



PLANNING COMMISSION

Agenda Item No.: G.2

Date: March 9, 2010

CASE NUMBER: PHG 09-0014

APPLICANT: Ingenium Group

LOCATION: 2255 Barham Drive (APNs 228-470-01, 02 and -03)

TYPE OF PROJECT: Conditional Use Permit

PROJECT DESCRIPTION: A Conditional Use Permit to operate a Hazardous and Medical Waste Transfer/Distribution Facility within an existing industrial building.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: General Industrial, Vineyard Neighborhood, Tier 1

ZONING: M-2 (General Industrial)

BACKGROUND/SUMMARY OF ISSUES:

The Ingenium Group is an environmental service provider specializing in the management and transportation of laboratory and industrial non-hazardous, hazardous and bio-hazardous waste. The majority of Ingenium's services are performed at the customer's location. Ingenium's services include providing clients with Department of Transportation (DOT) United Nations (UN) approved shipping containers and packaging materials; health and safety supplies; environmental health and safety consulting services; compliance training; on-site waste management and technical services; environmental project management; emergency spill response; and waste transportation. Ingenium's customers generally consist of pharmaceutical, biotechnology, hospitals, universities, schools, manufacturers and other local agencies.

Ingenium has been in operation at the Barham site for almost four years, and shares the existing building and parking areas with Wier Construction. Although Ingenium has obtained the appropriate City business licenses to operate as a transportation facility at the site, a Conditional Use Permit (CUP) is required in all of the industrial zones to operate a transportation facility that involves hazardous chemicals or waste. Therefore, Ingenium has submitted an application for a CUP to continue to operate from the site and also to allow for medical waste to be stored on the site for short periods of time in accordance with State requirements. This Conditional Use Permit request is not in response to a code compliance action.

Ingenium has a staff of DOT, RCRA, CA Title 22, OSHA, CHP trained and managed technicians/drivers that operate small bobtail box vans that provide on-site services and pick up sealed containerized waste materials packaged for transportation at the customer's location. These bobtail vans return to the Ingenium's yard and transfer the sealed waste materials to 53' long-haul box van trailers for shipment to licensed Treatment, Storage and Disposal Facilities (TSDFs). These containers are packaged according to Department of Transportation regulations and comply with United Nations Packaging guidelines. Prior to picking up containers at customer locations, all containers are inspected for integrity, leakage, cleanliness, correct identification and labeling, and are manifested in accordance with all local, state and federal laws governing the transportation of waste materials prior to being loaded. Any waste material containers determined not to meet any of these requirements are rejected from pickup until corrective action has been taken. In accordance with the requirements set forth for transporters of waste materials by the California Department of Public Health (CDPH) and Department of Toxic Substances Control (DTSC), Ingenium is not authorized or permitted to open, use, generate, process, produce, repackage, treat, store, emit, discharge or directly handle any of the containerized waste materials they pick up and transport from their customers to the TSDFs. Ingenium also maintains a small administrative and sales office to manage and market its services and operations.

Staff feels the issues are as follows:

1. Whether the site is appropriate for a hazardous and medical waste transfer/distribution facility.

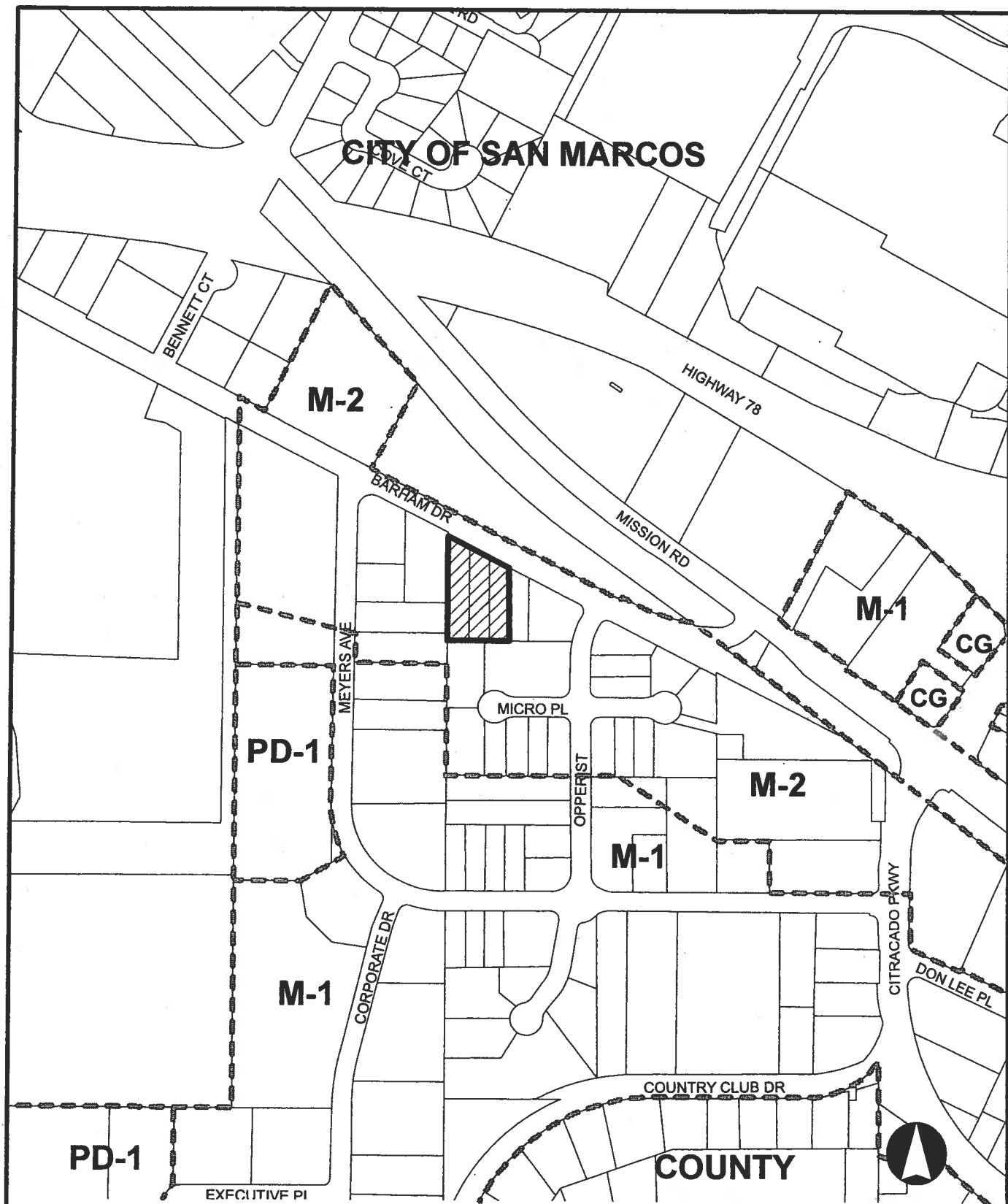
REASONS FOR STAFF RECOMMENDATION:

1. The facility is located within a general industrial zone and is surrounded by a variety of industrial uses. The existing industrial building type would be suitable for this type of warehousing/distribution use and appropriate safety and operational protocols would be in place to ensure public health and safety. The request does not have the potential for causing a significant effect on the environment since all materials are sealed in DOT approved containers and the materials are not directly handled, processed or treated at the facility. The probability of upset or spill of materials and release of noxious odors or vapors is minimal since all materials are sealed in their prepackaged containers throughout the entire process, and no waste material is directly handled by Ingenium. The on-site storage time, handling and monitoring/tracking of the materials is strictly regulated by the California Department of Health Services and Department of Toxic Substance Control. Ingenium currently has been in operation at the subject site for approximately four years without incident.

Respectfully submitted,



Jay Paul
Associate Planner



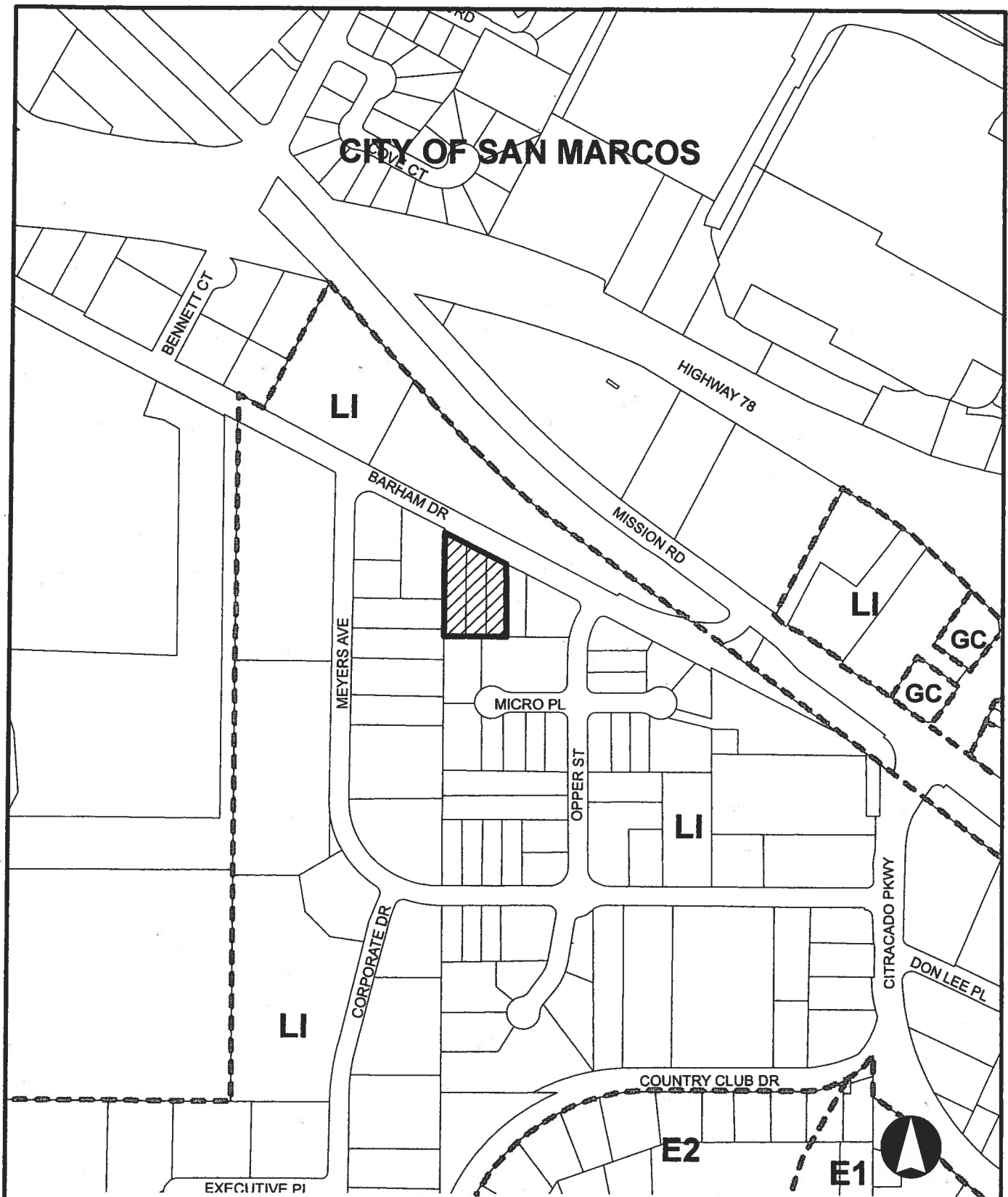
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**PROPOSED PROJECT
PHG 09-0014**



LOCATION/ZONING

CITY OF SAN MARCOS

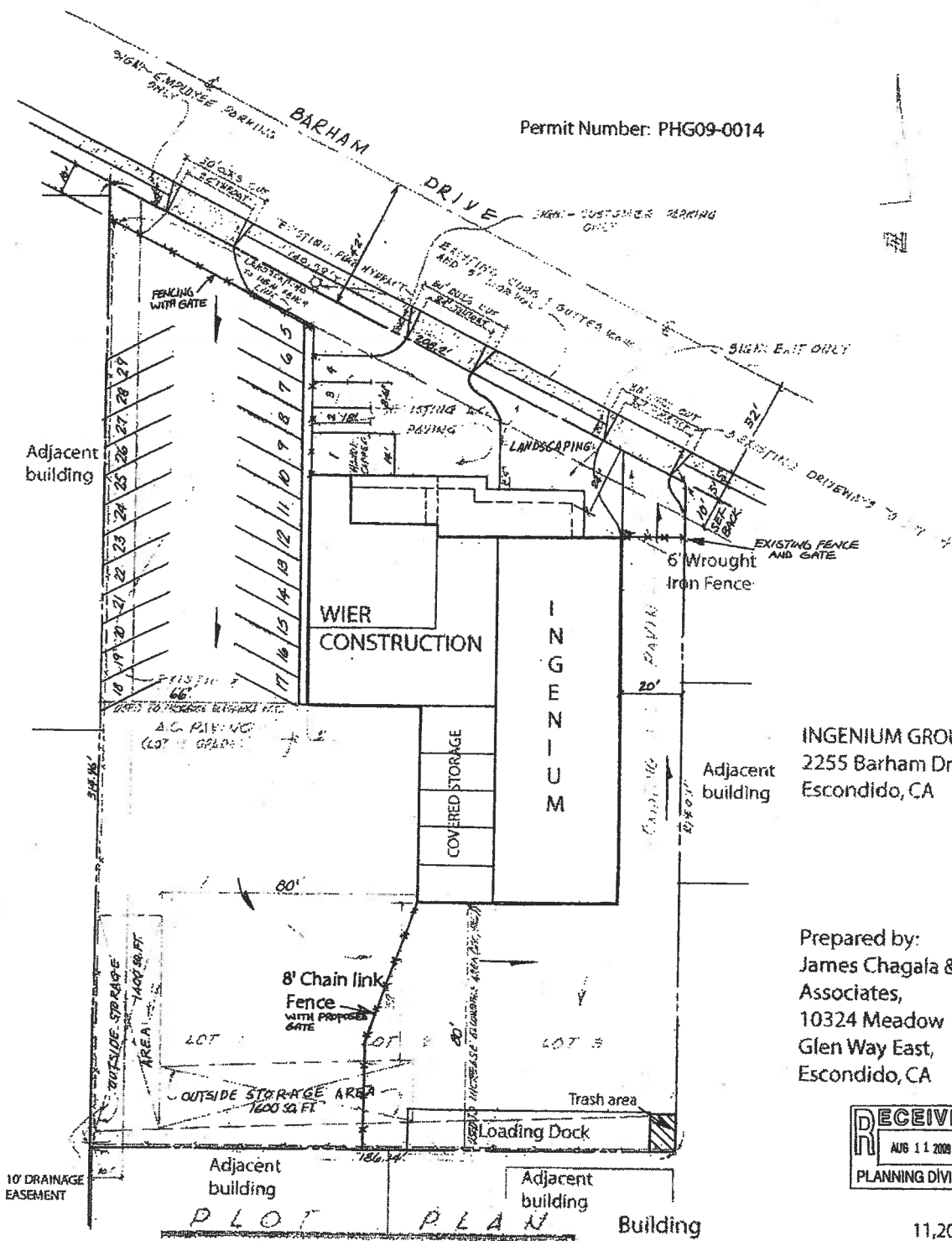


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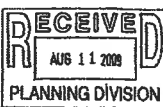


Permit Number: PHG09-0014



INGENIUM GROUP,
2255 Barham Drive
Escondido, CA

Prepared by:
James Chagala &
Associates,
10324 Meadow
Glen Way East,
Escondido, CA



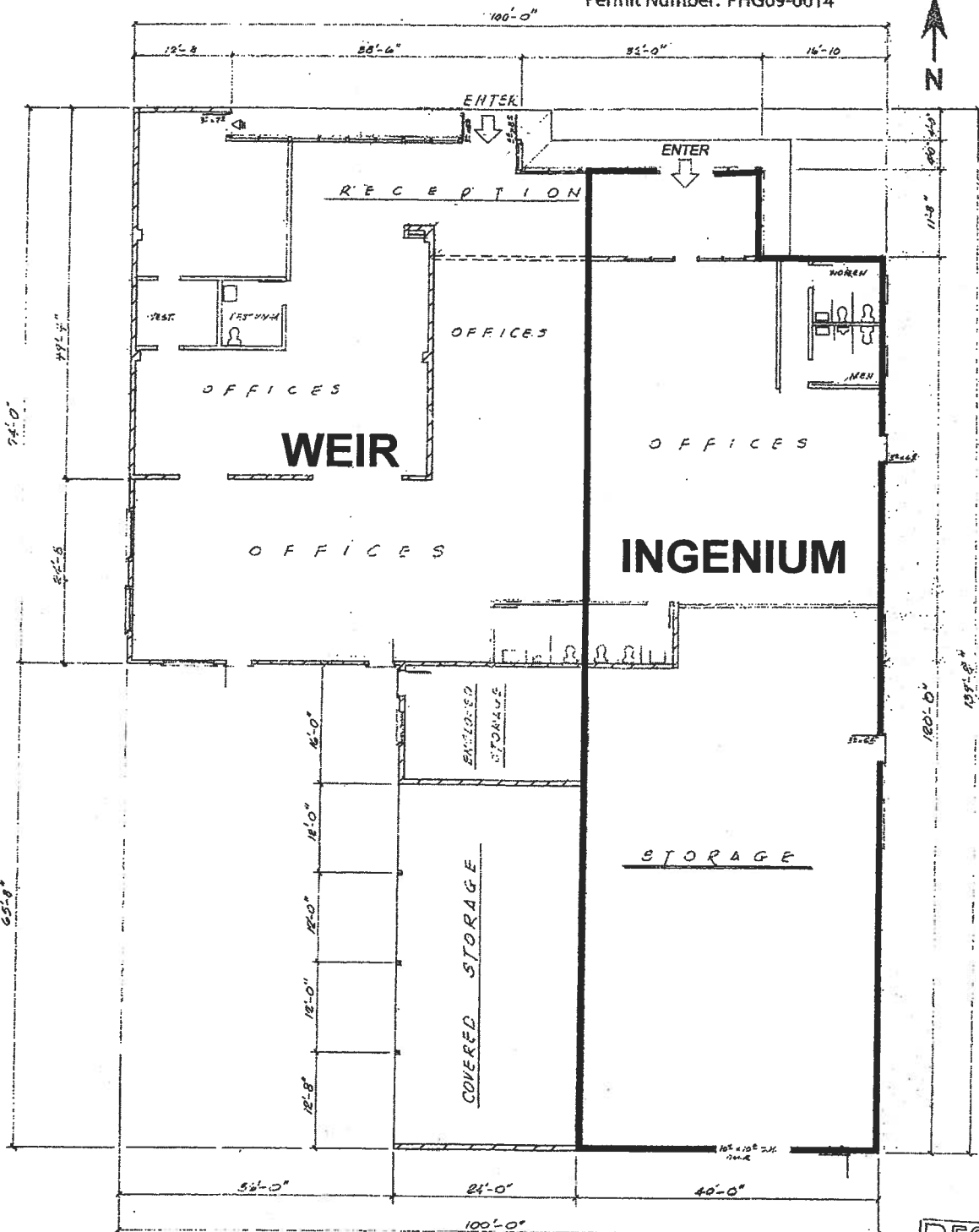
Building	11,205 s.f.
% of Prop. covered by Bldg.	22.6%
Typical Parking Space	9 ft
	20 ft

LEGAL DESCRIPTION: LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

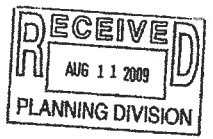
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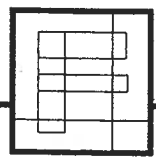
Permit Number: PHG09-0014



FLOOR PLAN



**PROPOSED PROJECT
PHG 09-0014**



FLOOR PLAN

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH: City of San Marcos. An industrial feed operation is located to the north across Barham Drive.

SOUTH: M-2 zoning (General Industrial) A variety of industrial uses are located east of the project site.

EAST: M-2 zoning (General Industrial) A variety of industrial uses are located east of the project site.

WEST: M-2 zoning (General Industrial) A variety of industrial uses are located north of the subject site.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service -- The Police Department expressed no concern regarding the proposed project and their ability to serve the site.
2. Effect on Fire Service -- The Fire Department indicated that adequate services can be provided to the site and the proposed project would not impact levels of service. The project is required to install appropriate gates and fire department locks to provide for appropriate access for emergency vehicles.
3. Traffic -- The Engineering Department indicated the project would not have any impacts to existing traffic or circulation within the area. The operation currently operates up to five vehicles with anticipated average daily truck trips between 10 and 15 (one trip in and one trip out). Employee car trips in and out of the facility would vary depending on the number of employees at the site on any one day. Ingenium currently has 12 employees (5 drivers/techs and 7 admin/sales staff).
4. Utilities -- Water and sewer is available from existing mains in the adjoining streets or easements. The Engineering Department indicated the project would not result in a significant impact to public services or utilities.
5. Drainage -- The Engineering Department determined the project would not materially degrade the levels of service of the existing drainage facilities. The property is not located within a 100-year floodplain as indicated on FEMA maps.

C. ENVIRONMENTAL STATUS

1. The project is exempt from environmental review in conformance with Section 15301 "Existing Facilities" of the California Environmental Quality Act (CEQA). In staff's opinion, the request does not have the potential for causing a significant effect on the environment since all materials are sealed in DOT approved containers; materials are not directly handled at the facility and all primary shipping containers remain sealed; the project site is located within an industrial zone; the building type is appropriate for this type of use; the probability of upset or spill of materials is minimal since shipping containers remain sealed and no waste material is directly handled by Ingenium; and appropriate operational and safety protocols will be in place. The subject area does not contain any sensitive vegetation, nor would the project encroach into native vegetation areas. The nearest residential use is located approximately 700 feet to the west within the County. There are no residential uses or sensitive receptors located adjacent to the subject site. The property is not located within a 100-year floodplain as indicated on FEMA maps, and therefore is not subject to flooding or mudslides. The use would not result in any air-quality or odor impacts since all materials remain in their sealed containers. In staff's opinion, no significant issues remain unresolved through compliance with code requirements, required county, state and federal standards and permits, and the recommended conditions of approval.

D. GENERAL PLAN ANALYSIS:

General Plan -- The General Plan land-use designation for the site is General Industrial, which allows for a wide range of industrial uses. The Community Protection and Safety Section of the General Plan (Pages IV-13 and 14) establishes policies regarding hazardous materials to protect the public from existing and future hazardous contamination problems. Ingenium would be in conformance with the City's Hazardous Waste Policies since they are a component of the countywide effort to properly handle, store and transport hazardous and medical waste from the city and county to approved disposal facilities. Ingenium also provides compliance and regulatory training in the proper handling,

management, packaging, transportation and disposal of hazardous and medical wastes, along with being an emergency responder for any hazardous waste incidents and clean-up activities.

E. PROJECT ANALYSIS

Appropriateness of the Location of the Facility – The 0.77-acre project site is developed with an approximately 11,000 SF building, paved parking areas, outdoor storage areas and landscaping. The site is secured with chain-link fencing around the perimeter with locked gates to control access. All of Ingenium’s inventory (new containers and supplies) would be stored within the existing building, and the off-loading and loading of materials would take place within the southern/paved and secured area of the site adjacent to the building. Ingenium does not propose to unload waste materials into the building or onto the ground. All materials would be directly transferred from one vehicle to the larger container trucks. Secondary containment is setup around the loading operations to properly contain any potential spills. No outdoor storage of materials is proposed, except for the parking of fleet vehicles. No physical modifications are proposed for the building or site except for the installation of an appropriate cover for the existing trash enclosure to conform to storm water requirements.

The primary operations of the facility typically take place during normal operating hours (6:30 a.m. – 6:00 p.m.) when the drivers arrive for the day to pick up their trucks and depart on their routes. The loading/transfer operations from the smaller bobtail trucks to the larger tractor-trailer truck(s) generally occur in the mid afternoon. All operations/loading generally are completed prior to 6:00 p.m., when the employees leave for the day. A driver generally arrives in the morning to pick up the larger tractor-trailer truck (which has been staged to travel out in a forward manner to avoid any early morning back-up beeper issues) and deliver the materials to a licensed TSDF. The nearest residential property is located approximately 700 feet to the west of the subject site. The site and vehicle storage/parking areas also are fenced to provide appropriate security. All materials also are sealed and located within the trucks/trailers.

Operations and Health Risk – Ingenium’s operations are not considered a Transfer, Storage, Disposal or Treatment Facility (TSDF) which would require a higher level of local and state permitting, development standards, and oversight. The proposed facility would be located within the M-2 zone (General Industrial) which allows for more intensive types of industrial uses. Typical wastes that Ingenium transports include:

Cold Sterilizers (flammable disinfectants)	Lab Trash & Debris
Photo Fixer and Developer Solutions	Computer Monitors and Electronic Waste
Fluorescent Light Tubes	Batteries
Flammable Solvents (alcohol, isopropanol, methanol, petroleum distillates, etc...)	Oxidizing Compounds
Corrosives (chlorine, bleach, ammonia, hydrochloric acid, various alkaline products, etc...)	Toxics (pesticides, glues, inks, mercury, glycols, glycol ethers, petroleum hydrocarbons)
Non Hazardous products for destruction and/or disposal	Medical Wastes (biohazardous waste, sharps waste, chemotherapeutics, pharmaceuticals and other health care by-products.)

TSDFs are governed by Title 22 “Social Security” of the California Code of Regulations, Division 4.5 (*Environmental Health Standards for the Management of Hazardous Waste*), Chapter 14 (*Standards for owners and operators of Hazardous Waste Transfer, Treatment Storage and Disposal Facilities*). However, a transfer facility, as defined by Section 25123.3(a)(3) of the Health and Safety Code, is not subject to the requirements of Chapters 14, 15, 18 and 20 regarding permit for waste storage when, during the normal course of transportation, hazardous wastes are held for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority and:

- (a) Manifested shipments of packaged or containerized hazardous waste meeting the packaging requirements of section 66262.30 are only transferred from one vehicle to another; and
- (b) The packages or containers used in this transfer shall be the same packages or containers used for transporting the hazardous wastes and no additional handling shall take place.

State regulations allow for medical waste generally to be in transit at a transfer facility up to seven days. However, the waste must be treated within this seven day period. The only exception to this regulation is when the waste is in transit under refrigeration at the transportation facility. Medical waste can be in transit at a transfer facility up to 30 days, as long as it is maintained under refrigeration. Ingenium indicated that compliance with these timeframes always would be maintained since their standard hold times typically are less than seven days, and in the rare event they need to exceed seven days, they have a refrigerated box van trailer to meet the requirements. However, Ingenium would not hold

medical waste longer than ten days on site since hold times for hazardous waste within an industrial zone is a maximum of ten days. Businesses that store hazardous waste beyond their permitted timeframes must obtain a special permit from DTSC to operate as a Treatment, Storage and/or Disposal Facility (TSDF) and also would come under the Escondido Zoning Code provisions for locating and operation a TSDF. The requirements for such a permit are extremely rigorous and normally are obtained only by large industries with a specialized need for such a permit. Ingenium currently ships medical waste to a facility in Sun Valley (LA Metro) for processing microwave treatment, incineration and disposal. Hazardous waste generally is shipped to various TSDFs in the LA Metro area. Ingenium has indicated that in order to make the transportation of medical and hazardous waste cost effective, enough of the waste must be stored several days until there is a sufficient amount to ship to the authorized/permitted disposal facilities.

To protect the public and the environment from potential infectious exposure to disease causing agents, the California Medical Waste Management Program (Program) regulates the generation, handling, storage, treatment and disposal of medical waste by providing oversight for the implementation of the State Medical Waste Management Act. The Program permits and inspects all medical waste off-site treatment facilities and medical waste transfer stations. Ingenium indicated they are inspected regularly by the California Department of Public Health, who enforces the Program, and never has received any violations of Program Compliance. Ingenium currently is registered by the Department of Toxic Substance Control (DTSC) as a Hazardous Waste Transporter and by the California Department of Public Health (CDPH) as a medical waste transporter, in conformance with the California Health and Safety Code. The facility would be licensed by CDPH which allows the facility to warehouse medical waste. The California Health and Safety Code also requires medical waste transporters to submit to CDPH a quarterly list of all medical waste generators they service. CDPH does not consider this type of operation a "high risk" use since all materials are packaged in approved containers; there are specific limitations regarding the handling of materials/containers; and the methods of operation and safety protocols required for the operators ensures the health and safety of the public and protection for workers. Ingenium will need to transfer their current permits and notifications with the DTSC for hazardous waste and the CDPH for medical waste to this new facility. The facility maintains an Emergency Action Plan (EAP) and Hazardous Materials Emergency Response protocols to ensure appropriate safety in the event of an accident or spill, as well as the appropriate incident reporting and records program.

Monitoring – The California Highway Patrol (CHP) is responsible for the oversight of the transportation of hazardous and medical wastes on the area highways, and conducts a yearly inspection to ensure operation/vehicle compliance. The Department of Toxic Substance Control also conduct a yearly inspection of the facility, but may conduct other inspections as they deem necessary. The facility is not required to obtain any permits from the County due to the low representative hazards from such a facility. The facility is required to submit records of all materials transported within 30 days to DTSC to ensure the shipping manifest from the generator to the final destination (TSDF) correspond. Failure to report or for manifests not to match would trigger an investigation and perhaps an audit by DTSC. The CDPH requires a quarterly report to be filed to ensure compliance, and conducts inspections as needed for medical waste.

Other Similar Facilities – Escondido currently has two similar permitted commercial transportation facility of this type, which are Waste Management (formally Spectrum Environmental) located at 1996 Don Lee Place, and ACT located at 2213 Meyers Ave. Escondido currently does not have any hazardous waste treatment/disposal (TSDFs) or medical waste treatment facilities. Escondido Disposal, which is located at 1044 E. Washington Avenue, does operate a limited household hazardous waste facility as part of their overall solid waste and recycling operation, but does not pick up, transfer or store hazardous or medical waste from commercial sources. The applicant indicated that Escondido currently generates approximately 250,000 lbs of medical waste per month due to Palomar Hospital and the various other medical offices/uses that support the hospital and surrounding community. Ingenium currently handles approximately 50,000 lbs. of medical waste per month, and approximately 150-200 containers of hazardous waste per week. Containers vary in size from 1 gallon to 55 gallon drums. Some materials also are shipped in DOT approved boxes and totes. Approximately 8 million lbs. of hazardous waste is generated in the county each year. Ingenium indicated that Stericycle (previously BFI), which is located in the City of San Diego, currently handles the majority of the areas hazardous/medical waste streams. There currently are four permitted medical waste transfer stations located in San Diego, which include the following (*State of California – Health & Human Services Agency, Medical Waste Management Program Transfer Station List, January 10, 2010*):

- Advanced Chemical Transport, Inc. (San Diego/Escondido)
- Enserv West, LLC (Vista)
- Stericycle (San Diego)
- WM Healthcare Solutions, formally Spectrum Environmental (Escondido)

There also are currently six permitted Medical Waste Transporters (not allowed to transfer the waste at their facilities) in San Diego, which include the following:

- Advanced Chemical Transport (Escondido)
- Enserv West LLC (Vista)
- Ingenium Group, LLC (Escondido)
- WM Healthcare Solutions, formally Spectrum Environmental Solutions (Escondido)
- Stericycle (San Diego)
- Pacific Trans Environmental (El Cajon)

There are a total of 34 registered Hazardous Waste Transporters throughout San Diego County and three registers transporters in the City of Escondido, which include the following:

- Construction Transporters Inc. (1359 Monteil Road)
- Downstream Services, Inc. (2855 Progress Place).
- Ingenium Group, LLC (2255 Barham Drive)

Based on the 1989-2000 County of San Diego Hazardous Waste Management Plan, currently there are five TSDFs in San Diego County that process, treat or dispose of hazardous waste, and all of these facilities are located in south county. Two of these sites are owned and operated by SDG&E and three are owned and operated by the US Navy. Since the proposed ACT facility would not treat waste materials and does not directly handle the material, it is not considered a TSDF in respect to the other eight facilities (which handle and treat hazardous wastes). Staff feels that locating Ingenium operations in Escondido would not result in an over concentration of hazardous waste transporters due the low number of similar operations in the city; large amount of hazardous and medical waste currently generated within the city; and anticipated future development of the new Palomar Hospital, which would generate additional waste that will need to be transferred to appropriate treatment facilities.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The 0.77-acre project site is developed with an approximately 11,420 SF industrial office/warehouse building and paved parking. The perimeter of the site is secured by chain-link fencing with slats along various sections to screen on-site uses. Ornamental landscaping is located along the frontage of the property. Access to the site is provided from Barham Drive. The site does not contain any sensitive habitat or species.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 0.77 acres
2. Building Size:
 - Total Building Area: 11,420 SF (includes Wier Construction and Ingenium Group)
 - Wier Construction: 4,440 SF office, 384 enclosed storage, 1560 covered storage plus plus 3,000 SF designated outdoor storage areas
 - Ingenium Group: 2,156 SF office area, 2,920 SF warehouse/storage area
3. Existing Parking: 29 space currently provided for all building square footage and outdoor storage areas per previously approved Plot Plan (89-12-PPL)
4. Required Parking: 8 dedicated spaces required for use by Ingenium Group. Ingenium is assigned 7 of the existing striped parking spaces within the western parking area. The area currently leased buy Ingenium is large enough to provide an additional required standard parking space and sufficient areas for fleet parking.

Parking Calculations for total Building Lease Area (Ingenium) = 5,076 SF

<u>Use</u>	<u>SF</u>	<u>Ratio</u>	<u>Required Spaces</u>
Office:	2,156 SF	1:800 first 30% SF (1,535 SF)	1.91 spaces
		1:300 addition SF (621 SF)	2.07 spaces
Storage:	2,920 SF	1:800	<u>3.65 spaces</u>
			8 spaces

5. Number of Employees: 12 (5 drivers/technicians and 7 admin/sales)
6. Number of Vehicles:
 - 1 Tractor (Conventional Cab) which can tow anyone of the following trailers:
 - 1 - 48' Box Van Refer Trailer
 - 3 - 53' Box Van Trailers
 - 3 26' Bobtail Box Vans
 - 1 14' Bobtail Van
7. Hours of Operation: Normal business hours: Monday – Friday, 8:00 a.m. to 5:00 p.m.
 - Operating Hours (typ):
 - 6:30 a.m. – 7:30 p.m. Everyday, drivers pick up bobtails and depart for the days work.
 - 2:00 p.m. – 3:00 p.m. Everyday, drivers return to the yard to transfer containers to 53' vans and prepared for the next days work. Occasionally drivers will be returning to the yard earlier than 2:00 p.m., but this is not the norm.
 - 5:00 p.m. – 6:00 p.m. All drivers generally have completed their day and go home.
 - Admin/Sales Hours:
 - 8:00 a.m. – 5:00 p.m. Everyday, 3-7 admin/sales staff in the office at all times

However, deliveries and transfer operations can operate up to seven days a week, 24 hours a day (this is due to the varying pick-up, delivery and transfer times, and limits on storage of materials, or response to an incident).

EXHIBIT "A"

FINDINGS OF FACT PHG 09-0014

Conditional Use Permit

1. The General Plan land-use designation for the site is Light Industrial, which allows for a wide range of industrial uses. The Community Protection and Safety Section of the General Plan (Pages IV-13 and 14) establishes policies regarding hazardous materials to protect the public from existing and future hazardous contamination problems. Ingenium Group would be in conformance with the City's Hazardous Waste Policies since they are part of the countywide effort to properly handle, store and transport hazardous and medical waste from the city and county to licensed disposal facilities. Ingenium also provides business education in the handling, storage and packaging of hazardous and medical wastes, along with being a qualified responder for any hazardous waste incidents and clean-up activities.
2. The proposed facility would not result in a substantial alteration of the present or planned land use since the site is zoned for industrial uses and the site has been developed as an industrial uses. Ingenium would use the existing facility for the storage and distribution of materials. The proposal would not cause deterioration of bordering land uses since the building has been used for a number of uses throughout its life, which includes the Vehicle sales, assembly and repair, outdoor storage, and various other industrial uses. More recent improvements to the site include terracing and pavement of the upper/southern area of the site for additional vehicle parking and equipment staging. All of Ingenium's operations and product storage would be conducted within the building, and the off-loading and loading of materials would take place within the northern area of the property where the building and paved parking is located. No outdoor storage of packaging materials is proposed, or open storage of transfer materials. All on-site storage of materials either would be within the building or on the trucks. No physical modifications are proposed for the building. Therefore, the project would have any visual impact to surrounding uses or views. The project would not result in or generate any adverse noise, dust, odor or traffic impacts.
3. The proposed transfer/distribution facility would not be hazardous to the health of nearby business/uses or residents since all materials would be stored in approved containers and no direct handling of hazardous materials would take place. The facility would operate under the permitting authority of the California Department of Health Services and Department of Toxic Substance Control. The facility maintains an Emergency Action Plan (EAP) and Hazardous Materials Emergency Response protocols to ensure appropriate safety in the event of an accident or spill, as well as the appropriate incident reporting and records program.

The project is exempt from environmental review in conformance with Section 15301 "Existing Facilities" of the California Environmental Quality Act (CEQA). In staff's opinion, the request does not have the potential for causing a significant effect on the environment since all materials are sealed in DOT approved containers; materials are not directly handled at the facility and all primary shipping containers remain sealed; the project site is located within the general industrial zone and Hazardous Chemical Overlay zone; the building type is appropriate for this type of use; the probability of upset or spill of materials is minimal since shipping containers remain sealed and no waste material is directly handled by Ingenium; and appropriate operational and safety protocols will be in place. The subject area does not contain any sensitive vegetation, nor would the project encroach into native vegetation areas. The nearest sensitive receptor (residential property) is located south and upslope from the subject site across a Circulation Element Street. The property is not located within a 100-year floodplain as indicated on FEMA maps, and therefore is not subject to flooding or mudslides. The use would not result in any air-quality or odor impacts since all materials remain in their sealed containers.

4. The proposed Conditional Use Permit has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and reasons stated above.

EXHIBIT "B"

CONDITIONS OF APPROVAL

PHG 09-0014

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief.
2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
3. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
4. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
5. Prior to obtaining building permits, the applicant shall demonstrate compliance with the requirements of the Citywide Facilities Plan, to the satisfaction of the Planning Division and Engineering Department.
6. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
7. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47) and the exhibits included in the staff report(s), to the satisfaction of the Planning Division. Separate sign permits will be required for project signage.
8. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
9. The facility shall operate in conformance with the appropriate permits issued by the California Department of Toxic Substance Control and California Department of Public Health.
10. No containers or hazardous materials may be stored outside the building, unless stored within completely sealed and secured transportation vehicles, in conformance with county, state and federal requirements.
11. Any changes to operational characteristics of the facility (such as long-term storage, direct handling of waste material, or treatment/disposal of materials, storage of materials within the existing or any new buildings) must first be approved by the City through the appropriate review process.
12. The exterior trash enclosure shall be constructed to current standards to prevent storm water from entering the enclosure area (which includes a solid roof) to the satisfaction of the Engineering Department. Appropriate building plans shall be submitted for upgrades to the trash enclosure area(s).
13. The storage of hazardous materials or medical waste shall not been done in the existing building, unless approved by the City and the appropriate agencies.
14. There shall be no discharge of any hazardous or medical waste materials to the sanitary sewer system, unless approved by the Engineering Division and Utilities Department.
15. The operation of the facility shall be consistent with the Details of Request contained within the Planning Commission staff report.
16. The Conditional Use Permit shall be null and void if not utilized within twelve months of the effective date of approval.

17. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Conditional Use Permit upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
18. An inspection by the Planning Division will be required prior to operation of the project. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
19. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.
20. A minimum of 8 parking spaces shall be maintained for the proposed use. Any additional required parking spaces shall be striped on the Ingenium site and a parking plan submitted to indicate conformance with this condition.

Fire Department:

1. Ingenium shall submit a Technical Report to the Fire Department, which includes items such as a list of materials handled, transferred and stored; safety protocols; containment methods; response to on-site emergencies/spills; types of on-site transfer methods; and manifest logs.
2. Appropriate Knox equipped access gates (with approved Fire Department locks) shall be installed, as required by the Fire Department. The need for any necessary automatic gates with opticom devices will need to be coordinated with the Fire Department.
3. The 20-foot-wide driveway along the eastern side of the property shall be clearly signed and painted with to indicate "NO PARKING."

Building Division:

1. The facility shall be restricted to the storage and transfer of packaged waste only.
2. All quantities handled at the facility shall be within exempt amounts allowed by the building code.



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
Attn: Linda Kesian
P.O. Box 121750
San Diego, CA 92112-1750

From: City of Escondido
201 North Broadway
Escondido, CA 92025

Project Title/Case No.: PHG 09-0014

Project Location - Specific: 2255 Barham Drive (APNs 228-470-01, 02 and -03)

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project: A Conditional Use Permit to operate a Hazardous and Medical Waste Transfer/Distribution Facility within an existing industrial building/site.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name Ingenium Group (Gary Lundstedt) Telephone (760) 745-8780

Address 2255 Barham Drive, Suite 'A', Escondido, CA 92029


Private entity School district Local public agency State agency Other special district

Exempt Status: Categorical Exemption. Section 15301, "Existing Facilities."

Reasons why project is exempt:

1. In staff's opinion, the request does not have the potential for causing a significant effect on the environment since all materials are sealed in DOT approved containers; materials are not directly handled at the facility and all primary shipping containers remain sealed; the project site is located within an industrial zone; the building type is appropriate for this type of use; the probability of upset or spill of materials is minimal since shipping containers remain sealed and no waste material is directly handled by Ingenium; and appropriate operational and safety protocols will be in place. The use would not result in any air-quality or odor impacts since all materials remain in their sealed containers. No significant issues remain unresolved through compliance with code requirements, required county, state and federal standards and permits.
2. The site is in an area where all public services and facilities are available to allow for the proposed use.
3. The project site is not in an area that is environmentally sensitive.
4. The project would not create any significant increase in vehicle trips, nor impact vehicular circulation on or around the site. Appropriate parking is provided on the site to accommodate all uses. The project would not generate any significant noise impacts to adjacent uses through the project design and compliance with the project Conditions of Approval. The project would not result in the destruction of desirable natural features, nor be visibly obtrusive or disharmonious with surrounding areas.

Lead Agency Contact Person: Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature: 
Jay Paul, Associate Planner

February 22, 2010
Date

Signed by Lead Agency Date received for filing at OPR: N/A