



# What to Expect During a CUPA Inspection?

Myla Barker, Environmental Health Specialist

[Myla.Barker@sdcounty.ca.gov](mailto:Myla.Barker@sdcounty.ca.gov)

619-679-2693



# What is the CUPA?

- Certified Unified Program Agency
  - Hazardous Materials Business Plan (HMBP)
  - California Accidental Release Prevention Program (CalARP)
  - Hazardous Waste, Onsite Hazardous Waste Treatment (HW, HWT)
  - Aboveground Petroleum Storage Act (APSA)
  - Underground Storage Tanks (USTs)
  - Medical Waste (California Medical Waste Management Act)



# Unannounced Inspections

## **HSC:** HSC, Chapter 6.95, Article 1, Section 25511(a):

In order to carry out the purposes of Articles 1 and 2...an employee or authorized representative of a unified program agency has the authority specified in Section 25185 (Chapter 6.5/Hazardous Waste Control)...except that this authority shall include conducting inspections concerning hazardous material, in addition to hazardous waste.

### Chapter 6.5, Section 25185:

- (a) In order to carry out the purposes of this chapter, **any authorized representative** of the department or the local officer or agency authorized to enforce this chapter pursuant to subdivision (a) of Section 25180, **may, at any reasonable hour of the day**, or as authorized pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, do any of the following:
  - (1) Enter and inspect a factory, plant, construction site, disposal site, transfer facility, or any establishment or any other place or environment where hazardous wastes are stored, handled, processed, disposed of, or being treated to recover resources.



# What Does A CUPA Inspection Look Like?

- Introduction
- Facility Walk-through
- Records Review
- Inspection Report Review



# Introduction

- Your inspector will arrive unannounced, introduce themselves and request consent to conduct the inspection
- If consent to inspect is refused the inspector will reference HSC Chapter 6.5, Section 25185. This will result in the inspector returning to the business another day and assessing a \$398 re-inspection fee.
- Re-inspections are unannounced inspections



# Facility Walk-through

- All areas listed below may be subject to inspection including:
  - Lab benches, storage areas, fume hoods, flammable cabinets, waste bins, under sinks, and external dumpsters
  - Any areas that may be believed to have hazardous materials, hazardous waste, or medical waste
- It may be beneficial to invite laboratory personnel to join the inspection, this allows for the inspector to obtain expert knowledge on hazardous materials handling and waste generation from an operational and training perspective



# Facility Walk-through

- Accessibility is important. Be prepared to access hazardous waste and medical waste storage areas and emergency generators if applicable
- Ask questions! Our goal is to educate as well as verify compliance
- Your inspector will work with you to correct violations discovered at the time of inspection



# Record Review

- Organization is key! It is helpful to maintain all required documentation in one binder. This ensures your alternative contacts have access to this information in the event you are not available
- It may be helpful to send someone to acquire required documentation during the walk-through, if possible
- Be prepared to retrieve documents (i.e. employee training records, waste disposal records, etc.) stored in other departments such as Human Resources , Accounting, Maintenance, etc.





# Inspection Report Review and Delivery

- At the end of the inspection the inspector will generate a report capturing the details of the facility walk-through, records review, and any violations/corrective action attempts observed at the time of inspection
- Reports take time. Feel free to use this time to attend to other duties
- Once the report is finished, the inspector will review the report with you. This is a great time to ask questions about any follow-up that may be required for the return to compliance (RTC) process.



# Consultants

- Consultants are a resource; however, the facility is responsible for demonstrating compliance with the law.
  - It is critical for facility personnel to be able to handle the basics of an inspection



# Helpful Recommendations

- Ensure your receptionist and facility personnel know who to contact when the inspector arrives
- Guide the inspector through your facility
- Be familiar with hazardous materials and waste streams
- Be sure to acquire accurate documentation from your waste haulers
- Organize hazardous waste and medical waste disposal records by year/date



# Disposal Records

- Medical Waste Disposal Tracking Documents
  - Two years if you are a Large Quantity Generator (LQG)  $\geq 200$  lbs per month in a twelve-month period (HSC 117975)
  - Three years if you are a Small Quantity Generator (SQG)  $< 200$  lbs per month (HSC 117943)
- Provide TSDF Signed Hazardous Waste Manifests for Review
  - A manifest, signed by the TSDF, is a document confirming the waste has made it to its final destination ((HSC25160(b)(1)(c), 22 CCR 66262.23 (a)(4))



# Thank You!

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