

ALAMEDA COUNTY HEALTH CARE SERVICES - ENVIRONMENTAL PROTECTION

MEMORANDUM

DATE: February 10, 1995

TO: Rafat Shahid

FROM: Madhulla Logan

SUBJECT: Summary of Island Gun Club-500 Maitland Drive, Alameda

As per your request I have briefly summarized the Island Gun Club project and given below is the current status of the project:

The site is the former Island Gun Club which operated as a gun shooting range from 1926 to 1982. Surface soil, subsurface soil and groundwater samples have been collected from the property and lead, copper and PNA's were identified on the site. Based on the laboratory results, it was decided that some of the areas that have significant concentration, i.e hot spots will be remediated by soil removal. A Risk Assessment was conducted for the following reasons:

1. To establish a cleanup level for the hot spots.
2. To evaluate the long term risk due to the remaining lead in the site, after the hot spots have been removed, assuming that the site is going to be used as a parking lot.
3. Also a short term risk assessment was performed for the workers who will be involved with the remediation.

Since the assessment did not average the 1000 ppm remaining lead into the calculation, this Department requested that changes be made to the risk assessment. A addendum to the risk assessment, dated January 24, 1995 was faxed to this Department. However as per the copy of the DTSC (Department of Toxic Substances Control) spreadsheet enclosed as Attachment A, the soil ingestion contact rate was not included. The spreadsheet indicates a "0" instead of 0.025 which is the DTSC default value used for soil ingestion contact rate. Hence this Department requested that the spreadsheet be updated with accurate values and also that the original DTSC lead spreadsheet printout be included in the submittal. This request was made through a phone conversation with Mystie Kaltreider of ACC Environmental Consultants in the week of January 30, 1995. Ms. Kaltreider acknowledged the error and mentioned that they would be submitting a revised copy of the spreadsheet. We have not received any response as to this date.

**Alameda County Department of Environmental Health
Hazardous Materials Division**

80 Swan Way, Rm. 200, Oakland, CA 94621
Ph: 510-271-4320

BILLING FOR SERVICES

STD#

A. Site Name Island City Gun Club Phone

Site Address 500 Matland Dr. Alameda 94502
(If no address, description of area) Number Street City Zip

Prior Business Name Prior Owner's Name

B. Service Requestor Ender Segein Integrated Resources Mgt Co. (818)706-2395
Contact Person Company Name Phone

Billing Address 28720 Canwood Street Suite #203 Agoura Hills 91301
Number Street City Zip

<u>Category of Service</u>		#Hours	x \$	\$
<input checked="" type="checkbox"/> Site Search		<u>1</u>	<u>90/Hr</u>	<u>\$ 90.00</u>
<input checked="" type="checkbox"/> File Search		<u>16</u>	<u>1/Copy</u>	<u>\$ 16.00</u>
<input type="checkbox"/> Other		_____	x \$ _____	<u>\$ 106.00</u>
				TOTAL CHARGE: \$ <u>106.00</u>

REMARKS:

.....

.....

.....

.....

You will receive an invoice in accordance with Article 11 of Chapter 6, Title 3 of the Ordinance Code of Alameda County

Service Requestor Ender Segein Ender Segein Date 2/2/95
printed name signature

HazMat Specialist Ron Owcaz Ron Owcaz Date 2/2/95
printed name signature

2/2/95

I ACKNOWLEDGE THE SPECIAL SERVICES
FEE OF \$90⁰⁰/HR.

I WILL PAY THE BALANCE AT THE
END OF THIS QUARTER

Integrated Resources Management, Inc.

Engineering • Construction • Environmental Consultants



Ender Sezgin
Executive Vice President
Director
Environmental Services

28720 Canwood Street, Suite 203 • Agoura, CA 91301
Phone (818) 706-2401 Fax (818) 706-8175

ENDER

FACSIMILE COVER SHEET

TO: Medulla Logan COMPANY: Alameda County
FAX #: 510-4757 COVER PAGE + 1 PAGES
FROM: Misty K. Kreider SENT BY: _____
DATE: 6/9/94 TIME SENT: _____
RE: Gun Club Site.

COMMENTS:
In Summary - Donna Dehn will calculate
the risk of long-term inhalation of ~~soil~~ lead in soil
as dust for workers.

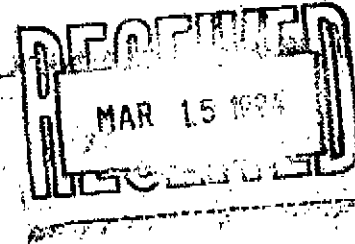
Original to follow by: _____ U.S. Mail
_____ Express Overnight Mail
_____ Courier
_____ No Hard Copy to Follow

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please call (510) 522-8188

HEALTH/SCIENCES Consulting
Public Health and Environmental Sciences

11 March 1994

Ms. Misty Katrieder
ACC Environmental Consultants
1000 Atlantic Ave., Suite 110
Alameda, CA 94501



RE: Revision to Proposed Scope of Work
Gun Club Parcel Risk Assessment

Dear Misty:

As per our telephone conversation of March 10th and our preceding conversations with Medulla Logan, Alameda County Health Department, I will include in the risk assessment for the Gun Club Parcel an evaluation of the risk of long-term inhalation of soils as dust for workers. The evaluation will assume that the planned cap is not maintained and soils are allowed to be entrained into the breathing zone of onsite workers. This assumption is made (cap not maintained) so this scenario can fit in with the rest of the assessment, as it is currently structured. No evaluation will be made for potential dust exposure to offsite workers or residents, or ingestion of soils by onsite workers.

I will use a simple, conservative model to estimate dust concentrations for onsite workers. This model usually provides worst-case concentrations and is fine if the concentrations do not result in unreasonable risks. More refined modeling for dust is outside of this revision and is not included in the estimate of hours below.

Lead will be evaluated with the use of DTSCs lead model. I am not sure if it is possible to risks from lead in air from soil without including a soil ingestion component. The estimate below assumes it is a straight forward replacement in the model. If that is not the case, I will inform you of it as soon as it becomes apparent to me. Copper cannot be included in an inhalation pathway as it does not have an inhalation toxicity value.

I anticipate this pathway will require an additional 16 hours to prepare exposure point concentrations, estimate risks, run the lead model, and prepare the write-up for the report.

Should you have any questions on the above revisions, please contact me at your convenience.

Sincerely,


Donna L. Dehn

Environmental Health Scientist

6114 La Salle Ave., Suite 440 Oakland, California 94611 (510) 530-1833

♻️ Printed on recycled paper

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

June 7, 1994

Misty Kaltreider
ACC Consultants
1000 Atlantic Avenue, 110
Alameda, CA 94502

REF: Former Island Gun Club, 500 Maitland Drive, Alameda, CA

Dear Ms. Kaltreider:

I am in receipt of the work plan for subsurface site investigation and risk assessment for the above referenced property. I also received the amendments to the workplan which incorporates the changes recommended by this office for the site investigation and risk assessment. We have reviewed your work plan and find it acceptable. However, please be aware that once the final risk assessment is submitted there could be additional information or modifications that may be needed by this office.

If you have any questions, call me at (510) 271-4320.

Sincerely,

A handwritten signature in cursive script that reads "Madhulla Logan".

Madhulla Logan
Hazardous Material Specialist

FACSIMILE COVER SHEET

TO: Madhulla Logan COMPANY: _____
FAX #: 569-4757 COVER PAGE + _____ PAGES
FROM: Misty Zaltreider SENT BY: _____
DATE: 5/4/94 TIME SENT: _____
RE: Iste Gun Club.
Status Report.

COMMENTS:

Original to follow by: U.S. Mail
 Express Overnight Mail
 Courier
 No Hard Copy to Follow.

If you do not receive total number of pages as indicated above,
please call (510) 522-8188



A.C.C.
ENVIRONMENTAL
CONSULTANTS

April 29, 1994

Mr. Aidan Barry
Harbor Bay Isle Associates
1141 Harbor Bay Parkway, Suite 241
P.O. Box 1450
Alameda, CA 94502

RE: Update Status Report - Former Gun Club Site

Dear Aidan:

Per your request, this status report was prepared for tasks completed and proposed at the former Gun Club Site prior to remedial action.

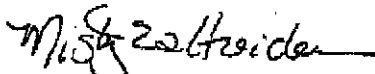
A well search was conducted in April 1994 for irrigation or domestic wells in the area. Several wells were found in the area of Bay Farm Island was were reportedly used for irrigation purposes. A majority of the irrigation wells are located on Beach and Magnolia Streets. A well inventory list will be submitted with the report of findings from the additional soil/groundwater investigation proposed to be preformed in May 1994.

In addition to the well search, a 24 hour tidal study was preformed on April 22 through 23, on the three existing monitoring wells located on the property. The study illustrated that the site has minimal tidal influence. The maximum difference was calculated to be 0.107 foot difference to 0.064 foot difference. The groundwater gradient was calculated to be 0.0056 foot per foot flowing to the northeast throughout the tidal study period. This information will be used for the risk assessment evaluation.

The two additional monitoring wells are scheduled to be installed on May 6, 1994. The newly installed wells will be developed on May 9, 1994. Groundwater sampling of all monitoring wells on-site will take place on May 11, 1994. A report of the findings will be prepared for your review in May 1994.

If you have any questions regarding the project, please contact me.

Sincerely,



Misty Kaitreider
Geologist

cc: Mr. Dick Rudloff/Mr. Bob Warnick - City of Alameda
Ms. Donna Dehn - Health/Sciences Consulting
Mr. Gary Pischke - Herbert and Associates

FACSIMILE COVER SHEET

TO: Madhulla Logan COMPANY: _____
FAX #: 569-4757 COVER PAGE + 2 PAGES
FROM: Misty Kalkreider SENT BY: _____
DATE: 2/28/94 TIME SENT: _____
RE: Gun Club Site

COMMENTS:

- Original to follow by:
- U.S. Mail
 - Express Overnight Mail
 - Courier
 - No Hard Copy to Follow

If you do not receive total number of pages as indicated above,
please call (510) 522-8188

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Harbor Bay Isle Associates
1141 Harbor Bay Parkway, Suite 241
P.O. Box 1450
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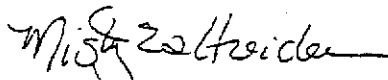
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Misty Kaltreider
Geologist

cc: Mr. Dick Rudloff/Mr. Bob Warnick - City of Alameda
Ms. Donna Dehn - Health/Sciences Consulting
Mr. Gary Pischke - Herbert and Associates

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

December 07, 1993

ATTN: Aidan Barry

Harbor Bay Isle Assoc.
P O Box 1450
Alameda CA 94501

RE: Project # 2043A - M
at 500 Maitland Dr. in Alameda 94501

Dear Property Owner/Designee:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$1,500.00, payable to Alameda County.

Please write your project number and site address on your check.

We must receive this deposit before we perform any further work on this project. At the completion of this project, any unused monies will be refunded to you or your designee.

If you have any questions, please contact Madhulla Logan at (510) 271-4320.

Sincerely,

Handwritten signature of Edgar B. Howell III in cursive.

Edgar B. Howell III, Chief
Hazardous Materials Division

c: files

ML



29 July, 1992

Alameda County Health Care Services Agency
Hazardous Material Department
80 Swan Way, Room 200
Oakland, CA 94621

Attention: Kevin Tinsley

Subject: The Approval of the Work Plan for Soil and Groundwater
Investigation at 500 Maitland Drive, Alameda, CA

Dear Mr. Tinsley:

We spoke on Monday 20 July, 1992 about the work plan submitted Tuesday 7 April, 1992. You indicated that the RESNA work plan was received and approved by your organization. You gave your verbal approval to begin work on this site, in accordance with the RESNA plan. Based on your consideration I will authorize Aidan Barry, the Vice President of Doric Construction, to begin the work as outlined in the RESNA work plan. If there are any problems with this approach, please contact me by 5 August, 1992. The work at 500 Maitland will begin on 5 August, or as soon as it is practical.

If you need to speak with me my phone number is 510-748-0379. For our records will you provide us with a written response that illustrates your organizations approval and understanding of our actions.

Sincerely,

Scott White

Scott White
Administrative Intern

Office of the City Manager, Room 301

City Hall
Santa Clara Avenue at Oak Street · 94501
415.748 4505

92 JUL 31 10 14 AM

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)

Certified Mailer #: P 367 604 374

May 8, 1991

Mr. Tim Hoppen, Executive Vice President,
Doric Development, Inc.
1141 Harbor Bay Parkway
Alameda, Ca 94501

Re: **Island City Gun Club, 500 Maitland Drive, Alameda**

Dear Mr. Hoppen:

We have reviewed the following documents pertaining to the above site:

Phase I Environmental Assessment Report, Island City Gun Club,
500 Maitland Drive, Alameda, California, May 17, 1990,
Kleinfelder

Review of Environmental Site Assessment Conducted at Island
City Gun Club, 500 Maitland Drive, Alameda, California, August
28, 1990, Exceltech

These reports indicate the above 5-acre site has been used as a rifle range for about the past 60 years. When the range first opened in 1926, the site was under water during the non-summer months. Progressive filling begun in the 1960s brought the site to its current elevation. Soil analysis has revealed the presence of copper and lead above TTLC levels and the presence of other metals above background levels. These elevated metals levels are due to the presence of slugs, shot, ammunition casings, and, possibly, clay pigeon scrap on site. Because of the site history, such debris is not limited to surface soils but is present through out the soil strata from the current site surface to below the water table.

We understand the site is not currently in use and that the planned future uses of the property consist of paving the northern site area and converting it into an RV storage lot and a mini-warehouse/U-store-it lot.

Based on these reports and information, and on discussions with the State Department of Health Services (DHS) and the San Francisco Bay Regional Water Quality Control Board (SFRWQCB), we require the following items be done:

Page 2 of 4
Mr. Tim Hoppen
500 Maitland Drive
May 8, 1991

- 1) Submit any environmental documents relating to the site not listed above.
- 2) Characterize the broken clay pigeons on the site. The May 17, 1990 document reported that the surface of the trap range was littered with several inches of clay pigeons. As rifle range target scrap has been known to have hazardous levels of polynuclear aromatics (PNAs), the clay pigeon scrap must be analyzed for PNAs (EPA Method 8250 for semi-volatiles) and for TTLC, STLC and TCLP metals levels.
- 3) Conduct additional soil sampling to characterize the site and determine the extent of contamination. Shot and slugs, metal ammunition casings (described as lying in the gravel east of the concrete covered walkway), and clay pigeon scrap are of concern. Characterization must extend from current site elevation levels to below ground water. EPA SW846 procedures must be used to determine the appropriate number of samples to be collected. Special attention must be paid to the berms and the trap shooting area.

Soil samples must be analyzed for metals (TTLC, STLC and TCLP levels) and for any contaminants detected in the clay pigeons.

- 4) Install and sample a minimum of three ground water monitoring wells on site to determine ground water quality.

Survey all wells to mean sea level through an established bench mark; the survey must be accurate to 0.01 foot.

Determine if ground water is tidally influenced by measuring well water levels over a 24 hour period. If ground water levels are not tidally influenced, ground water level measurements are to be made frequently enough to establish ground water gradient. In either case, ground water level measurements shall be made quarterly at a minimum (at the same time as ground water samples are drawn, see below). A gradient map shall be developed for every water level data set.

Sample all wells quarterly (include water level measurements). Samples must be analyzed for metals, for other contaminants identified per items 2 and 3 above, and for salinity (total dissolved solids).

Install and sample an off-site well or sample an existing off-site well to obtain "background" water quality data. The "background" sample must be analyzed for the same constituents for which on-site wells are analyzed.

Page 3 of 4
Mr. Tim Hoppen
500 Maitland Drive
May 8, 1991

- 5) Submit quarterly reports which present and interpret the information generated per items 1 through 4 above. Include a description of all field work and observations, a description of soil and ground water sampling procedures, figures showing depths and locations of all soil samples, figures showing well locations, tabulations of soil and ground water analyses, water level data, documentation of tidal influence on the site, gradient maps, well and boring logs, signed laboratory sheets, and chain of custody records.

Please note that all well and soil borings must be permitted through the Alameda County Flood Control and Water Conservation District, Zone 7.

All sample analyses must be done by a California State certified laboratory. Correct holding times must be observed for all samples. In several cases, the sample holding times for the May 1990 report had been exceeded.

All reports must be signed by a California certified engineering geologist, California registered geologist, or a California registered civil engineer. Send reports and analytical results to our office and to Lester Feldman c/o San Francisco Bay Regional Water Quality Control Board, 2101 Webster Street, Room 500, Oakland, CA 94612. Lester's phone number is (415) 464-1255

Once the above work has begun and additional site characterization data is obtained, it may be appropriate to conduct an environmental and health risk assessment or to prepare a remediation plan. The assessment or plan will have to address risks related to or remediation of contaminants and contaminant sources discovered in the course of site characterization. We will be in contact with you about these requirements.

The following information is provided to address the general concept of scrap metal exemptions presented in the August 28, 1990 document.

The bullet fragments (shot and slugs) and the casings in the soil at the Island City Gun Club might indeed be classified as scrap metal per Title 22, Chapter 30, Section 66189.5. Hence, per Title 22, Chapter 30, Section 66804(a)(2) they may be exempt from regulation as a hazardous waste under Chapter 30 (Sections 66001 et. seq.).

However, exemption of the bullet fragments from regulation under Title 22 Chapter 30 only means the fragments would not have to be handled, treated or disposed of as a hazardous waste (e.g a permit

Page 4 of 4
Mr. Tim Hoppen
500 Maitland Drive
May 8, 1991

would not be needed for "treating" the fragments themselves). The exemption does not mean the Island City Gun Club property does not have to be cleaned up. The need for clean up of a site is determined by whether or not the site poses a threat to human health or the environment. Thus, defining the bullet fragments as scrap metal does not at all affect the need for clean up of the Island City Gun Club property; defining the bullet fragments as scrap metal only affects how those clean-up wastes must be handled and disposed of.

For bullet fragments to receive this exemption, the bullet fragments must be greater than 100 μm (Bob Hoffman, DHS PASD, May 7, 1991). In addition, per Title 22, Chapter 30, Section 66189.5 (b)(6), fine powders and sludges that are hazardous waste are specifically excluded from the scrap metal definition. Thus, the soil remaining after removal of the bullet fragments would be a hazardous waste if the hazardous waste criteria are met by the soil. Based on the analysis presented in the May 17, 1990 document, at least some of the soil on the site is hazardous even after the bullet fragments were removed.

If you have any questions, please feel free to contact me at 415/271-4320.

Sincerely,



Katherine A. Chesick,
Senior Hazardous Materials Specialist

KAC:kac

cc: Daniel F. Reidy, Attorney, Project Manager
Mr. Robert Warnick, Director, City of Alameda Public Works
Department
Mr. Dick Rudloff, City of Alameda Public Works Department
Captain Helms, Alameda Fire Department
Lester Feldman, San Francisco Bay Regional Water Quality
Control Board
Howard Hatayama, State Department of Health Services
Bob Hoffman, Attorney, State Department of Health Services,
PASD, Sacramento Office
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Rafat A. Shahid, Alameda County Environmental Health Department
Files



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 2. Restricted Delivery (Extra charge)

3. Article Addressed to: Mr. Tim Hoppen, Executive Vicepres. Oort Development, Inc. 1141 Harbor Bay Parkway Alameda, CA 94501	4. Article Number P367604374
5. Signature - Address X	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent X <i>L. Merritt</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery 5/10/91	8. Addressee's Address (ONLY if requested and fee paid)

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PS Form 3800, June 1985
 * U.S.G.P.O. 1989-234-555

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JAN-8 AM 11:08

January 7, 1991

Edgar Howell III, Chief
Alameda County Health Care Services
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Re: Alameda Gun Club Site
500 Maitland Drive, Alameda, CA

Dear Mr. Howell:

On September 15, 1990, Harbor Bay Isle (HBI) submitted to your agency an administration draft of the Phase I Environmental Site Assessment for subject site prepared by Kleinfelder. Also submitted was an updated opinion letter and action plan prepared by Exceltech, Inc. During the same time period representatives of HBI met several times with your staff regarding this submittal.

To date no action appears to have been taken on the review of these documents. Several calls to your staff have produced no action and our latest information, obtained January 2, 1991, indicates no time frame has been set to process this submittal. As the property owner, we are concerned with the time that has elapsed and the lack of a schedule to proceed.

Please review the status of this matter and let us know when you will be reviewing these documents. We will be happy to provide any assistance needed.

Very truly yours,

Robert L. Warnick
Public Works Director

RLW:gm
cc: HBI/Hoppen
Daniel Reidy

Public Works Department, Room 204

City Hall
Santa Clara Avenue at Oak Street · 94501
415.748 4550



August 28, 1990

Doric Construction Company
1141 Harbor Bay Parkway
Alameda, California 94501

Attention: Mr. Bob Meyer
Project Manager

Subject: Review of Environmental Site Assessment Conducted at
Island City Gun Club, 500 Maitland Drive, Alameda, California

Dear Bob:

As we discussed, I have reviewed the report you provided me regarding the environmental site assessment conducted at the Island City Gun Club, 500 Maitland Drive, Alameda, California and have the following comments.

1. Two soil samples showed elevated concentrations of lead and one showed an elevated copper level.

	S-43182	S-43183
Copper (mg/kg)	170	10,000
Lead (mg/kg)	15,000	88,000

2. Both of these samples were collected from the berm of the soil backstop behind the rifle range. It was stated in the report that, "While collecting the samples, a large amount of lead shot and slugs were noted in the berms."
3. Based upon my experience and consultations with the California Department of Health Services, I believe that the bullet fragments in the soil are classified as scrap metal.
4. Scrap metals are specifically excluded from regulation as hazardous waste.

Section 66804 (a) (2) of Title 22 of the California Code of Regulations states:

- (a) *The following materials are not regulated under this chapter:*
 - (2) *Scrap metals as defined in Section 66189.5 of this chapter.*

Section 66189.5 defines scrap metals as:

- (a) *Except as provided in subsection (b) of this section, "scrap metal" means any one or more of the following:*
 - (1) *Manufactured, solid metals objects and products;*
 - (2) *Metal workings, including cuttings, trimmings, stamping, grindings, shavings and sandings.*



EXCELTECH

Doric Construction Company
August 28, 1990
Page 2

Based upon the following evidence, I conclude that the copper and lead in the soil samples analyzed by Kleinfelder contain scrap metals (i.e. bullet fragments) excluded from regulation as hazardous waste.

1. The site history of the Island City Gun Club clearly shows that the property has been used only as a gun club for the past 60 years.
2. The only soil samples that showed elevated levels of copper and lead (samples S-43182 and S-43183) were taken from the backstop of the rifle range.
3. It was clearly noted in the Kleinfelder report that samples S-43182 and S-43183 contained bullet fragments (i.e., scrap metal).

The plan for development of the Island City Gun Club involves leveling and paving the northern part of the property to construct a recreational vehicle parking area and a storage facility. Current plans call for no off-site transport of soils. The area where the rifle range is located will be paved over so that any scrap metal (bullets) in the soil will be isolated. I see no health-based or environmental reasons for concern about bullet fragments left in the soil underneath the paving.

Sincerely,
Exceltech, Inc.



Danny L. Mercer
Program Manager

DM/tr

§ 66189.5
(p. 1784)

ENVIRONMENTAL HEALTH

TITLE 22

(Register 85, No. 38—8-21-85)

66189.5. Scrap Metal.

(a) Except as provided in subsection (b) of this section, "scrap metal" means any one or more of the following:

- (1) Manufactured, solid metal objects and products;
- (2) Metal workings, including cuttings, trimmings, stampings, grindings, shavings, and sandings; or
- (3) Solid metal residues of metal production.

(b) "Scrap metal" excludes all of the following:

- (1) Lead-acid storage batteries, waste elemental mercury, and water-reactive metals such as sodium, potassium and lithium.
- (2) Magnesium borings, trimmings, grindings, shavings, and sandings, and any other forms capable of producing independent combustion.
- (3) Beryllium borings, trimmings, grindings, shavings, sandings and any other forms capable of producing adverse health effects or environmental harm in the opinion of the Department.
- (4) Any metal contaminated with a hazardous waste, such that the contaminated metal exceeds the criteria for designation as a hazardous waste under Article 11 of this chapter.
- (5) Any metal contaminated with an oil that is a hazardous waste and that is free-flowing.
- (6) Sludges, fine powders, semi-solids, and liquid solutions that are hazardous wastes.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Section 25170, Health and Safety Code.

HISTORY:

1. New section filed 7-29-85; effective thirtieth day thereafter (Register 85, No. 38). Printing of Section 66189.5 delayed due to omission of text by printing plant during processing of Register 85, No. 31.

66190. Semitrailer.

"Semitrailer" means a vehicle designed for carrying persons, property or waste, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code. Reference: Sections 25163(d), 25168, 25168.2, 25168.3 and 25169.1, Health and Safety Code.

HISTORY:

1. New section filed 10-6-81 as an emergency; effective upon filing (Register 81, No. 42). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-3-82.
2. Certificate of Compliance transmitted to OAL 2-2-82 and filed 3-8-82 (Register 82, No. 11).

66190.2. Series 'A' Resource Recovery Facility Permit.

"Series 'A' Resource Recovery Facility Permit" means a type of hazardous waste facility permit issued by the Department which grants the authority to operate a resource recovery facility that meets the criteria in Section 66806 of this chapter.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Sections 25170 and 25201, Health and Safety Code.

HISTORY:

1. New section filed 7-29-85; effective thirtieth day thereafter (Register 85, No. 38). Printing of Section 66190.2 delayed due to omission of text by printing plant during processing of Register 85, No. 31.

§ 66804
(p. 1800.86.2)

ENVIRONMENTAL HEALTH

TITLE 22

(Register 85, No. 31—8-3-85)

(5) The operator of a Resource Recovery Facility which uses a recyclable material in its existing state, or which processes such a material for use, in agriculture shall comply with the requirements of Section 66820 of this chapter.

NOTE: Authority cited: Sections 208, 25143, 25150, 25170, 25200 and 25201, Health and Safety Code. Reference: Sections 25153, 25154, 25170, 25200 and 25201, Health and Safety Code.

HISTORY:

1. New section filed 7-29-85; effective thirtieth day thereafter (Register 85, No. 31).

66804. Exclusions.

- (a) The following materials are not regulated under this chapter:
- (1) A product for use in agriculture that was processed from a hazardous waste at a facility licensed by the California Department of Food and Agriculture pursuant to Sections 14551 and 15051 of the Food and Agricultural Code, and that meets the requirements of that Department for such use.
 - (2) Scrap metal as defined in Section 66189.5 of this chapter;
 - (3) Surplus material as defined in Section 66201 of this chapter; and
 - (4) Samples for testing, as described in Section 66824 of this chapter.

NOTE: Authority cited: Sections 208, 25143, 25150 and 25170, Health and Safety Code. Reference: Sections 14551 and 15051, Food and Agricultural Code; and Section 25170, Health and Safety Code.

HISTORY:

1. New section filed 7-29-85; effective thirtieth day thereafter (Register 85, No. 31).

66806. Series 'A' Resource Recovery Facility Permit.

(a) A person who establishes, operates, or maintains a resource recovery facility shall be eligible for a Series 'A' Resource Recovery Facility Permit, provided that the following criteria are met:

- (1) A permit application and an operation plan have been submitted to the Department in accordance with the provisions of Article 4 of this chapter.
- (2) The facility described in the permit application and the operation plan meets the criteria in Section 66812 of this chapter.

(b) Persons who are eligible for a Series 'A' Resource Recovery Facility Permit include persons who do either or both of the following:

- (1) Recycle one or more of the materials listed below:
 - (A) A material which meets a characteristic established by, and/or is listed by, the United States Environmental Protection Agency pursuant to Public Law 94-580, as amended (the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.).
 - (B) A recyclable material which is an extremely hazardous waste.
 - (c) A recyclable material which is subject to the land disposal restrictions specified in Article 15 of this chapter.
- (2) Handle or manage a recyclable material in one or more of the ways listed below:

- (A) The recyclable material is not ordinarily used by being applied to land and is used or reused without essential change to its identity, or after simple mixing, in a manner that constitutes disposal (e.g., direct use for land reclamation, or as a dust suppressant, or fill material).
- (B) The recyclable material is not ordinarily used as a fuel and either is being burned for energy recovery, or is being used to produce a fuel.