

Department of Toxic Substances Control (DTSC)
-Evaluation of HW Generator and Tiered Permitting Programs -

Agency name: _____

Agency Representative: _____

Agency Phone: _____

Evaluation Date: _____

Evaluator's Name: _____

Evaluator's Phone: _____

NOTE: THESE FINDINGS ARE PRELIMINARY. ADDITIONAL DEFICIENCIES MAY BE IDENTIFIED IN THE DRAFT EVALUATION REPORT

ITEMS TO NOTE IN READING THIS CHECKLIST:

ITALICS THESE QUESTIONS ARE NOT TIED DIRECTLY TO A PERFORMANCE STANDARD AND ARE INTENDED TO BE USED TO GATHER INFORMATION REGARDING THE PROGRAM BEING EVALUATED AND TO PROVIDE FOR FEEDBACK FOR CHANGES TO THE UNIFIED PROGRAM

TEXT TEXT APPEARING IN THIS FONT IS DESIGNED TO ACT AS A REMINDER OF RULES, REGULATORY REQUIREMENTS, QUESTIONS OR OTHER FORMS OF GUIDANCE TO THE REVIEWER AND ARE NOT NECESSARILY TIED TO AN ESTABLISHED PERFORMANCE STANDARD

<u>Compendium Line</u> Citation	Standard	Meets Standards? (Y/N)
------------------------------------	----------	------------------------------

Hazardous Waste Generator/Tiered Permitting
Evaluation Checklist (Continued)

Compendium Line Citation	Standard	Meets Standards? (Y/N)
Permits and TP Notifications Objective: To ensure that the CUPA's notification processing procedures are in line with regulatory requirements.		
<u>Line 7015</u> HSC 25200.3(e)(3) HSC 25201.5(d)(7)	-ASK THE CUPA TO DESCRIBE THEIR PERMITTING PROCESS- 1. Is the CUPA using the UPCF? Are they using it to send out, and collect, the annual PBR updates?	
<u>Line 7000</u> T22 67450.2(b)(4) <u>Line 7006</u> HSC 25200.3(e)(3)	2. In Title 22, there are special requirements for the processing of TP notifications. <i>· Are they covered by the procedure used for all other permit applications?</i> a) Is there some sort of acknowledgement of receipt in writing? b) How do you handle incomplete/inaccurate forms? (T22-Return with what needs to be corrected clearly identified) c) How long does it take to make permit/authorization decisions? (T22- 45 days) d) Does it include an administrative review of the TP forms to make sure they are complete and in the correct tier?	
Inspections Objective: To ensure that the CUPA is inspecting all of its affected universe, and that the content of the inspections are in line with regulatory and statutory requirements and DTSC and US EPA expectations.		
<u>Line 7020</u> HSC 25150 HSC 25159 HSC 25180(a)(2) HSC 25185(a) <u>Line 7021</u> HSC 25201.4(b)(2)	-ASK THE CUPA TO EXPLAIN THEIR INSPECTION PROGRAM, HOW IT GETS SET, HOW IT WORKS, IF THERE ARE SPECIAL RULES OR ROLES (ALSO SEE #5 BELOW)- 3. How often does the CUPA inspect businesses? a) Does the CUPA inspect all regulated businesses in their jurisdiction in accordance with their stated inspection frequencies? <i>· How did they decide on that frequency?</i> <i>· How does the CUPA divide their workload among the staff?</i> b) How soon after being issued a permit are new businesses inspected? (<2 yrs for TP) -VERIFY THAT BUSINESSES ARE INSPECTED AT THIS FREQUENCY BY REVIEWING FILES, PRINTOUTS AND CHECKING DATA IN REPORT #3 FOR PAST 3 YRS-	

Hazardous Waste Generator/Tiered Permitting
Evaluation Checklist (Continued)

Compendium Line Citation	Standard	Meets Standards? (Y/N)
<p><u>Line 1209</u> T27 15290(a)(1)</p> <p><u>Line 1295</u> T27 15290(a)(2) T27 15200(f)(1)</p>	<p>-REVIEW REPORTS 2 & 3 PRIOR TO THE EVALUATION, NOTING ANY BLANKS, DISCREPANCIES WITH OTHER INFORMATION AND TRENDS.-</p> <p>4. Reports 2 and 3 include counts of the numbers of types of businesses that are regulated. How did the CUPA get/gather these numbers?</p> <p>a) Are they current?</p> <p>· <i>How have they changed since authorization/last evaluation?</i></p> <p>-VERIFY THAT REPORT 2 AND REPORT 3 NUMBERS ARE SIMILAR IF NOT IDENTICAL-</p>	
<p><u>Line 7022</u> HSC 25212(c)(1)</p> <p><u>Line 7038</u> T27 15100(c)(4)</p> <p><u>Line 1116</u> T27 15200(b)(1)</p> <p><u>Line 1117</u> T27 15200(b)(2)</p>	<p>-ASK THE CUPA TO EXPLAIN THEIR INSPECTION PROGRAM, HOW IT GETS SET, HOW IT WORKS, IF THERE ARE SPECIAL RULES OR ROLES (ALSO SEE #3 ABOVE)-</p> <p>5. There are all kinds of “special” groups within hazardous waste generators. How does the CUPA handle identification, inspection and tracking of each of these groups:</p> <p>a) Appliance recyclers?</p> <p>b) TP facilities?</p> <p>c) Facilities that recycle onsite (and submitted a onsite recycling form)?</p> <p>d) RCRA LQG?</p> <p>· <i>SQGs?</i></p> <p>· <i>Silver-only facilities?</i></p> <p>· <i>Universal Waste Handlers?</i></p> <p>-VERIFY THAT THESE TYPES OF BUSINESSES ARE INSPECTED BY REVIEWING FILES, PRINTOUTS AND CHECKING DATA IN REPORT #3 FOR PAST 3 YRS-</p>	
<p><u>Line 1122</u> T27 15200(f)</p>	<p>6. Does the CUPA have a written Inspection Procedure for HW Generators and TP?</p> <p>-ASK THE CUPA TO EXPLAIN HOW THEY GO ABOUT PREPARING FOR AN INSPECTION, FROM SCHEDULING TO ENFORCEMENT (ALSO SEE #3 ABOVE)-</p> <p>· <i>Does the CUPA’s description match what is written in the Policy? If not, why not?</i></p>	

Hazardous Waste Generator/Tiered Permitting
Evaluation Checklist (Continued)

Compendium Line Citation	Standard	Meets Standards? (Y/N)
<p><u>Line 1122</u> T27 15200(f)</p>	<p>7. How does the CUPA address the inspection of TP facilities undergoing closure?</p> <p><i>· Is this the same manner in which all other program element closures are investigated?</i></p>	
<p><u>Line 1121</u> HSC 25404.2(a)(4)</p>	<p>-ASK THE CUPA IF THEY ARE THE ONLY AGENCY TO CONDUCT HW GENERATOR INSPECTIONS IN THEIR JURISDICTON-</p> <p>8. Does anyone else (agricultural commissioner, PA) conduct HW generator inspections in the CUPA jurisdiction?</p> <p>If yes:</p> <ul style="list-style-type: none"> <i>· How do they get their program-related information to you?</i> <i>· Do you have a way to track the results of these inspections?</i> <i>· Does that agency routinely share information with you?</i> <i>· Who is responsible for follow-up if problems are found?</i> <i>· Do you ever conduct joint or oversight inspections for consistency?</i> <ul style="list-style-type: none"> <i>· Why not?</i> <i>· If so, anything ever come out of it?</i> 	
<p><u>Line 1122</u> T27 15200(f)</p>	<p>9. DTSC often refers complaints to the CUPA for investigation. <i>· What are the status of these referred complaints?</i></p> <p><i>· How does the CUPA track these/complaints?</i></p> <p><i>· Does the CUPA have procedures which are unique to complaints? How is it different from other inspection, tracking or filing procedures?</i></p> <p>-OBTAIN A LIST OF COMPLAINTS SENT TO THE CUPA FROM HQ. USE THIS LIST TO ASK FOR STATUS. VERIFY A PORTION OF THE RESOLVED CASES BY REVIEWING THE FILES FOR INSPECTIN REPORTS/LETTERS TO FILE/ETC.-</p>	

Hazardous Waste Generator/Tiered Permitting
Evaluation Checklist (Continued)

Compendium Line Citation	Standard	Meets Standards? (Y/N)
<p>Inspection report forms and write-ups Objective: To ensure that documentation of inspections provides an adequate public record, provides a sound basis for enforcement, and verifies stated practices and procedures.</p>		
<p><u>Lines 7023</u> HSC 25185(c)(1)</p> <p><u>Line 7025</u> HSC 25185(c)(2)(A)</p> <p><u>Line 7032</u> HSC 25185(d)</p> <p><u>Line 7024</u> HSC 25187.8(c)</p> <p><u>Line 7042</u> HSC 25212(c)(1)</p>	<p>10. <i>Does the inspection report appear to be a useful tool?</i> – SUGGEST CHANGES-</p> <p>-SUGGESTED CHANGES SHOULD BE INCLUDED IN COMMENTS AND STATE AGENCY NOTES-</p> <p>a) Is there a box for checking SB 14/source reduction documents? · <i>If not, how do staff remind themselves to check for that standard?</i></p> <p>· <i>Is there a special checklist for TP? Does a checklist include a box for waste analysis plans, phase I submittal, Financial Assurance, secondary containment, close cost estimation and closure plan? · If not, how do staff know to check these?</i></p> <p>b) Is there room for general observations to be noted? · <i>Is this space utilized in the reports reviewed? If not, why not?</i></p> <p>· <i>Is there a place to note consent?</i></p> <p>c) Is there space for a Summary of Violations? · <i>Is this space utilized in the reports reviewed?</i> – IT SHOULD INCLUDE THE BASIS, CORRECTIVE ACTIONS & TIMEFRAMES-</p> <p>d) Is there space for a Notice to Comply? · <i>Is this space utilized in the reports reviewed?</i> – IT SHOULD INCLUDE THE BASIS, CORRECTIVE ACTIONS & TIMEFRAMES-</p> <p>e) Are there any attachments such as sampling results, photographs, other documents? · <i>Are they referenced in the report?</i></p> <p>-REVIEW A BLANK INSPECTION FORM AND AT LEAST 10 FILES. SELECT AT LEAST THREE "SPECIAL" FACILITIES, FIVE "NORMAL" FACILITIES AND TWO TP FACILITIES. VERIFY THAT TP FACILITIES ARE IN THE RIGHT TIER AND THAT ARE AUTHORIZED FOR ELIGIBLE PROCESSES-</p>	

Hazardous Waste Generator/Tiered Permitting
Evaluation Checklist (Continued)

Compendium Line Citation	Standard	Meets Standards? (Y/N)
<p><u>Line 7040</u> HSC 25187(a)(4) HSC 25110.8.5 HSC 25117.6</p> <p>T22 66260.10</p>	<p>-ASK THE CUPA TO GIVE YOU EXAMPLES OF CLASS I, II AND MINOR VIOLATIONS-</p> <p>11. Can the CUPA provide you with examples of the types of violations that would be expected to be classified as Class I, Class II and Minor?</p> <p>-VERIFY THAT THE TYPES OF VIOLATIONS NOTED BY THE CUPA ARE CONSISTANT WITH STATE DEFINITIONS (USING HSC/T22 AND OTHER LISTS) AND ARE BEING CITED AS SUCH IN THE INSPECTION REPORTS AND FILES-</p>	
<p><u>Lines 7029</u> DTSC Enforce. Policy and Procedure EO-95-004-PP</p> <p><u>Line 7030</u> HSC 25185(c)(2)(A)</p> <p><u>Line 7031</u> HSC 25185(e)(2)(A)</p>	<p>12. Does the CUPA leave a copy of the inspection report at the end of each inspection? · <i>Is this reflected by a business signature of receipt or some other method?</i></p> <p>· <i>Are there any exceptions to this?</i></p> <p>If yes: a) Do these exceptions allow the report to be: 1) Completed within 40 days after inspection? 2) Delivered 5 days after completion?</p>	
<p><u>Line 7024</u> HSC 25187.8(c)</p> <p><u>Line 7042</u> HSC 25187.8(c)</p>	<p>13. Does the CUPA's inspection report include a Return to Compliance that the facility should submit for corrected Minor violations?</p> <p>-VERIFY THAT FILES OF FACILITES WITH MINOR VIOLATIONS HAVE A RETURN TO COMPLIANCE IN THE FILE-</p>	
<p>Enforcement Objective: To ensure that businesses who violate the law are treated equally statewide, and to such ends, that the CUPA uses all of the tools available and applicable.</p>		

Hazardous Waste Generator/Tiered Permitting
Evaluation Checklist (Continued)

Compendium Line Citation	Standard	Meets Standards? (Y/N)
<p><u>Line 7039</u> HSC 25180 et Seq. T22 66272.60-.67</p> <p><u>Line 7040</u> T22 66260.10 HSC 25187(a)(4) HSC 25110.8.5 HSC 25117.6</p> <p><u>Line 7049</u> HSC 25191.2</p> <p><u>Line 7050</u> HSC 25187.8(h)</p>	<p>-ASK THE CUPA TO EXPLAIN THEIR ENFOCEMENT PROGRAM, INCLUDING PROCEDURES AND REAL EXAMPLES OF IMPLEMENTATION WHERE APPLICABLE-</p> <p>14. Has the CUPA developed an enforcement plan?</p> <p style="padding-left: 40px;">· <i>Are they using the model I&E Plan developed by Cal CUPA Forum?</i></p> <p>If no:</p> <p>a) Does it include definitions of Minor, Class II and Class I violations?</p> <p>b) Does it include reference to DTSC’s penalty matrix?</p> <p>c) Does it include provisions for re-inspection of businesses that submitted a RTC?</p> <p>d) Does it include provisions for issuance of Administrative Enforcement Orders?</p> <p>e) Does it include provisions for referral of cases to the City or District Attorney, Attorney General or Circuit Prosecutor?</p> <p>If yes:</p> <p style="padding-left: 40px;">· <i>How have they modified it to meet their needs?</i></p>	
<p><u>Lines 7059-7064</u> DTSC Enforce. Policy and Procedure EO-95-004-PP</p>	<p>-ASK THE CUPA IF THEY ARE PART OF THE STATEWIDE ADMINISTRATIVE ENFORCEMENT ORDER (AEO) AGREEMENT-</p> <p>15. If the CUPA is not part of the agreement, does their AEO Process include the following::</p> <p>a) Forms (such as orders, notices, waivers)?</p> <p>b) Penalty Matrix?</p> <p>c) Data management support for the receipt, tracking and confirmation of notices received?</p> <p>d) Contracts or other agreements for the access to an Administrative Law Judge?</p>	
	<p>16. <i>Has the CUPA used the AEO process?</i></p> <p style="padding-left: 40px;">· <i>Why or why not?</i></p> <p>-IF THE CUPA HAS USED THE AEO PROCESS, IDENTIFY THE FACILITY AND CHECK THE FILE TO SEE OF ALL OF THE APPLICABLE LETTERS, ORDERS, AND NOTICES ARE THERE-</p>	

Hazardous Waste Generator/Tiered Permitting
Evaluation Checklist (Continued)

Compendium Line Citation	Standard	Meets Standards? (Y/N)
<p><u>Lines 7041, 7053</u> DTSC Enforce. Policy and Procedure EO-95-004-PP</p>	<p>17. Has the CUPA done any formal enforcement for HW violations since the last evaluation? · <i>If no, why not?</i> -IF NO, PUT CONCERN IN STATE AGENCY NOTES-</p> <p>If yes: a) Were enforcement cases reviewed initiated within 135 days of completion of the inspection?</p> <p>-IF THE CUPA HAS DONE ENFORCEMENT, IDENTIFY THE FACILITIES AND CHECK THE FILE TO SEE OF ALL OF THE APPLICABLE LETTERS, REFERRALS, AND NOTICES ARE THERE-</p>	
<p><u>Lines 7043</u> DTSC Enforce. Policy and Procedure EO-95-004-PP</p> <p><u>Line 7050</u> HSC 25187.8(h)</p>	<p>18. If a business does not submit a RTC for a Minor violation within the required timeframes, did the CUPA take enforcement?</p> <p>· <i>What actions were taken and why?</i></p> <p>a) Do you do any QA/QC through re-inspection of facilities that do return a RTC?</p> <p>- IF THE CUPA HAS DONE ENFORCEMENT, IDENTIFY THE FACILITIES AND CHECK THE FILE TO SEE OF ALL OF THE APPLICABLE LETTERS, REFERRALS, AND NOTICES ARE THERE-</p>	
<p><u>Line 7043</u> DTSC Enforce. Policy and Procedure EO-95-004-PP</p>	<p>-ASK THE CUPA TO DEFINE A SIGNIFICANT NON-COMPLIER (SNC)-</p> <p>19. Has the CUPA identified any SNCs? · <i>If no, why not?</i></p> <p>a) What type of enforcement was done at the SNC?</p> <p>-VERIFY BY FILE REVIEW THE ENFORCEMENT TAKEN AGAINST THE SNC. ENSURE THAT THE VIOLATIONS MOVED FROM MINOR TO CLASS II-</p>	
<p><u>Line 1138</u> T27 15200(f)(2)(E)</p>	<p>20. Is the CUPA actively participating in a Regional Task Force? How often do they attend meetings? How often are meetings held?</p>	
<p>Reporting (from businesses) Objective: To allow for information to flow from businesses to a central agency that acts as a repository for information for the public.</p>		

Hazardous Waste Generator/Tiered Permitting
Evaluation Checklist (Continued)

Compendium Line Citation	Standard	Meets Standards? (Y/N)
<p><u>Lines 1201</u> T27 15100(c)(3)(A)</p> <p><u>Line 7057</u> T27 15100(c)(3)(B)</p> <p><u>Line 7058</u> T27 15100(c)(3)(C)</p>	<p>21. Does the CUPA have procedures for the receipt of :</p> <p>a) Reports documenting releases of reportable quantity for a tank system or secondary containment?</p> <p>b) Tiered Permitting closure reports?</p> <p>c) Contingency Plan activation reports from Permitted HW facilities?</p> <p>-VERIFY THIS INFORMATION BY REVIEWING THE PROCEDURES ABOVE-</p>	
<p>Training Objective: To ensure that CUPA staff have the appropriate level of expertise and continuing training to implement the Hazardous Waste program in a level consistent with State standards.</p>		
<p><u>Line 1251</u> T27 15260(a)(3)(B)</p>	<p>22. Do you have one supervisor or technical staff who has 100 hours of training in :</p> <p>a) Regulatory overview</p> <p>b) Classification, identification and chemistry of hazardous materials and wastes</p> <p>c) Health and environmental effects, including chemical exposure and route of entry</p> <p>d) Sampling methods and use of instrumentation for detection of hazardous substances</p> <p>e) Conducting inspections and enforcement actions, and writing inspection reports and Notice of Violations</p> <p>f) Interviewing, case development and evidence preservation</p> <p>-VERIFY THROUGH REVIEW OF TRAINING RECORDS. ENSURE THAT THIS PERSON DIRECTLY OVERSEES THE HAZARDOUS WASTE PROGRAM OR THAT THE STAFF WHO DO THE WORK ARE SUPERVISED BY THEM-</p>	
<p><u>Line 1259</u> T27 15260(c)</p>	<p>23. Does you staff receive ongoing training in:</p> <p>a) Hazardous waste permitting, inspection and enforcement duties and responsibilities?</p> <p>b) Inspection techniques and scheduling including evidence collection, chain of custody, sample preservation, and interviewing?</p> <p>c) Administrative practices within the hazardous wastes program?</p> <p>d) Monitoring equipment, data evaluation, and interpretation of hazardous waste analysis?</p> <p>e) Field health and safety training including inspection planning, safety equipment, on-site procedures, decontamination, and hazard recognition and avoidance?</p> <p>-VERIFY THAT THESE SUBJECTS ARE COVERED IN THE ONGOING TRAINING PLAN AND DOCUMENTED IN THE STAFF'S FILES-</p>	

Hazardous Waste Generator/Tiered Permitting
Evaluation Checklist (Continued)