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DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISION

ENVIRONMENTAL PRESS

CHIEF'S NOTES

By Michael Dorsey, Chief

Welcome to the first edition of ENVIRONMENTAL PRESS. Our intent is to publish this newsletter quarterly to provide you with various updates on activities, initiatives and regulatory requirements. With each newsletter, we plan to feature one of the staff working in the Hazardous Materials Division (HMD). In this issue, we are featuring Environmental Health Specialist Aura Quecan.

The HMD is one of four Department of Environmental Health (DEH) divisions. HMD is the Certified Unified Program Agency (CUPA) for San Diego County responsible for regulating hazardous waste and tiered permitting, hazardous materials business plans and chemical inventory, underground storage tanks, and risk management plans. HMD is also responsible for regulating medical waste. HMD's emergency response team is part of the Hazardous Incident Response Team (HIRT) and responds to over 300 emergency responses each year. HMD's Radiological Health Program monitors x-ray machines, mammography and radioactive materials. The HMD, under contract with the Department of Toxic Substances Control (DTSC), monitors the Otay Mesa and Tecate ports of entry for illegal shipments of hazardous waste.

As you can see, our regulatory responsibility is very diverse and encompasses many stakeholders. However, through teamwork we at

HMD are committed to protecting public health and the environment and ensuring that our regulated community and the public receive the highest level of customer service.

HMD FEATURED EMPLOYEE:



AURA QUECAN

Environmental Health Specialist Aura Quecan performs inspections of in-bound and out-bound commercial vehicles for hazardous waste at the United States-Mexican Border of Otay Mesa and Tecate ports of entry. Aura verifies that hazardous waste generated in the maquiladores in Mexico and brought back to the United States for disposal is properly handled, stored, transported, and disposed according to the state and federal laws and regulations. In addition, she provides training to individuals and agencies of Mexico, covering United States requirements for the handling, storage and transportation of hazardous materials and hazardous waste. Aura meets periodically with representatives from the California Department of Toxic Substances Control, California Environmental Protection Agency, and

from the states of Arizona, New Mexico, and Texas to discuss issues and trends related to hazardous waste/materials management related to the United States-Mexico border.

Aura's education, knowledge of the Spanish language, and previous work experience has allowed her to develop skills needed to fulfill her current responsibilities in HMD. Aura graduated from the City College of the City University of New York with a Bachelor of Science degree in Biology, and obtained a Master of Science degree in Environmental Health from the School of Public Health at the University of Puerto Rico. Aura's graduate thesis project involved estimating the health benefits in Puerto Rico of the National Ambient Air Quality Standards for particulate matter with a diameter of 2.5 microns or less (Biomedicina, July 1998 Vol. 1 No. 7).

As a child, Aura grew up in the colorful, sensuous and melodic country of Columbia. As a college student, she often escaped to the few natural spaces New York City had to offer; and when opportunity presented itself, she visited Alaska, Galapagos Island and the Amazon rainforest. While in Puerto Rico she shared the same natural habitat of coquis, snakes, spiders, millipedes, scorpions, parrots, owls and many other creatures. She now enjoys living in San Diego County and values its natural resources, with friends, family and her pet dog, Bobby.

BORDER FACTS

Tijuana's economy is based on tourism, manufacturing, and commerce. It has a population of about 2 million. There are 600 maquiladoras, more than any other border city. The maquiladora industry in Tijuana primarily consists of electronics and textiles.

CalARP : (Part 1 – The Program)

By John Kolb, Environmental Health Specialist II

The Department of Environmental Health, Hazardous Materials Division (HMD) is the implementing agency for the California Accidental Release Prevention Program (CalARP) within the County of San Diego. Statewide program oversight is provided by the Governor's Office of Emergency Services (OES). The law, Health & Safety Code (HSC) Division 20, Chapter 6.95, Article 2, and the regulations, California Code of Regulations (CCR), Title 19, Division 2, Chapter 4.5 mandate that a business implement a risk management program (RMP) if they have a regulated substance (CCR, Section 2770.5) above the threshold quantity within a process.

The RMP process is a collaborative effort between a business, the implementing agency and the public. Working together, the risks associated with the management of hazardous materials are assessed and solutions are provided to create a safer environment for the citizens of San Diego County.

There are approximately 150 facilities required to implement a RMP within the County of San Diego and approximately 8000 facilities across California.

HMD is committed to working closely with business owners, operators, and the public to provide guidance and technical assistance. If you need further information regarding CalARP or RMP implementation, please contact John Kolb at 619-338-2453. Information can also be obtained on the Internet at the following locations: United States Environmental Protection Agency @ www.epa.gov/ceppo and OES @ www.oes.ca.gov.

THE GENERAL DUTY CLAUSE

Clean Air Act Section 112(r)(1), the General Duty Clause says: "The owners and operators of stationary sources producing, processing, handling, or storing [a chemical in 40 CFR Part 68 or any other extremely hazardous substance] have a general duty [in the same manner and to the same extent as the general duty clause in the Occupational Safety and Health Act (OSHA)], to identify hazards which may result from ... release using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur."

MEDICAL WASTE: Changes to the San Diego County Ordinance

By Clarissa Hart, Environmental Health Specialist II

Effective January 12, 2001, changes were made to the San Diego County Code of Regulatory Ordinances (SDCC) Title 6, Division 8, Chapter 12 regarding medical wastes. The Medical Waste Management Act (MWMA), California Health & Safety Code, Division 104, Part 14, Section 117600 et al. is now the only comprehensive law. The Department of Environmental Health (DEH) has retained some requirements in the SDCC.

What was removed from the SDCC include most of the definitions, the storage time requirements (e.g., six months for sharps container), the requirement for double red bags, and the annual submission requirement for the Medical Waste Management Plan

(MWMP). Elements the DEH retained in the SDCC include the requirement for small and large quantity generators of medical waste to have a permit, labeling requirements, and secure disposal of medical solid waste.

A small quantity generator is defined as generating less than 200 pounds per month of medical waste. A large quantity generator is defined as generating 200 pounds or more per month of medical waste. Both small and large quantity medical waste generators are required to have a health permit through the DEH. Additionally, all generators must label, prior to use, the outside of all sharps containers and red bags holding biohazardous waste with the generator name, address, and phone number.

The SDCC defines solid medical waste as including but not being limited to “waste such as empty specimen containers, bandages, dressings containing non-liquid blood, surgical gloves, decontaminated biohazardous waste, and other materials which are not biohazardous”. Medical solid waste must be disposed of in an area that is secure and will deny access to “unauthorized persons, animals, wind, rain, insects, and rodents”. (For example, locked dumpsters.)

Storage times are now specified exclusively in the MWMA, Section 118280(d). Except for situations where the medical waste requires more frequent disposal times because of odor, the storage time requirements for medical waste are based on how much waste generated and how waste is stored:

- A storage temperature above 0°C (32°F), a site that generates more than 20 or more pounds of medical waste a month can store the waste no more than 7 days.

- A storage temperature above 0°C (32°F), a site that generates less than 20 pounds of medical waste a month can store the waste no more than 30 days.
- Longer storage times would require written approval from the DEH, unless a waste is stored at or below 0°C (32°F), in which case it can be stored for up to 90 days.
- Sharps containers must be disposed of 7 days after they are full.
- A generator of more than 10 pounds per year of waste pharmaceuticals can store the waste no more than 90 days.
- A generator of 10 pounds or less per year of waste pharmaceutical can store the waste up to one year.



Perhaps the biggest change to the SDCC is in the requirement for the annual submission of the Medical Waste Management Plan (MWMP). Until these changes, the MWMP was required to be submitted annually to the Hazardous Materials Division (HMD). This is no longer the case. A MWMP must be submitted if the facility is a large quantity medical waste generator (200 pounds or more per month) or a small quantity medical waste generator (less than 200 pound per month) that treats their medical waste on-site. Small quantity medical waste generators that

do not treat medical waste on site are not required to submit a MWMP to HMD. However, the MWMA requires certain information be maintained on-site and available for review. The HMD recommends that small quantity generators continue to use the MWMP as a format for documenting this required information.

If you have any additional questions regarding medical waste management, you can contact the HMD Duty Specialist at 619-338-2231.

SENATE BILL 989: How Does It Affect Underground Storage Tank Owner & Operators?

By Sylvia Mosse, Supervising Environmental Health Specialist and Anthony Torres, Environmental Health Specialist II

Early detection and prevention has always been the front line approach with underground storage tank (UST) monitoring. On October 8, 1997, former Governor Pete Wilson requested the State Water Resources Control Board (SWRCB) convene an advisory panel to review existing databases of UST contaminated sites to determine if there is a leak history associated with UST systems meeting the 1998 federal and state standards. In addition, the advisory panel was asked to identify appropriate measures that would assure the prevention and detection of releases from USTs. Some of the recommendations made by the advisory panel made their way into Senate Bill 989 (SB 989), and become effective January 1, 2000.

SB 989 involves requirements related to UST installations, notifications,

secondary containment testing, enhanced leak detection for single-walled systems, under-dispenser containment, certification and training for companies and technicians, and UST inspection frequency. California Code of Regulations (CCR) Title 23 implementing a portion of the SB 989 requirements were finalized May 14, 2001. A “Notice of Public Outreach Workshop: UST System Requirements” is being conducted by the SWRCB on June 27th from 10:00 a.m. to 4:00 p.m. at:

South Coast Air Quality Management District, 21865 Copley Dr., Diamond Bar

For more information regarding the workshop, contact Marge Rodgers at 916-341-5775.

Additional information can be found on the DEH web site at http://www.co.sandiego.ca.us/cnty/cntydepts/landuse/env_health/.

ENFORCEMENT : What does it all mean?

By Michael Dorsey, Chief

California Code of Regulations, Title 27 Section 15200(a), requires the Unified Program Agency (HMD) to have a Unified Inspection and Enforcement Program Plan. The purpose of the plan is to obtain compliance with all applicable laws and regulations in order to protect human health and the environment. The plan is also designed to establish a uniform enforcement plan of action for all non-compliance.

Enforcement activities are an integral part of the Unified Program. Compliance with environmental laws and regulations is the ultimate goal of enforcement. The HMD utilizes education as the primary means of gaining compliance. However, when education alone is not sufficient to gain compliance, the HMD must utilize one or more enforcement actions.

Enforcement actions may be either informal or formal. Formal Enforcement is an action that mandates compliance and initiates a criminal, civil, or administrative process that results in an enforceable agreement or order. Enforceable means the instrument creates an independent, affirmative obligation to comply and impose sanctions for the failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated. Examples include administrative orders and civil and criminal referrals to the appropriate prosecutor. Informal Enforcement is an action other than a formal enforcement action that notifies the regulated business of its non-compliance and establishes a date by which that non-compliance is to be corrected. Examples include corrective action letters or official notices. Informal enforcement actions do not impose sanctions.

Certified Unified Program Agencies (CUPAs) throughout the state have been facing increasing pressure from the California Environmental Protection Agency (CalEPA) to enhance their enforcement efforts, in particular the enforcement of hazardous waste laws

and regulations. This pressure is being applied by the threat of Program Improvement Agreements (PIAs) being issued to CUPAs for their lack of Administrative Enforcement Orders (AEOs) in the absence of specific civil or criminal filings with the appropriate prosecutor.

The HMD has incorporated administrative enforcement into their Enforcement Program Plan in order to avoid being issued a PIA. The HMD will be using administrative enforcement as an additional formal enforcement tool to obtain compliance when violations are too egregious for informal enforcement measures or when continued use of informal enforcement proves to be ineffective.

Additional articles regarding enforcement will appear in future issues of the Environmental Press.

KEY LEGISLATION TO WATCH:

AB 711 Administrative Orders (Jackson)

AB 712 Hazardous Materials: Inventory (Maldonado)

SB 1158 Hazardous Waste: Aerosol Cans (Knight)

SB 243 Radiation Safety Act of 2001 (Kuehl)

SB 271 Hazardous Waste Transporter Manifests (O’Connell)

Hazardous Materials Division

Re-Inspection Fees

Purpose

The primary objective of a re-inspection fee is to recover costs associated with onsite inspections for permitted establishments where the business/facility fails to comply with either the initial, scheduled, or routine inspection.

Authority

San Diego County Code of Regulatory Ordinances, Division 8, Chapter 9, Section 68.908.1 Re-Inspection with Re-Inspection Fee; San Diego County Code of Regulatory Ordinances, Division 5, Section 65.107 Fees.

Re-Inspection Fee Charge

The charge for conducting a re-inspection is \$100 until June 30, 2001. Effective July 1, 2001 the charge for conducting a re-inspection fee is \$200.

When are Re-Inspection Fees Used?

The re-inspection fee is used by HMD when conducting an initial or routine inspection when the Environmental Health Specialist is denied entry to conduct an inspection, an appointment is not kept, or if requested to return on a different day. Re-inspection fees are also charged when a business/facility is not prepared for the inspection and the Environmental Health Specialist needs to return to the business on a separate day to complete the inspection. Re-Inspection fees are charged when return to compliance is required to be observed.

New Fee Schedule

In March 2001, the San Diego County Board of Supervisors unanimously approved a new Department of Environmental Health (DEH) fee schedule. The approval of this new fee schedule followed several months of active participation with various industry and community stakeholders, seven public workshops, and more than 25,000 notices mailed to permittees. This is the first major fee adjustment by DEH since 1992. The new fees become effective July 1, 2001.

The Hazardous Materials Division (HMD) created five new fee categories, increased fees in seven categories, and made no changes to nineteen fee categories. The following is a summary of the new fees and fees that will be increased:

New Fees

Remote Site Fee	\$40
CalARP RMP Program II and III	\$515
CalARP RMP Program I	\$200
Building Permit Application	
Exempted Sites	\$70
Day Care Site Inspection	\$120
Photographic Waste Only	\$40

Fees that Increased

Medical Waste	\$95 to \$140
Onsite Treatment CE	\$50 to \$80
Onsite Treatment CA	\$200 to \$325
Onsite Treatment PBR	\$250 to \$485
Operating Permit Base	\$160 to \$180
UST	\$120 to \$270
Building Permit	
Application	\$120 to \$345

