of the waste by incineration, deepwell injection, or landfilling. The State of California does not permit the incineration and deep-well injection disposal of these materials. The following includes a summary of the Class I landfills available for disposal in California:

Waste Management Kettleman Hills Landfill. This landfill is on a 1,600-acre parcel that has 695 acres of permitted land for management of federal and state-listed hazardous wastes and municipal solid wastes. According to the 2003 Final Combination Permit, this landfill accepts Class I and II waste, including all hazardous waste except radioactive, medical, and unexploded ordnance. A comprehensive list of all hazardous waste accepted in included in Appendix A of the Kettleman Hills Landfill Part B permit. Based on the aforementioned list, all anticipated hazardous waste generated by the project is accepted by Kettleman Hills Landfill (DTSC 2023). The Kettleman Hills facility currently has three operational landfills (1) B-17 is permitted to have a 17.8 million cubic yard capacity Class II/III (2) B-18 is permitted to have a 15.6 million cubic yard capacity classified as a Class I/II and (3) B-19 is a permitted 7.7 million cubic yard capacity classified as a Class II/III landfill. Permit renewal for the facility is currently being reviewed by the Department of Toxic Substance Control and is expected to have an updated closure date of January 2055.

Clean Harbors Buttonwillow Landfill. This landfill is permitted at 13.25 million cubic yards and can accept 10,500 tons per day (CalRecycle 2023b). The landfill is permitted to accept waste until 2040 (CalRecycle 2023b). Buttonwillow has been permitted to manage a wide range of hazardous wastes, including Resource Conservation and Recovery Act (RCRA) hazardous wastes, California hazardous waste, and nonhazardous waste for stabilization treatment, solidification, and landfill. The landfill can handle waste in bulk (solids and liquids) and in containers. Typical waste streams include nonhazardous soil, California hazardous soil, hazardous soil for direct landfill, hazardous waste for treatment of metals, plating waste, hazardous and nonhazardous liquid, and debris for microencapsulation (CalRecycle 2023b).

4.14.2.4 Waste Disposal Summary

The Project will generate nonhazardous and hazardous waste during its construction, facility start up, testing, and operations. However, there are multiple locations that will accept anticipated waste streams generated by the facility. The solid waste Class III landfills listed in Table 4.14-3 have a collective remaining capacity of over 356,800,000 cubic yards. Similarly, waste disposal needs for permitted hazardous waste and soil is within thresholds that accepting facilities can accommodate without altering or impacting accepting facility structure.

Waste generated during construction and operation of the project alone is not expected to generate quantities of waste such that the surrounding accepting facilities cannot accommodate the additional materials. Therefore, the impact of the project on solid waste recycling, disposal capacity, and hazardous waste capacity will not be significant.

4.14.3 Cumulative Effects

A cumulative impact is defined at a proposed project's incremental effect of closely related past, present, and reasonably foreseeable future projects whose impacts may compound or increase the incremental effect of the proposed project (Public Resources Code Section 21083; Title 14 California Code or Regulations, Title 14, Sections 15064 [h], 15065 [c], 15130 and 15355).

According to CalRecycle, approximately 3,371,175 tons of waste was landfilled within Orange County in 2021 (CalRecycle 2023a). This number represents waste landfilled, not recycled, transformed, exported for outside disposal or total waste generation for the county. Prior to disposal, source reduction and recycling efforts will be prioritized as discussed in Section 4.14.4. All nonhazardous and hazardous landfills within the vicinity have sufficient landfill capacity. Therefore, anticipated waste generated by the Project will not result in a direct and indirect minor cumulative waste management impact to Orange County.

4.14.4 Mitigation Measures

4.14.4.1 Construction Phase

4.14.4.1.1 Nonhazardous Waste Mitigation Measures

Prior to construction, best management practices to reduce waste production will be developed. The following mitigations measures have been identified:

- **Nonhazardous Solid Waste:** Nonhazardous wastes such as concrete, metal, and paper, wood, glass insulation and plastics, will be collected onsite in collection bins prior to recycle or disposal offsite. Where applicable, waste will be recycled at licensed facilities or sent back to the vendor for reconditioning.
- **Soil.** Soil from excavation activities will temporarily be placed on site and recycled on site for Project leveling and grading activities. Prior to disposal it will be bulk tested and categorized accordingly. Based on the results of the Phase I ESA, the project anticipates that the quality of the excavated soil will be nonhazardous.
- **Wastewater.** Wastewater generated during construction will include sanitary waste. Excavation wastewater and stormwater would also fall into this category. Depending on water quality, wastewater could be considered nonhazardous or hazardous. Prior to disposal, wastewater will be collected in bulk tanks or bins and sampled, and then classified and disposed of in accordance with appropriate legislation. Sampling and

analysis of materials and waste for identification purposes shall be in accordance with the applicable EPA test method. The Applicant will manage the following categories of nonhazardous wastewater as follows:

- **Sanitary Waste:** Portable toilets will be housed on site during construction phase. Sanitary wastewater from portable toilets will be collected in the self-contained in the toilets. The vendor of the portable toilets will be responsible of proper handling and transporting portable toilets offsite for disposal.
- **Excavation Wastewater:** Groundwater will be recycled through an above ground settling pond to allow for settlement of solids to occur. Once settled, water from settling pond will be re-used to the extent possible or left to evaporate. All excess wastewater that cannot be evaporated will be disposed off-site by licensed third party contractor. Prior to disposal, excavation wastewater will be tested for chemical quality.
- **Stormwater:** A stormwater pollution prevention plan (SWPPP) and associated best management practices will be implemented for managing stormwater. SWPPP procedures include submitting a Notice of Intent to the RWQCB and developing the SWPPP before the start of construction activities. Additional details about stormwater management and mitigation measures are outlined in Section 4.15 Water Resources.
- **Nonhazardous Wastewater:** For all other wastewater generated, it will be managed by source reduction techniques, water conservation and reuse measures.

4.14.4.1.2 Hazardous Waste Mitigation Measures

As mentioned previously, prior to disposal, wastewater will be tested with the applicable US EPA method to determine chemical quality. If wastewaters are to be found hazardous, they will be disposed of in accordance with the Clean Water Act. Hazardous solid waste or wastewater will be placed in a certified United States Department of Transportation (USDOT) containers and disposed of at a permitted and accepting facility. The following waste management practices will be adopted:

- Nonhazardous materials will be used whenever possible to minimize the quantity of hazardous waste generated.
- The hazardous waste will be collected in satellite accumulation containers near the points of generation.
- Before the end of each workday, hazardous waste deposited in satellite accumulation containers will be moved to a designated location on-site for hazardous waste storage.
- All hazardous waste will be contained in certified USDOT containers and labeled appropriately.
- The waste will be delivered to an authorized hazardous waste management facility before expiration of the 90-day storage limit.

The construction contractor will be the generator of hazardous construction waste and will be responsible for proper handling in compliance with all applicable federal, state, and local laws and regulations. The construction contractor will be responsible for licensing, training of personnel, accumulation limits and times and record keeping.

4.14.4.2 Operations Phase

Requirements for handling hazardous waste and mitigation measures during operation are described in the following sections.

4.14.4.2.1 Nonhazardous Waste Mitigation Measures

The following mitigations measures for waste streams generated during operations have been identified:

- **Nonhazardous Solid Waste:** Nonhazardous solid waste will be collected and processed for potential material recycling. All waste that cannot be recycled will be deposited at a local landfill.

The Project will operate as an unmanned facility with no occupied buildings or restrooms. There would be no wastewater generated during project operations.

4.14.4.2.2 Hazardous Waste Mitigation Measures

To avoid potential effects on human health and the environment from handling and disposing of hazardous wastes, the Project will properly record, label, store, package, and implement approved disposal procedures. The Applicant estimates that the project will not generate hazardous wastes in excess of 100 kilograms per month. As such, the project will be considered as a very small quantity generator (VSQGs) as defined part 261 of title 40 of the Code of Federal Regulations. A very small quantity generator is not subject to the requirements of parts 124, 262 (except §§262.10 through 262.14) through 268, and 270, however the following would apply if volumes ever exceeded VSQGs criteria:

- Obtain a site-specific U.S Environmental Protection Agency (USEPA) identification number that will be used to manifest all hazardous waste originating from GESC. All hazardous waste will be stored on site within proper containers. Waste generated will be stored on site 90 days or less and will be transported to a facility for disposal, treatment, or recycling.
- Accumulate hazardous waste according to the Title 22 California Code of Regulations requirements for satellite accumulation.
- Store hazardous waste in designated storage areas surrounded by berms to contain leaks or spills. The bermed areas will be sized to hold the full contents of the largest single container. If outdoors and not roofed, the bermed areas will be sized for an additional volume for the rainfall associated with a 25-year, 24-hour storm event. If indoors, the containment shall be sized for an additional volume equivalent to 20 minutes of the design flow of any fire protection water. These areas will be inspected weekly.
- For each disposal, collection of hazardous waste is required by a licensed hazardous waste hauler using a hazardous waste manifest. Wastes will only be transported to a permitted and authorized waste management facility. Copies of historical manifests, reports, waste analyses and other documents for the past 3 years will be kept on site and readily accessible for inspections.
- Train employees in hazardous waste procedures, spill contingencies and waste minimization.
- Develop procedures to reduce the quantity of hazardous waste generated. Nonhazardous materials will be used instead of hazardous materials whenever practical, and wastes will be recycled whenever practical.

Specifically, hazardous waste handling will include the following practices in order to minimize quantity:

- Waste lubricating oil will be recovered and recycled by a waste oil recycling contractor.
- Spent oil filters and oily rags will be recycled.

4.14.4.3 Facility Closure

Facility closure would consist of complete cessation of operations with no intentions of restarting operations. Permanent closure could be caused by damage of the plant beyond repair, economic conditions, or other unforeseen reasons. Handling of facility permanent closure are outlined below.

When the facility is permanently closed, the handling of nonhazardous waste and hazardous waste materials will be removed from site as part of the general closure plan. Batteries and other equipment and materials will be recycled to the extent feasible to minimize disposal in landfills. The subterranean wall is anticipated to be left in

place to protect the subject property from the potential for future erosion. A Decommissioning Plan will be prepared to ensure appropriate removal of BESS equipment from the foundations, disconnection of wiring, and removal of site infrastructure (a draft Decommissioning Plan has been prepared and included as part of this application (see Appendix 2A)). The facilities would be decommissioned and dismantled, and the site would be restored. All nonhazardous wastes will be collected and disposed of in appropriate landfills or waste collection facilities. All hazardous wastes will be disposed of according to applicable LORS.

4.14.5 Laws, Ordinances, Regulations, and Standards

Nonhazardous and hazardous waste handling associated with the project will be governed by federal, state, and local laws. Applicable laws and regulations address proper waste handling, storage, and disposal practices to protect the environment from contamination and to protect facility workers and the surrounding community from exposure to nonhazardous and hazardous waste. Table 4.14-4 presents a summary of the LORS applicable to waste handling.

Table 4.14-4. Laws, Ordinances, Regulations, and Standards for Waste Management

LORS	Requirement/Applicability	Administering Agency	Application Section Explaining Conformance
Federal			
RCRA Subtitle D	Regulates design and operation of nonhazardous solid waste landfills.	CalRecycle	Sections 4.14.5.1, 4.14.4.1, 4.14.4.2.1, 4.14.1.2.2
RCRA Subtitle C	Controls storage, treatment, and disposal of hazardous waste.	DTSC	Sections 4.14.5.1, 4.14.4.1, 4.14.4.2.2, 4.14.1.2.2
Clean Water Act	Controls discharge of wastewater to the surface waters of the United States	RWQCB	Sections 4.14.5.1, 4.14.4.1.1, 4.14.4.2.1
State			
California Integrated Waste Management Act (CIWMA)	Controls solid waste collectors, recyclers, and depositors.	CalRecycle	Sections 4.14.5.2, 4.14.4.1, 4.14.4.2.1, 4.14.1.2.2
Assembly Bill 341 / State Bill 1018 – Mandatory Commercial Recycling	Requires commercial businesses generating 4 cubic yards per week or more of solid waste to adopt recycling practices	CalRecycle	Sections 4.14.1.2, 4.14.2.3, 4.14.3, 4.14.4.1, 4.14.4.2, 4.14.4.3
Hazardous Waste Control Law (HWCL)	Controls storage, treatment, and disposal of hazardous waste. Hazardous waste will be handled by contractors in conformance with the HWCL	DTSC	Section 4.14.5.2, 4.14.4.1, 4 14.4.2.2, 4.14.1.2.2
Local			
City of San Juan Capistrano Municipal Code Sec. 6-3.08.01 Minimum Construction	Helps in diverting construction and demolition (C&D) waste from landfills and also to comply with	City of San Juan Capistrano Building Division	Sections 4.14.6, 4.14.7,

Table 4.14-4. Laws, Ordinances, Regulations, and Standards for Waste Management

LORS	Requirement/Applicability	Administering Agency	Application Section Explaining Conformance
and Demolition Debris Diversion Requirements	mandates of CalRecycle. The City's diversion requirement is 65%, which means that certain projects are required to divert 65% of the total C&D waste tonnage at a project site from landfills.		
Orange County Environmental Health Division - CUPA and various programs	Orange County Environmental Health Division is the CUPA for Orange County that regulates and conducts inspections of businesses that handle hazardous materials, hazardous wastes and/or have underground storage tanks.	Orange County Environmental Health Division	Sections 4.14.6, 4.14.7,

4.14.5.1 Federal LORS

There are federal mandates that apply to the project for proper waste handling, storage, and disposal practices.

- The Resource Conservation and Recovery Act (RCRA), which amends the Solid Waste Disposal Act of 1965, was enacted in 1976 to address municipal and industrial solid waste generated nationwide. The act gives the EPA the authority to control hazardous waste from "cradle to grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. The RCRA also sets forth a framework for the management of nonhazardous solid wastes. The federal Hazardous and Solid Waste Amendments to the RCRA were adopted in 1984 and were aimed at waste minimization and phasing out land disposal of hazardous waste, as well as providing guidance for corrective action of releases. The amendments also allowed for increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program. Amendments to the RCRA in 1986 further enabled the EPA to address environmental hazards relative to underground tank storage of petroleum and other hazardous substances.
  - Nonhazardous solid waste: Federal involvement is limited to establishing minimum criteria that prescribe the best practicable controls and monitoring requirements for solid waste disposal facilities. RCRA 42 United States Code 6901 Subtitle D assigns responsibility for the regulation of nonhazardous waste to the states.
  - Hazardous waste: RCRA 42 United States Code 6901 Subtitle C establishes a "cradle to grave" system of hazardous waste management by instituting controls for generation, transportation, treatment, storage, and disposal of hazardous waste. Above certain levels of waste produced, Subtitle C applies

to all states and all hazardous waste generators. RCRA also establishes waste regulations for energetic wastes (explosives) in 40 CFR Part 266, Subpart M.

- **Wastewater:** EPA regulates wastewater under the Federal Water Pollution Control Act (Clean Water Act), amended in 1972.

4.14.5.2 State LORS

There are state mandates that apply to the facility for proper waste handling, storage, and disposal practices.

- **Nonhazardous Solid Waste.** Assembly Bill (AB) 939 established the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 42900–42927) which required all California cities and counties to reduce the volume of solid waste deposited in landfills by 50 percent by the year 2000. It also requires that cities and counties continue to remain at 50 percent or higher for each subsequent year. The act is intended to reduce, recycle, and reuse solid waste generated to the maximum extent feasible. The act requires each California city and county to prepare, adopt, and submit to the California Department of Resources Recycling and Recovery (CalRecycle) a source reduction and recycling element (SRRE) that demonstrates how the jurisdiction will meet the act's mandated diversion goals. Each jurisdiction's SRRE must include specific components as defined in Public Resources Code Sections 41003 and 41303. In addition, the SRRE must include a program for management of solid waste generated in the jurisdiction consistent with the following hierarchy: (1) source reduction; (2) recycling and composting; and (3) environmentally safe transformation and land disposal. The SRRE is required to emphasize and maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste to be disposed of by transformation and land disposal (Public Resources Code Sections 40051, 41002, and 41302).
- **Hazardous Waste.** Within the Health and Safety Code Section 25100 et seq, California outlined the HWCL to develop its own hazardous waste materials management program. HWCL includes RCRA mandates instituted in Subtitle C and D and performs essentially the same functions. The HWCL is more stringent than RCRA guidelines and classifies additional materials and liquids as hazardous. The project will adhere to the storage, record keeping, reporting, and training requirements mandated by HWCL. Additionally, the storage, use and wastes of storage of flammable/combustible liquids will be in accordance with the California Fire Code.
- **Wastewater.** Under the Porter-Cologne Water Quality Control Act, the Regional Water Quality Control Boards (RWCQBs) regulates wastewater management. Its focus is on controlling discharge to surface and groundwaters of California.

4.14.5.3 Local LORS

4.14.5.3.1 City of San Juan Capistrano

Solid Nonhazardous Waste. The laws administered and enforced are primarily through the City of San Juan Capistrano Building Department. The City of San Juan Capistrano has established a Construction and Demolition (C&D) Waste Recycling Program per San Juan Municipal Code, Title 6, Chapter 3, Sections 6-3.08.01 through 6-3.08.09 to help in diverting C&D waste from landfills and also to comply with mandates of CalRecycle and the California Green Building Standards (CalGreen). CALGreen mandates locally permitted new residential and non-residential building construction, demolition and certain additions and alteration projects to recycle and/or salvage for reuse a minimum 65 percent of the nonhazardous C&D debris generated during the project (CALGreen sections

4.408, 5.408, 301.1.1 and 301.3). In order for a permit to be issued, the contractor must submit a Construction and Demolition Waste Plan application and a permit Number must be assigned.

Hazardous Waste. The Environmental Health Division implements the Hazardous Waste Inspection Program throughout Orange County. The purpose of this program is to ensure that all hazardous wastes generated by Orange County businesses are properly handled, recycled, treated, stored and disposed. Specialists in this program inspect facilities that generate hazardous waste, evaluate hazardous waste generating industries, investigate reports of illegal hazardous waste disposal, and respond to emergency spills of hazardous chemicals. Specialists also participate in public education programs designed to inform industries and residents about the laws and regulations relating to safe disposal of hazardous waste.

4.14.5.4 Codes

The following applicable codes, for design, engineering, construction of hazardous waste storage and handling systems will be in accordance with all applicable codes and standards, as follows:

- California Building Code
- California Fire Code
- Orange County Fire Code

4.14.6 Agencies and Agency Contacts

Federal and some state level agencies discussed in this section will all be involved in the regulation of the waste generated by the project. However, the regulations are administered and enforced primarily through the designated by CalEPA's Certified Unified Program Agency, the Orange County Environmental Health Division and the City of San Juan Capistrano Building Division. On their associated websites, the persons to contact for nonhazardous and hazardous waste management are listed in Table 4.14-5. Building and grading permits from the City of San Juan Capistrano Building Division would be superseded by CEC approval of the Project under the opt-in program, therefore, so would a Waste Reduction and Recycling Plan. A draft HMBP has been prepared and is included as Appendix 4.5B, however, approval of the HMBP from the Orange County Health Care Agency Environmental Health Division would be superseded by CEC approval of the Project under the opt-in program.

Table 4.14-5. Agency Contacts for Waste Management

Issue/Approval	Agency	Contact
Solid Waste and Recycling / C&D Waste Reduction and Recycling Plan*	City of San Juan Capistrano Building Division 30448 Rancho Viejo Road San Juan Capistrano, California 92675	James "JW" Wiatrak, Building Official and Code Enforcement Manager 949-234-4568 jwiatrak@sanjuancapistrano.org cd@sanjuancapistrano.org
Hazardous Waste / HMBP*	Orange County Environmental Health Division 1241 E. Dyer Road Santa Ana, California 92705	714-433-6000 ehealth@ochca.com

Note:
* Approvals would be superseded by CEC approval of the Project under the opt-in program.

4.14.7 Permits and Permit Schedule

The temporary storage for disposal of hazardous wastes will be included in the Hazardous Materials Business Plan (HMBP) as described in Section 4.5 Hazardous Materials Handling. No additional permits are required.

4.14.8 References

California Environmental Protection Agency (CalEPA). 2023. Cortese List Data Resources. Available at: https://calepa.ca.gov/sitecleanup/corteselist/. Accessed April 11, 2023.

California Department of Resources Recycling and Recovery (CalRecycle). 2023a. 2021 Landfill Summary Tonnage Report. Available online: https://www2.calrecycle.ca.gov/LandfillTipFees. Accessed April 11, 2023.

California Department of Resources Recycling and Recovery (CalRecycle). 2023b. Solid Waste Information System (SWIS) Database, Orange County. Available online: https://www2.calrecycle.ca.gov/SolidWaste/Site/Search. Accessed April 11, 2023.

California Department of Toxic Substances Control (DTSC). 2023. California Commercial Offsite Hazardous Waste Permitted Facilities. Available online: http://www.envirostor.dtsc.ca.gov/public/commercial_offsite.asp. Accessed April 11, 2023.

Orange County Waste & Recycling. 2023a. Landfills webpage. https://oclandfills.com/landfills. Accessed April 11, 2023.

Orange County Waste & Recycling. 2023b. Soils Disposal webpage. https://www.oclandfills.com/landfills/soil-disposal. Accessed April 11, 2023.

Orange County Health Care Agency. 2023. Environmental Health Division, CUPA Homepage. https://ochealthinfo.com/about-hca/public-health-services/environmental-health-division/hazardous-materials. Accessed April 11, 2023.

State Water Resources Control Board (SWRCB). 2023. GeoTracker database, Rancho Capistrano Community Church T0605902401 Regulatory Profile. Available at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T0605902401. Accessed April 11, 2023.

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