

**CITY OF HAYWARD
PLANNING DIVISION
ADMINISTRATIVE USE PERMIT
May 31, 2011**

(Revised from Administrative Approval of March 23, 2001 – additions shown in bold type)

ADMINISTRATIVE USE PERMIT APPLICATION NO. PL-2011-0024 –David Buckner (Applicant)/Robert Coussan (Owner) – Request to allow an exempt transfer facility for hazardous and non-hazardous materials “in transport” to treatment/storage /disposal facilities.

The project location is 30989 San Clemente Street, at Zephyr Avenue, in the Industrial (I) Zoning District, APN 475-0174-011-05

This approval is void three years after the effective date of approval unless substantial improvements have been made as determined by the Planning Director. Improvements shall be installed per the approved plan labeled Exhibit “A.” Violation of the conditions of approval and any related permit requirements may result in revocation at a public hearing before the Planning Commission. Any modification to this permit shall require previous review and approval by the Planning Director.

CONDITIONS OF APPROVAL

1. Building and electrical permits are required for any tenant improvements. Building construction shall meet the 2010 California Building Code (CBC) and all other applicable codes, standards and ordinances adopted by the COH Building Department at the time of application.
2. The applicant shall be responsible for graffiti-free maintenance. Graffiti shall be removed within 48 hours after occurrence.
3. The trash **and recycling bin, if required**, shall be stored within the building.
4. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
5. Violation of any of the conditions of approval of this administrative use permit may constitute grounds for revocation pursuant to Section 10-1.3260 of the Zoning Ordinance.

Fire Department

6. All onsite fire protection features shall be maintained.
7. The swing gate for the secure dock area shall not intrude onto the fire apparatus road when no staff is working at the area. A knox box or key switch of an approved type shall be provided at the gates.

8. A NFPA 13 fire sprinkler system shall be required. Separate submittals and additional permits shall be required for any Code-required alteration of the fire sprinkler system.
9. A building permit shall be required for the installation of storage racks greater than 6 feet in height. A Fire Department permit shall be required for any combustible storage (floor and/or rack) which exceeds 12 feet in height (Class I-IV type commodities), and/or any high hazard storage which includes commodities such as hazardous materials, flammable liquids, plastics, foam and rubber products, or any other classified commodity as dictated by the California Fire Code and NFPA 13 Standards, which exceeds 6 feet in height.
10. A fire alarm system would be required in accordance with NFPA 72 if there is high-pile storage. Separate submittals and additional permits are required for the installation/alteration of the fire alarm system.

Hazardous Materials

11. Hazardous Materials Business Plan (HMBP) – For the storage and/or use of hazardous materials in quantities exceeding 200 ft³ for gases at standard temperature and pressure, 500 lbs for solids or 55 gallons for liquids, a HMBP shall be completed for the facility.
12. Hazardous Materials Permit Application - Due to the types and quantities of hazardous materials to be stored and/or used at the facility, the owner or operator shall submit an *Application for a Consolidated Permit/Registration for the Unified Hazardous Materials/Hazardous Waste Management Regulatory Program*.
13. **Regular Inspection** – **The applicant shall be subject to inspections by the City of Hayward Fire Department at a frequency determined by the Fire Chief as necessary to ensure the compliance of the facility. In addition to regular Hazardous Materials inspections, the Hayward Fire Department shall inspect for compliance, including quantity limitations, facility security, appropriate storage configurations, labeling and signage. Dependent on compliance with the operating requirements and permit conditions of the facility, it is anticipated that one additional inspection per year would be sufficient. The applicant shall be responsible for the cost of all inspections, with the current rate for inspections being \$142 per hour.**
14. Labeling Guidelines – All containers and storage areas for hazardous materials shall be appropriately identified following the Hayward Fire Department's *Labeling Guidelines*, which can be obtained by calling the Hazardous Materials Office at 510-583-4926.
15. **Emergency Contact Information** – **A 24-hour emergency contact number shall be posted at the exterior of the facility.**
16. Secondary Containment – The containers or tanks used for the storage of hazardous liquids and having a volumetric capacity of 55 gallons or more require secondary containment as stipulated in the Hayward City Ordinance and the California Fire Code (CFC). The secondary containment shall be provided as specified in the

Secondary Containment Guidelines, which can be obtained by contacting the Hazardous Materials Office at 510-583-4926.

17. **Secondary Containment in Loading Dock** – Secondary containment shall be provided in the loading dock area to capture spills from the dock and trailers, and to prevent spills from entering into the storm drains.
18. **Chemical Information** - Information shall be available at the exterior of the facility as to the inventory of materials in the trucks.
19. **Placarding** – Due to the amount of hazardous materials being contained within the building, hazard placards shall be provided for the building according to the *Guidelines for the Placarding of Hazardous Materials Facilities*, which can be obtained by calling the Hazardous Materials Office at 510-583-4926.
20. **Security Measures** – The following security measures shall be in place at the facility:
 - a) The applicant shall meet with the Hayward Police Department to ensure the business is meeting the requirements of the Hayward Police Department to ensure the business is meeting the requirements of the Hayward Security Ordinance, as well as any reasonable and customary recommendations of the Hayward Police Department.
 - b) Trailers containing hazardous waste shall be backed up to the building so as to prevent illegal entry into the trailer.
 - c) Trailers containing hazardous waste shall be inside the locked gated area at all times, with the exception of those trucks/trailers which are being moved.
 - d) Video cameras shall be provided at the facility, including exterior areas. Exterior cameras shall be capable of providing adequate resolution to recognize license plates and have motion detectors tied to a security system with contact to the Hayward Police Department.
 - e) Employees shall be on site during business hours in order to provide security and oversight of the facility.
 - f) Security reports/logs shall be prepared and maintained on site, identifying any illegal dumping or security problems that occur at the facility.
21. **Illegal Dumping in Vicinity of Facility** – The applicant shall be responsible for mitigating and cleaning up illegal hazardous materials dumping in the vicinity of, and associated with, the facility. The vicinity shall be defined by mutual agreement between Heritage and the Hayward Fire Department.
22. **Leaking Containers** – The applicant shall make provisions for containing and managing leaking containers:
 - a) Leaking, damaged or compromised containers shall not be brought to the facility.

- b) **Applicant shall have staff and equipment capable to stabilize and clean up leaking containers.**
 - c) **Applicant shall have contractor available for emergencies that are beyond the capabilities of applicant. Proof shall be submitted with a contract with said vendor.**
23. Hazardous Materials Limits – The hazardous materials storage and use in each control area shall not exceed the maximum allowable quantities (MAQs) as given in Tables 2703.1.1(1-4), Chapter 27 of the 2010 California Fire Code (CFC) for non-hazardous occupancy classifications.
24. Use Permit Limitations – **The applicant shall maintain quantities and types of hazardous materials below those amounts which would necessitate a Conditional Use Permit, and shall not include Group A hazardous materials as determined by the Fire Chief or his or her designee, including but not limited to, corrosive, poisonous or unstable gases; radioactive materials, explosives or other similar materials. Materials associated with Condition Number 30 are exempt from these limitations.**
25. Incompatible Materials – The incompatible materials in storage and storage of materials incompatible with materials in use shall be separated according to Chapter 27, Section 2703.9.8 (Separation of incompatible materials) of the 2007 California Fire Code (CFC) when the stored materials are in containers having a capacity of more than 5 lbs. or ½ gallon.
26. Bulking/Consolidation/Repackaging – No bulking, consolidation or repackaging of hazardous materials is permitted at this facility.
27. Delivery or Acceptance of Hazardous Waste – **Hazardous waste shall not be accepted to the exempt transfer facility by anyone other than the trained staff of the applicant unless otherwise agreed to by the Hayward Fire Department.**
28. Hazardous Waste Throughput Report – **A waste throughput report shall be generated annually identifying the amount of hazardous waste brought to the facility. The report shall break down the amounts, types of waste, and the communities from which the waste was generated, including the City of Hayward.**
29. Final Inspection – A final inspection of this facility shall be completed by the Hazardous Materials office once the facility is ready for operations and before commencement of operations. Please contact the Hazardous Material office at 510-583-4910 to schedule the inspection at least 48 hours in advance.
30. Community Service Assistance – **Heritage has agreed to provide free laboratory packing and disposal services for waste classroom laboratory chemicals for one Hayward Unified School District high school per year and free laboratory packing and disposal of household hazardous waste in abandoned single-family homes in Hayward as agreed to in discussions with the Hayward Fire Department. In addition as agreed to with the Hayward Fire Department, Heritage shall be a sponsor for an annual Community Clean-Up Day in Hayward and provide a monetary donation and/or materials.**

Utilities

31. A separate water service line to supply the fire sprinkler system shall be installed. All fire services shall have a Detector Check and Trim/Fire meter installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements.
32. The following information shall be provided on Building Permit Plans:
 - a) Provide the estimated water demand for domestic, in gallons per minute, so that the supply lines and meters can be appropriately sized.
 - b) Show the location of the existing and/or proposed water meters, service lines and Reduced Pressure Backflow Prevention Assemblies on plans.
 - c) Show the location and size of the existing and proposed sanitary sewer laterals on plans.
 - d) Add the note, "Only City Water Distribution Personnel shall perform operation of valves on the Hayward Water System. "
 - e) Add the note, "Water and Sewer Services are available and subject to standard conditions and fees in effect at the time of application and payment."
 - f) Add the note "Sewer Capacity Fee is Due and Payable Prior to Final Inspection."