



Spring 2006

# HAZARDOUS MATERIALS MANAGEMENT DIVISION

## Quarterly CUPA Connection

County of Riverside Certified Unified Program Agency (CUPA)

Volume I, Issue I

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For more information, forms  
and guidelines, visit our website:

[www.rivcoeh.org](http://www.rivcoeh.org)

For general information and  
other CUPA-related links:

[www.calcupa.net](http://www.calcupa.net)

[www.dtsc.ca.gov](http://www.dtsc.ca.gov)

[www.swrcb.ca.gov](http://www.swrcb.ca.gov)

## Message from the Deputy Director

*By Paul B. Tavares, Deputy Director Hazardous Materials Management Division*

In our continuing efforts to stimulate communication, increase awareness of our Hazmat programs and improve our public outreach, I would like to present you with the first issue of the Department of Environmental Health, Hazardous Materials Management Division's newsletter suitably entitled the "Quarterly CUPA Connection." Herein you will find information on how to contact us, updates regarding our major CUPA programs, articles about important new state laws and regulations that may affect you and details regarding our environmental crimes task force.

We are developing an award program for exceptional businesses who maintain and practice environmentally-sound programs/processes. The award criteria will include: appropriate training for staff, good housekeeping, practices, accurate recordkeeping and an on-going history of environmental compliance. It will be known as the "Environmental Excellence Award" which will be presented quarterly to a deserving business.

Our overall goal is to protect the environment and the health and safety of the constituency of Riverside County. This will be accomplished by educating, inspecting, and assisting businesses, as well as, enforcing the applicable laws and regulations specific to hazardous materials. The intent is to have a partnership between government and businesses to achieve environmental compliance with a "win-win" attitude.



## What is a CUPA?

*By Sande Pence, Hazardous Materials Management Specialist IV, Riverside*

Senate Bill 1082, passed in 1993, created the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program), which requires the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA).

The Program Elements being consolidated under the Unified Program are as follows:

- Hazardous Waste Generator Inspection and Onsite Hazardous Waste Treatment Programs
- Aboveground Storage Tank Spill Prevention Control and Countermeasure Plan (SPCC)
- Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure, Handler or "Community-Right-To-Know");
- California Accidental Release Prevention Program (Cal-ARP)

Check out our website: [www.rivcoeh.org](http://www.rivcoeh.org)

- Underground Storage Tank Program (UST)
- Uniform Fire Code Plans and Inventory Requirements

Under the Unified Program, application and required submission forms will be standardized and consolidated, inspections will be combined where possible, annual fees for each program element will be merged into a single fee system and enforcement procedures will be made more consistent. The goal of the Unified Program is to create a more cohesive, effective and efficient program. As part of this program, the State has assessed a service fee or surcharge onto facilities which are regulated under these programs to fund their oversight activities. The local agency collects the service fee for the State, but retains no portion of this fee.

In Riverside County, the Hazardous Materials Management Division is the CUPA with three Participating Agencies. The fire departments in the cities of Banning, Corona and Riverside, implement the Disclosure, Cal-ARP, SPCC and Uniform Fire Code programs in their cities.

# All UST Facilities Need a "DUSTO"!

By Jackie Jones, Hazardous Materials Mgmt. Specialist IV, Indio



All Underground Storage Tank (UST) facilities must have a "DUSTO" or "Designated UST Operator" by January 1, 2005. Sound familiar?

Well, it has been a little over a year now since that State requirement became effective.

How has your "DUSTO" or "DO" been doing?

We would like to review some of the highlights of this requirement.

Remember your DO must possess a current "California UST System Operator" certificate issued by the International Code Council (ICC). It must be renewed every 2 years.

You want to make sure that your DO is conducting monthly visual inspections of your UST facility and at a minimum is checking the following items:

- Review the alarm history or log for the previous month and en-

sure that all alarms were documented and responded to appropriately. Your DO must attach the alarm history/log and applicable documentation to the monthly visual inspection report.

- Check spill containers for debris or liquid.

- Check under dispenser containment for debris or liquid. Ensure the sensors are in the correct position to detect a leak at the earliest possible opportunity.

- If a containment sump (turbine, fill, transition, etc.) had an alarm in the previous month for which there is no record of a service visit, the DO must inspect this containment sump for debris or liquid. The DO must also ensure that the sensor is in the correct position to detect a leak at the earliest opportunity.

- Check that all required testing and maintenance for the UST has been completed and document the dates that the testing and maintenance occurred.

Your DO must conduct on-the-job training for your employees

every twelve months and verify that all employees have been trained when conducting their monthly visual inspections. Also, new employees must receive initial training within 30 days of hire.

Your DO will provide the owner/operator with a copy of the monthly inspection report and all applicable documentation (alarm history/log, service visits, etc.). If there are any areas of concern, the DO will alert you and any problems will require follow-up. Also, you need to maintain at least the previous twelve months of the DO monthly reports and applicable documentation on-site.

For a more detailed look into the Designated UST Operator requirements, refer to section 2715 (a)-(f) of Title 23 of the California Code of Regulations. As always, you can call your local Environmental Health Hazardous Materials office if you have any questions.



**"Your DO must conduct on-the-job training for your employees every twelve months"**

## SPOTLIGHT: Universal Waste

As of February 2006, it is against the law for anyone to dispose of the universal wastes listed below into the trash.

- Waste fluorescent tubes
- Waste dry cell batteries (i.e., AA, AAA, C, D, lithium, nickel-cadmium, rechargeable, etc.)
- Waste mercury thermostats
- Waste mercury thermometers
- Anything containing mercury that is a waste
- Waste televisions
- Computer monitors
- Various electronic devices (i.e. cell phones, fax machines, CPUs, VCRs, radios)
- Non-empty aerosol cans

For more information, go to the State's website at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).



## Administrative Enforcement & Environmental Crimes

By Daniel Workman, D.A. Investigator

The CUPA has taken a strong stand against environmental crimes in the County of Riverside. Two of the formal enforcement tools we use are the Administrative Enforcement Order (AEO) process and referral of cases to the District Attorney's (DA's) Office.

An AEO is a formal internal hearing and penalty process to prosecute significant violations of laws and regulations related to the CUPA programs. The CUPA derives their authority for use of the AEO process from Section 25404.1.1 of the California Health and Safety Code. The violations that go through the AEO process are usually discovered as a result

Failure to report a release is one example of a significant violation.



**FREE TRAINING!!**  
TOPIC: Overview of CUPA Requirements for Small Business Owners/Operators

**West County Session**  
June 29, 2006  
8:30am-12:00pm  
EMWD Boardroom  
2270 Trumble Rd, Perris 92570

**East County Session**  
November 29, 2006  
8:30am-12:00pm  
CVWD Jennings Room  
85995 Ave 52, Coachella 92236

RSVP to Sande Pence at (951) 358-5055 or email— [Spence@co.riverside.ca.us](mailto:Spence@co.riverside.ca.us)

# Hazardous Materials Handler Program

By Robert Lehmann, Supervising Hazardous Materials Management Specialist, Hemet

The Hazardous Materials Handler or Disclosure Program is essential to the Hazardous Materials Management Division. The program serves two purposes. To start with, it informs first responders, such as fire personnel and hazardous materials emergency response teams, of what hazardous materials are handled at the facility. This information is provided through the Business Emergency Plan (BEP) which also includes emergency contacts, emergency procedures, and a map of the business showing the location of chemicals, emergency equipment, entrances and exits and other vital response information.

The second purpose of the Handler Program is to meet the requirements for the Federal Emer-

gency Planning and Community Right to Know Act, also known as EPCRA. This "Right to Know" provides the public access to what hazardous materials are handled in their communities and is an essential part of emergency planning, promoting trust between businesses and the community.

For a business to be subject to the requirements of the Handler program, it must meet or exceed specific threshold quantities set forth in the statute. The threshold amounts of hazardous materials are: 55 gallons or 500 pounds or 200 cubic feet of a compressed gas calculated at standard temperature and pressure. Also, Ordinance 651.3 states that any amount of an acutely or extremely hazardous material that is handled at a business is subject to the requirements of the program.

If a business meets or exceeds the threshold amounts it must de-

velop a BEP. The BEP form can be obtained from the District Specialist or on-line at [www.rivcoeh.org](http://www.rivcoeh.org). This is a "one size fits all" sort of plan so all sections may not be applicable to all businesses. For assistance in completing the BEP, please contact the District Specialist or the Area office.

The BEP must not exceed the capabilities of the business, therefore it is very important it is written so that it may be feasibly implemented. If the BEP states that a business has a fully trained hazardous materials emergency response team, then it should have this resource. Overstating capabilities, equipment, or training can only lead to trouble if a hazardous materials emergency should arise.

In addition to the BEP, the Handler Program also requires proper storage, labeling, and posting of all hazardous materials stored on site.



**"Overstating capabilities, equipment, or training can only lead to trouble if a hazardous materials emergency should arise."**

# Hazardous Waste Generators: In a Nutshell

By Sande Pence, Hazardous Materials Management Specialist IV, Riverside

For those of you who are unsure, a "generator" is any person whose act or process produces a hazardous waste or whose act first causes a hazardous waste to be subject to regulations. The definition of a generator also includes those facilities that accumulate hazardous waste.

There are 3 types of generators for which the requirements vary:

- Large Quantity Generator (LQG)— greater than 1000 kg/month of all hazardous wastes combined
- Small Quantity Generator (SQG)— between 100 and 1000 kg/month of all hazardous wastes combined
- Generators of less than 100 kg/month of all hazardous wastes

The following is a brief summary of the hazardous waste generator requirements pursuant to Title 22 of the California Code of Regulations and Chapter 6.5 of the Health and Safety Code:

## CUPA Permit Required

All generators must complete an

application and pay an annual permit fee to the County of Riverside CUPA. The fee is based upon your number of employees.

## Hazardous Waste Determination

As a generator, you are required to determine if your waste is hazardous (i.e. ignitable, corrosive, reactive or toxic).

## EPA Identification Number

All generators must obtain an EPA ID number from the State Department of Toxic Substances Control. See the DTSC website for details: [www.dtsc.ca.gov](http://www.dtsc.ca.gov)

## Proper Accumulation Time

Accumulation times depend on the type of generator you are. In brief, LQGs have 90 days from the first drop, SQGs have 180 days from the first drop and CESQGs have 180 days from the date they reach 100 kgs. Contact your local CUPA office for more information regarding the exceptions to this rule.

## Shipments and Waste Manifests

Whenever shipping waste, you must use a registered transporter and a permitted Treatment, Storage and Disposal Facility (TSDF). Manifests must be maintained on

site for 3 years. Important Note— Effective September 5, 2006 all generators will be required to use the new federal manifest form.

## Labeling and Storage

All waste containers and tanks, including used oil, must be labeled with all of the following: the words "Hazardous Waste"; accumulation start date; composition and physical state of waste; hazardous properties; name and address of generator.

All hazardous wastes must be stored so as to minimize the possibility of fire, explosion or any unplanned release of hazardous waste that could threaten human health or the environment. In order to implement this requirement, you must conduct weekly inspections of your facility.

## Training and Emergency Plans

Generators must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures.

At a minimum, all generators must have internal communication or alarm system, a telephone, emergency equipment, and arrangements with local emergency response agencies.



**Effective September 5, 2006, all generators throughout the nation, will be required to use the new federal manifest required by US EPA. Note: This means you will have to retrain any employees who sign or prepare manifests. Check the DTSC website for workshop information. [www.dtsc.ca.gov](http://www.dtsc.ca.gov)**



RIVERSIDE COUNTY COMMUNITY HEALTH AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH

## HAZARDOUS MATERIALS MANAGEMENT DIVISION Quarterly CUPA Connection

Community Health Agency (CHA)  
Department of Environmental Health (DEH)  
Certified Unified Program Agency (CUPA)

Riverside Office  
4065 County Circle Drive  
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Riverside, CA 92513-7489

### Administrative Enforcement & Environmental Crimes (cont.)

of facility inspections, complaints and emergency response incidents.

Another method of formal enforcement used by the Riverside County CUPA is the processing of cases through the DA's office. In July 2003, in an extensive effort to protect the health of the community and to enhance environmental protection throughout Riverside County, the Department of Environmental Health and the DA's Office entered into an innovative agreement to create three law enforcement positions that are assigned full-time to investigate all types of environmental crimes that occur throughout the county.

To further enhance this agreement, it was determined to select three existing, highly trained, Hazardous Materials Management Specialists as the new DA Investigators. These Hazardous Materials Specialists had extensive experience in the regulatory framework that governs facilities that handle, store or generate hazardous waste and hazardous materials. The specialists were also members of the Riverside County Joint Fire/Environmental Health Hazardous Materials Emergency Response Team.

**So...**

**How did you like the first issue of the "Quarterly CUPA Connection?"**

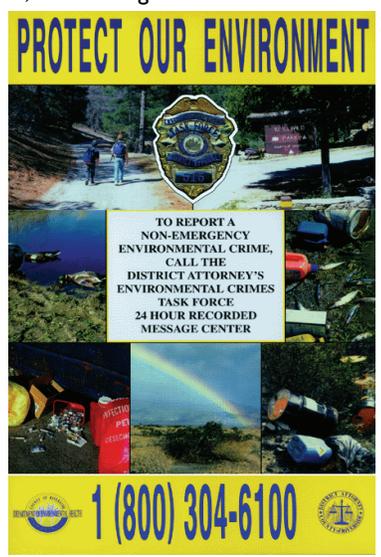
**We are interested in your feedback. For questions or comments regarding this newsletter, please contact Sande Pence at (951)358-5055 or email to [Spence@co.riverside.ca.us](mailto:Spence@co.riverside.ca.us)**



This program is distinctive in that these former Specialists, now District Attorney Investigators, have been cross-designated as Deputy Health Officers and also completed a rigorous law enforcement academy as required by the California Commission on Peace Officers Standards and Training (POST).

This unique arrangement has proven to be a strong foundation for all regulatory agencies involved in the implementation of environmental laws and regulations. The environmental crimes unit is recognized throughout the State and has completed numerous cases that include both civil and criminal prosecutions.

In the upcoming newsletters, we will present various case studies of enforcement actions prosecuted through both the DA's office and the Dept. of Environmental Health, Hazardous Materials Mgmt. Division's AEO process.



**PROTECT OUR ENVIRONMENT**

TO REPORT A NON-EMERGENCY ENVIRONMENTAL CRIME, CALL THE DISTRICT ATTORNEY'S ENVIRONMENTAL CRIMES TASK FORCE 24 HOUR RECORDED MESSAGE CENTER

**1 (800) 304-6100**