# Section 2: Program Implementation and Compliance

## **SECTION 2 OVERVIEW:**

1. Violation Classification

2. Return to Compliance

3. Enforcement

## **VIOLATION CLASSIFICATION:**



Not every violation poses the same threat, but all require follow-up and correction.

## **Key Components of Classifying a Violation:**



# VIOLATION CLASSIFICATION

- Class I Violation
- Class II Violation
- Minor Violation

HSC 25404, 25110.8.5, 25117.6 & Title 22 66260.10



#### **Class I Violations:**

Class I Violations are cited on a "Notice of Violation"



# Components of a Class I Violation (one or more of the following)

Willful

Intentional

Negligent

Knowingly (or should have known)

**Chronic Violations** 

**Recalcitrant Violator** 

Class I Violation: Significant Threat

Represents a significant threat to human health or safety or the environment due to the:

1) Volume of the waste

2) Relative hazard of the waste

3) Proximity of population at risk



Class 1
Violation:
Economic
Benefit

A violation that enables the violator to benefit economically from noncompliance, either by reducing costs or competitive advantage.

# Violations can Escalate in Classification

#### "Chronic"

Defined as a pattern of behavior.
 Violations of the same requirement identified in two consecutive inspections may be considered chronic

#### "Recalcitrant"

 Defined as person/business who actively refuses to comply with the regulatory requirements or who has engaged in a pattern of neglect or disregard for statutory or regulatory requirements.

# Disclaimer!

Violations discussed throughout this training do not encompass ALL violations that may be cited during an inspection.

Refer to relevant codes of law or violation checklists included in your inspection reports for more information.

#### **Class I Violation Examples**

Class I Violation: Failed to notify CUPA of onsite hazardous waste treatment per Tiered Permitting requirements

Class I Violation: Unauthorized disposal of hazardous waste (illegal disposal)





#### **Class I Violation Examples**

Class I Violation: Unlawful transportation of hazardous waste (shipping hazardous waste without a hazardous waste manifest or not using a Cal. registered hazardous waste hauler

Class I Violation: Did not immediately report release or threatened release







Does not pose a significant threat to human health, safety, or the environment.

#### **Components of a Minor Violation**

**Not Willful** 

**Not Negligent** 

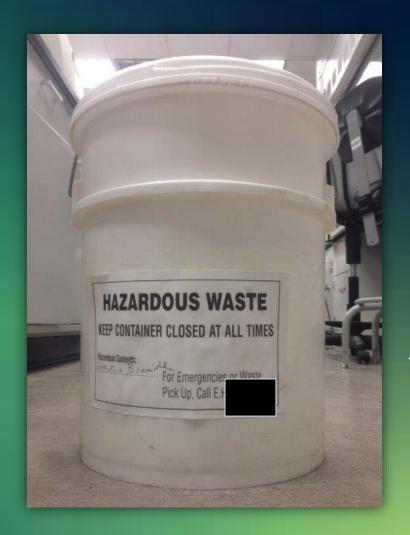
**Not Knowing** 

**Not Chronic** 

**Not from a Recalcitrant Violator** 

**NOT A CLASS II VIOLATION** 

#### **Minor Violation Example**



MINOR VIOLATION:
One low-risk hazardous
waste container with
incomplete hazardous
waste label

Hazardous waste label is attached but missing some required components

#### **Minor Violation Example**

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MINOR VIOLATION: One TSDF signed manifest not available for review during inspection

Completely filled out manifest should be available for review during inspection including TSDF signature located here "cradle to grave"

#### **Minor Violation Example**

Permit #: Date:

#### SAN DIEGO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH HAZARDOUS MATERIALS DIVISION

Annual Carcinogen and Reproductive Toxin Reporting List

Business Name:

Business Address:

Business Owner or Operator:

Please complete the following by entering the chemical name in the chemical name column and then place a check ✓ in the quantity column that most closely estimates the amount on hand. If measured by volume, check the appropriate gallon column(s). If measured by weight, check the appropriate pound column(s). If the chemical is a trade secret, you should check the trade secret box. For example, if you have one pint of benzene you would write benzene in the chemical name column and place a check ✓ in the <1-gallon column.

(PLEASE NOTE: the symbol < means less than).

Chemical Name	<1 gal.	√1 lb.		<55 gal.	Trade Secret

MINOR VIOLATION:
Annual
carcinogen/reproductive
toxin list not submitted
through CERS

Submitted in the "locally required documentation section" in CERS

## **Minor Violation Corrected on-site**

A <u>minor</u> violation discovered during an inspection may be corrected by the facility during the inspection.

The minor violation will be documented in the inspection report, but no further follow-up action will be required.

BE ADVISED: If similar violations are discovered during future inspections, the violation is now repeated and may be escalated to Class II or above.

## A Class II Violation is defined by what it is NOT:

Not a Minor Violation

CLASS II VIOLATION

Not a Class I Violation

#### **Generally a Class II Violation can be:**

**Repeat Minor Violation from previous inspections** 

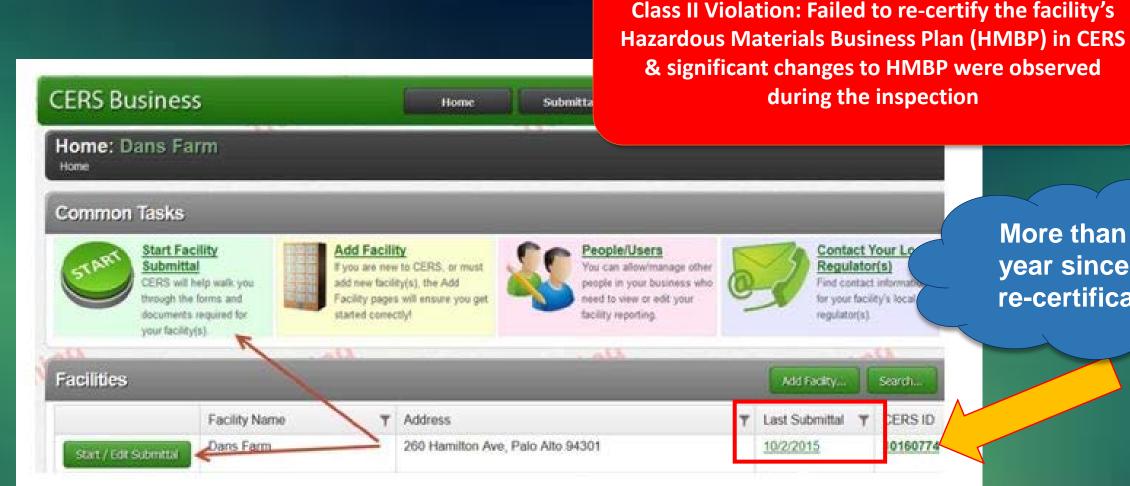
A serious violation that is not severe enough to be defined as a Class I

A Minor violation that failed to be corrected within specified time frames

Violations that are cited repeatedly throughout a facility's inspection history

Violations demonstrating a pattern of negligence

#### **Class II Violation Example**



More than one year since last re-certification

## **Class II Violation Example**



#### **Class II Violation Example**

Class II Violation: Medical Waste Management Plan not established and not submitted to the CUPA (if Large Quantity Medical Waste Generator)



#### County of San Diego

DEPARTMENT OF ENVIRONMENTAL HEALTH HAZARDOUS MATERIALS DIVISION P.O. BOX 129261, SAN DIEGO, CA 92112-9261 (858) 505-6880 FAX (858) 505-6848 http://www.sdcdeb.org



#### **Medical Waste Management Plan**

Facility Information							
Business Name	Unified Program Facility Permit #						
Type of Business	Date						
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,							
Street Address	City/ZIP						
Person Responsible for implementing the I	Medical Waste Management Plan (MWMP)						
Name							
Title	Phone						
Types of medical was	stes (MW) generated						
MW Chame	Bland or bland and dusts. Fold bland or bland						
MW Sharps - e.g., needles, blades, scalpels, or broken glass or syringes contaminated with biohazardous waste. (human or animal)	Blood or blood products - liquid blood or blood products, or other regulated body fluids, or articles contaminated with liquid blood or body fluids.						
Estimated monthly amount lbs	Estimated monthly amount lbs						
Laboratory wastes – infectious specimens or microbiological cultures, stocks of infectious agents, live and attenuated vaccines, biologicals, and culture media.	Pathology waste – human or animal tissues suspected to be infectious to humans						
Estimated monthly amount lbs	Estimated monthly amount lbs						
Liquid or semi-liquid biohazardous laboratory waste - treated on site by chemical disinfection* and discharged to sewer.  Estimated monthly amount lbs	Isolation waste - waste contaminated with excretion, exudates or secretions from humans or animals who are isolated due to highly communicable diseases.    Estimated monthly amount   Ibs						
Trace chemotherapeutic waste	Contaminated animals w/Highly communicable animal carcasses, body parts, tissues or fluids suspected to be contaminated by agents which are contagious.						
Estimated monthly amount lbs	Estimated monthly amount lbs						
California-regulated pharmaceutical waste	Other (specify):						

Class II Violation: Failed to provide or update primary emergency contact's information in CERS within 30 days of a significant change





After your facility has been cited violation(s) what is the next step?

**RETURN** 

TO COMPLIANCE



## **Return to Compliance (RTC) Process:**

Step 1:

Review the corrective actions prescribed in the report

Step 2:

Correct the violations within the timeframes on the report

Step 3:

Complete/submit the "Corrective Action Form to Document Return to Compliance" & include supporting documentation requested

If corrective actions are not received within specified time frames...



Re-inspection and Reinspection fees may be apply to determine compliance ...



Violations may be escalated



#### **COUNTY OF SAN DIEGO**

#### COMPLIANCE INSPECTION REPORT

FACILITY NAME:	Biotech	
ADDRESS:	123 Biotech Way	
CITY/ZIP:	SAN DIEGO	/92037

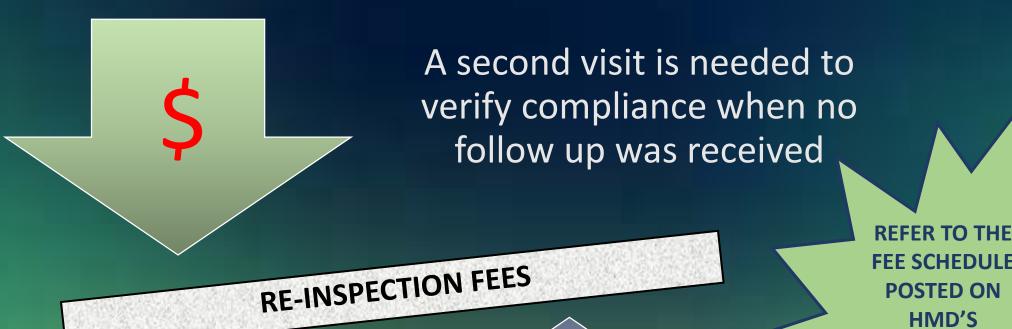
INSPECTION DATE: 05/09/2018 PAGE 1 OF 2	2								
RECORD ID #: <b>DEH2013-HUPFP-000307</b>									
TIME START: END:									
SPECIALIST:									
INSPECTION CONTACT: Darth Vader	INSPECTION CONTACT:Darth Vader								
TITLE: Sith									
PHONE:									
E-MAIL:	_								

On the above date, the County inspected your facility under the authority of the California Health and Safety Code (H&SC), to determine compliance with applicable provisions of the H&SC, the California Code of Regulations (CCR), and the San Diego County Code of Regulatory Ordinances (SDCC). This report serves as a Notice to Comply (H&SC 25187.8 & 25404.1.2) for any minor violations as defined in H&SC 25404 and 25117.6. This report may contain both minor and more significant (Class II) violations. Minor violations do not include repeat violations or violations remaining uncorrected for more than 30 days (or as specified below). Minor violations do not include knowing, willful, intentional, or chronic violations; nor do they include violations showing a pattern of neglect or disregard. The remarks below are intended to provide guidance to correct any violations indicated on the attached violation report. You must submit a written response to this report within 30 days (or as specified below) demonstrating that all violations have been corrected or include a written notice of disagreement that clearly states the reason for any disputed violations. Prompt correction can protect you from penalties for a "minor violation". Penalties can be imposed for each day in violation for all other violations even if they are corrected promptly. However, correction within 30 days (or as specified below) will make a penalty less likely.

NOTE: Reinspection fees will be charged if additional inspections are required to determine compliance.

		•		•	·
Yes	N/A		Yes	N/A	
		Unified Program Facility Permit Current			Contingency Plan Available LQG SQG
		Hazardous Materials Business Plan Available			Employee Training Records Available
		Employee Training is Adequate			Universal Waste Managed Properly
		Waste Disposal Records Available for Review			Waste Containers  Closed Labeled
		Emergency Contacts Current   Updated today			Waste Containers in Good Condition
		Chemical Inventory/Map Current   Updated today			Permit Expires On 09/30/2014

# Re-Inspection Fees May Apply When:



A second visit is needed because the facility denied consent to inspect



# Two types of inspection reports:



Notice to Comply



**Notice of Violation** 

## Notice to Comply

A "Compliance
Inspection Report"
with Minor or Class
II Violations cited
serves as a Notice
to Comply



#### **COUNTY OF SAN DIEGO**

#### **COMPLIANCE INSPECTION REPORT**

FACILITY NAME: BIOTECH BIOTECH

ADDRESS: 5555 CUPA WAY

CITY/ZIP: SAN DIEGO /92101

INSPECTION DATE: 01/11/2018

RECORD ID #: **DEH2013-HUPFP-0**TIME START:

SPECIALIST: The Inspector
INSPECTION CONTACT:Mr. EHS

TITLE: Site Manager

PHONE: \_\_\_\_

Documentation of corrective actions are due within the timeframes prescribed (usually 30 days)

On the above date, the County inspected your facility under the authority of the California Health and Safety Code (H&SC), to determine compliance with applicable provisions

of the H&SC, the California Code of Regulations (CCR), and the San Diego County Code of Regulatory Ordinances (SDCC). This report serves as a Notice to Comply (H&SC 25187.8 & 25404.1.2) for any minor violations as defined in H&SC 25404 and 25117.6. This report may contain both minor and more significant (Class II) violations. Minor violations do

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#### NOTE: Reinspection fees will be charged if additional inspections are required to determine compliance.

Yes	N/A		Yes N	I/A				
		Unified Program Facility Permit Current		_ C	Contingency Plan Available 🗌 LQG 🔲 SQG			
		Hazardous Materials Business Plan Available		_ E	Employee Training Records Available			
		Employee Training is Adequate		] (	Jniversal Waste Managed Properly			
		Waste Disposal Records Available for Review		_ V	Waste Containers 🔲 Closed 🔲 Labeled			
		Emergency Contacts Current   Updated today		_ V	Waste Containers in Good Condition			
		Chemical Inventory/Map Current  Updated today		Р	Permit Expires On 09/30/2014			
CON	CONSENT TO CONDUCT INSPECTION GRANTED BY:							

#### **Notice of Violation**

<b>63</b>	COUNTY OF SAN I	DIEGO		DATE: 01/17/2018 :: DEH2013-HUPFP-0	PAGE 1 OF 8
48	NOTICE OF VIOLATIO		TIME START: SPECIALIST:		END:
FACILITY NAME:	BIOTECH BIOTECH BIOTECH		TITLE: Site	Manager	
ADDRESS:	5555 CUPA WAY		PHONE:		
CITY/ZIP:	SAN DIEGO	/92101	E-MAIL:		
OWNER'S NAME	COSD HAZARDOUS MATERIALS		CITY/ZIP	SAN DIEGO	/92101
ADDRESS	5555 CUPA WAY		PHONE		
of the H&SC, the Ca	the County inspected your facility under the authority of the lifornia Code of Regulations (CCR), and the San Diego County a formal written response and corrective action within the t	Code of Regulatory Ord			
NOTE: Reinspe	ection fees will be charged if additional insp	ections are requi	red to detern	nine compliance.	
CONSENT TO	CONDUCT INSPECTION GRANTED BY:			TITLE:	
INTRODUCTIO	N:				

If Class I Violations are cited, they will be documented on a Notice of Violation. This signals the initiation of potential formal enforcement

Enforcement proceedings may commence, or the enforcement case will be referred to another agency.

Penalties can be imposed for each day in violation. Reinspection fees will be charged if additional inspections are required to determine compliance

# END OF SECTION