

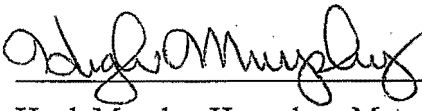
**Hayward Fire Department
Hazardous Materials Office
INSPECTION PROCEDURES**

I/P No. 0018PG-1

Title : **Procedures for Tracking Notices to Comply**

Issue Date : May 18, 2004

Last Revision Date : February 22, 2007

Approved by : 
Hugh Murphy, Hazardous Materials Program Coordinator

PROCEDURES

When no specific orders are issued, the Hazardous Materials Investigator shall issue a NOTICE TO COMPLY to a facility that has just been inspected for all Class II hazardous waste generator program violations and all minor violations under the other Unified Program elements. The three-part (white, blue, and yellow) Notice to Comply (Summary of Violations) form will be used for this purpose and the following procedure shall be followed.

1. Investigator shall complete the form by writing in the Facility name, Facility Address, Name of Contact, telephone number, Inspector's name, and the date of the inspection.
2. Investigator shall indicate violations found by properly marking off corresponding items on the list, on the form.
3. Under "Comments," Investigator shall direct the facility contact to other parts of the inspection report for details on the violations and the corrective action expected of the facility.
4. Inspector shall explain to the facility contact the violations, the corrective actions required, and the period he is allowed to effect compliance.
5. Inspector shall ask the facility contact to sign the completed three-part Notice to Comply form.
6. Inspector shall leave with the facility contact two parts of the Notice to Comply form: the top white original and the middle yellow part. Inspector shall explain the printed instructions on the lower portion of the form to the facility contact: that after the violations are corrected within the time period allowed, the facility

contact shall sign the original (white) part and mail it back to the Hayward Fire Department.

7. Upon returning from inspection, the Investigator shall record the inspection in CUPA DMS and RMIS systems. Information on the Notice to Comply will be entered in CUPA DMS, using the blue bottom part, the Investigator's copy.
8. The inspection report and inspection notes shall be filed in the facility file, except the blue part of the Notice to Comply.
9. The blue part of the Notice to Comply shall be forwarded to the Secretary for filing in the binder labeled "Notice to Comply – PENDING." The Notices are filed in this binder chronologically, separated by tabs into months.
10. When a white original top of a Notice to Comply is received from a facility, the secretary will forward it to the Investigator named on the Notice.
11. The Investigator will verify that the Notice has been signed and dated properly and will clear the Notice in the CUPA DMS database. He will then indicate on the Notice that it has been CLEARED & POSTED and return the same (white original) to the Secretary.
12. The secretary will retrieve the blue copy of this Notice from the PENDING binder, stamp it CLEARED & POSTED, write the date on it, and move it to the "Notice to Comply – CLEARED" binder. The Notices are filed in this binder chronologically, separated by tabs into months.
13. The white original Notice is filed in the facility folder, in sequence, on top of the corresponding report for the inspection conducted on the day the Notice was issued to the facility.

FOLLOW-UP PROCESS FOR DELINQUENT NOTICE TO COMPLY

To ensure prompt return of Notice to Comply forms issued to inspected facilities, the following steps shall be taken for a more consistent follow-up:

1. Once a month, on or around the end of each month, clerical staff shall review the "date due" on the PENDING notices. Clerical staff will then call the contact person named on the notice by telephone to remind him or her of the past-due notice.
2. Clerical staff will note the date and time of the phone call on the blue part of the notice itself.
3. Notice to Comply subsequently received for these delinquent notices shall be processed as described in the "Procedures" above.

4. Clerical shall make copies of the blue Notice to Comply forms annotated with a telephone contact (the month before) that still remain in the PENDING folder on the next monthly review. These copies shall be forwarded to the Hazardous Materials Investigator.
5. The Hazardous Materials Investigator shall follow up on the delinquent Notice to Comply with another telephone call to the contact, with a follow-up facility inspection, and/or with a Notice of Noncompliance (Notice of Violation).
6. At the monthly staff meeting held on the first Wednesday of each month, clerical staff will give a summary report on the Notice to Comply process. The report will contain the following data for the month just ended:
 - (a) Number of (new) Notice to Comply received during the month and added to the PENDING binder.
 - (b) Number of delinquent Notice to Comply from previous months (from the beginning of the calendar year to the end of the report month)
 - (c) Number of facilities contacted by telephone during the month to remind them of their delinquent Notice to Comply
 - (d) Number of Notice to Comply cleared on time, without a telephone reminder
 - (e) Number of delinquent (previously reminded by telephone call) Notice to Comply that were cleared during the month
 - (f) Number of delinquent Notice to Comply (previously reminded by telephone call but were not cleared during the month) referred to the Hazardous Materials Investigators.

The Hazardous Materials Investigator shall treat the non-return of a Notice to Comply as a CUPA violation.

Flowchart for three-part Notice to Comply Form:

