ZI NO. 1192

ADDRESS: Various

COUNCIL DISTRICT: All

DISTRICT MAPS: All

COMMENTS:

Hazardous Waste Areas / Border Zone Properties. Issue no building permit for those uses or structures listed in Sections 25117.3 and 25117.4 of the California Health and Safety Code. In addition, a copy of the attached information sheet “HAZARDOUS WASTE PROPERTY / BORDER ZONE PROPERTY” shall be given to the applicant. Prior to the issuance of a building permit, the owner, lessor, or lessee shall acknowledge the receipt of the information sheet by signing the space provided. One copy shall be attached to the approved set of plans and another copy shall be given to the applicant.

NOTE: Always check ZIMAS for the latest information on the ZI file.

NOTE: The current description in ZIMAS of “2000 ft. Buffer Zone for Border Zone Property Site” shall be taken to mean a potential border zone property that the Department of Toxic Substances Control has considered designating as a “Border Zone Property” and the instructions under Section III of ZI-1192 shall be applied.

(Signed)
Zoning Engineer

Attachment: Information Sheet for ZI-1192
I. INTRODUCTION

The California Department of Health Services no longer handles issues concerning hazardous waste disposal land use. For sections of the California Health and Safety Code pertaining to hazardous waste disposal land use and the issuance of building permits, the City of Los Angeles Department of Building and Safety will now defer to the California Environmental Protection Agency Department of Toxic Substances Control. The following provides information and instructions for properties described as potential or designated “hazardous waste property” or “border zone property.”

Sections 25117.3 and 25117.4 of the California Health and Safety Code define “hazardous waste property” and “border zone property” as follows:

25117.3. (a) "Hazardous waste property" means land which is either of the following:

(1) Any hazardous waste facility or portion thereof, required to be permitted pursuant to this chapter, which has a permit for disposal from the department or has submitted an application for such a permit.

(2) A portion of any land designated as a hazardous waste property pursuant to Section 25229 where a significant disposal of hazardous waste has occurred on, under, or into the land resulting in a significant existing or potential hazard to present or future public health or safety.

25117.3 (b) "Hazardous waste property" does not mean residential land that has never received waste chemicals from an industrial, commercial, agricultural, research, or business activity.

25117.4. "Border zone property" means any property designated as border zone property pursuant to Section 25229 which is within 2,000 feet of a significant disposal of hazardous waste, and the wastes so located are a significant existing or potential hazard to present or future public health or safety on the land in question.

Land use on a potential “hazardous waste property” or “border zone property” is not restricted until the Department of Toxic Substances Control serves notice upon the owner and the City that it is considering designating the property and setting a date for a public hearing. Upon service of the notice none of the following shall occur on the land without a specific variance from the Department of Toxic Substances Control:

A. Hazardous Waste Property - Section 25232(a) of the California Health and Safety Code

25232 (a) (1) Any new use of the land, other than the use, modification, or expansion of an existing industrial or manufacturing facility or complex on land which is owned by, or held for the beneficial use of, such facility or complex as of January 1, 1981, and which is a hazardous waste property as defined in Section 25117.3.
25232 (a) (2) Subdivision of such land, as that term is used in Division 2 (commencing with Section 66410) of Title 7 of the Government Code, except that this paragraph shall not prevent the division of a parcel of land so as to divide that portion of the parcel which is designated a hazardous waste property from other portions of such parcel not so designated.

B. Border Zone Property - Section 25232(b) of the California Health and Safety Code

25232 (b)(1) Construction or placement of a building or structure on the land which is intended for use as any of the following, or the new use of an existing structure for the purpose of serving as any of the following:

(A) A residence, including any mobilehome or factory built housing constructed or installed for use as permanently occupied human habitation, except that the addition of rooms or living space to an existing single-family dwelling or other minor repairs or improvements to residential property which do not change the use of the property or increase the population density does not constitute construction or placement of a building or structure for the purposes of this paragraph.

(B) A hospital for humans.

(C) A school for persons under 21 years of age.

(D) A day care center for children.

(E) Any permanently occupied human habitation other than those used for industrial purposes.

25232 (b)(2) Subdivision of such land, as that term is used in Division 2 (commencing with Section 66410) of Title 7 of the Government Code, except that this paragraph shall not prevent the division of a parcel of land so as to divide that portion of the parcel which is designated a border zone property from other portions of such parcel not so designated.

(c) This section shall not apply to a portion of a parcel of land which is determined by the director to meet all of the following requirements: (1) The parcel has been previously classified as a class II-1 disposal site as defined in Section 2510 or 2511 of Title 23 of the California Administrative Code. (2) The portion of the parcel is physically isolated from the remainder of the classified parcel by the construction of a freeway, as defined in Section 332 of the Vehicle Code, which divides the classified parcel. (3) The portion of the parcel has not been used as a hazardous waste disposal site. (4) The portion of the parcel does not contain or overlie hazardous waste.
Any person as an owner, lessor, or lessee who knows or has probable cause to believe that a significant disposal of hazardous waste has occurred on the land or within 2000 feet of such land and intends to construct a building to be used as described in Section 25232(b) shall apply to the Department of Toxic Substances Control for a determination.

Section 25149.3(d) of the California Health and Safety Code further requires that:

“No application for a building permit or for the use of property which is the subject of a request pursuant to subdivision (a) shall be acted upon pending a determination by the department (Department of Toxic Substances Control), unless the permit or use is not for a purpose set forth in paragraph (1) of subdivision (b) of Section 25232. The department (Department of Toxic Substances Control) shall act upon the request within 90 days.

II. DEPARTMENT OF CITY PLANNING - GEOGRAPHIC INFORMATION SYSTEMS (GIS) DIVISION

The Geographic Information Systems Division shall designate in the GIS database all potential and designated “hazardous waste properties” and “border zone properties” upon notification from the Department of Toxic Substances Control.

This shall also include the removal of such designation in the GIS database as notified by the Department of Toxic Substances Control.

Unless otherwise notified, the 2000 feet for location of a “border zone property” shall be measured from the property line of the potential or designated “hazardous waste property.”

III. DEPARTMENT OF BUILDING AND SAFETY - STRUCTURAL PLAN CHECK DIVISION

When an application is received for those uses described in Section 25232(b) and the property is a potential or designated “hazardous waste property” or “border zone property” the attached information sheet “HAZARDOUS WASTE PROPERTY/BORDER ZONE PROPERTY” shall be given to the applicant. Prior to issuance of a building permit the owner, lessor or lessee shall acknowledge receipt of the information sheet by signing the space provided. One copy shall be attached to the approved set of plans and another copy shall be given to the applicant.

The building permit shall not be issued for those uses previously described in Section 25232(b) under the following circumstances:

1. When the Department of Toxic Substances Control has notified the City that an application for determination has been received and a hearing date has been set for a specified parcel.

2. When the specified parcel has been designated as a “border zone property” and a variance has not been granted by the Department of Toxic Substances Control.

NOTE: The current description in ZIMAS of “2000 ft. Buffer Zone for Border Zone Property Site” shall be taken to mean a potential border zone property that the Department of Toxic Substances Control has considered designating as a “Border Zone Property” and the instructions under Section III of ZI-1192 shall be applied.
INFORMATION SHEET FOR ZI-1192
HAZARDOUS WASTE PROPERTY / BORDER ZONE PROPERTY

The California State Department of Toxic Substances Control has notified the City of Los Angeles that property located within 2000 feet of a hazardous waste disposal facility or within 2000 feet of a significant disposal of hazardous waste is potentially a “hazardous waste property” or “border zone property” as defined in the California Health and Safety Code Section 25117.3 and 25117.4. The property located at ________________________________________________
_____________________________________________________________________________
legal description ________________________________________________________________
______________________________________________________________________________
is within 2000 feet of ____________________________________________________________
______________________________________________________________________ (address)

which is either a hazardous waste disposal facility or is land which contains a significant disposal of hazardous waste. The property has not been designated as “hazardous waste property / border zone property” and such designation may occur after an application for determination is filed with the Department of Toxic Substances Control. “Hazardous Waste Property” is land which has been formally designated as a “hazardous waste property” after a public hearing. “Border Zone Property” is land which is within 2000 feet of the actual location of a significant disposal of hazardous waste and which has been formally designated as a “border zone property” after a public hearing, but is not a “hazardous waste property” itself.

Land use on the subject property is not restricted unless and until the State Department of Toxic Substances Control serves notice upon the owner and the City of Los Angeles that it is considering designating the property as a hazardous waste property or border zone property and setting the date for a public hearing on the matter. Immediately upon service of the notice, none of the following shall occur without a specific variance approved in writing by the State Department of Toxic Substances Control (Section 25232, California Health and Safety Code):

A. Hazardous Waste Property

1. Any new use of the land, other than the use, modification, or expansion of an existing industrial or manufacturing facility or complex on the land which is owned by, or held for the beneficial use of such facility or complex as of January 1, 1981.

2. Subdivision of such land, as defined in Title 7 of the Government Code (commencing with Section 66410), except that this paragraph shall not prevent the division of a parcel of land so as to divide that portion of the parcel which is designated a hazardous waste property from other portions of such parcel not so designated.

B. Border Zone Property

1. Construction or placement of a building or structure on the land which is intended for use as any of the following, or the new use of an existing structure for the purpose of serving as any of the following:

   a. A residence, including any mobile home or factory built housing constructed or installed for use as permanently occupied human habitation, except that the addition of rooms or living space to an existing single-family dwelling or other
minor repairs or improvements to residential property which do not change the use of the property or increase the population density does not constitute construction or placement of a building or structure for the purposes of this paragraph.

b. A hospital for humans.

c. A school for persons under 21 years of age.

d. A day care center for children.

e. Any permanently occupied human habitation other than those used for industrial purposes.

2. Subdivision of such land, as defined in Title 7 of the Government Code (commencing with Section 77410), except that this paragraph shall not prevent the division of a parcel of land so as to divide that portion of the parcel which is designated a border zone property from other portions of such parcel not so designated.

Any person who intends to construct within one year a building or structure used for any of the purposes described in Paragraph B1 above (Section 25232 of the California Health and Safety Code) shall apply to the State Department of Toxic Substances Control prior to such construction for a determination as to whether the property should be designated as a “hazardous waste property” or “border zone property.”

Any person who knowingly violates these provisions shall be subject to a civil penalty not to exceed 25 percent of the fair market value fo the land and improvements, 25 percent of the sale price of the land and improvements, or $50,000, whichever is the greatest.

For further information, contact:

Sandy Karinen (916) 255-3745
SKarinen@dtsc.ca.gov
California Environmental Protection Agency (EPA)
Department of Toxic Substances Control
Sacramento Field Office
8800 Cal Center Drive
Sacramento, 95826-3200

Headquarters Office
California Environmental Protection Agency (EPA)
Department of Toxic Substances Control
1001 I Street
Mail: P.O. Box 806
Sacramento, CA 95812-0806
(916) 324-1826
ACKNOWLEDGEMENT

I, __________________________________________________________ (print name of owner, lessor, or lessee) hereby acknowledge that I have received the information regarding the potential “hazardous waste property / border zone property.”

________________________________________________________ (signed by owner, lessor, or lessee)

________________________________________________________ (date)