



# Archived Document

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# CUPA connection



County of Orange Health Care Agency  
Environmental Health Services  
Certified Unified Program Agency

Annual 2009 Edition

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# CUPA Survey Results

During the 12-month period spanning April 2007 through April 2008, several Orange County businesses experienced an on-site inspection from a CUPA Hazardous Waste Specialist, and participated in a brief survey.

## Executive Summary

### Size of Business:

Close to half of the surveys received (46%) came from very small businesses, with 10 or fewer employees.

### Locations of Business:

Surveys were received from businesses located in 69 different Orange County ZIP codes.

### Types of Programs:

Most respondents (94%) reported being inspected for Hazardous Waste. Approximately 15.4% reported that they were inspected for Hazardous Materials Disclosure, but only a small percent reported each of the remaining programs, including Tiered Permitting (4.5%), Underground Storage Tank (8%), and CalARP (1.2%). Because respondents were instructed to "check all that apply," these percentages do not total 100%.

### Inspector Helpfulness:

A majority of respondents (82%) reported that their inspector was "very helpful," 16.4% rated the inspector "helpful," 1.2% reported that the inspector was "somewhat helpful," and only two respondents (0.4%) reported the inspector was "not at all helpful." 452 respondents who answered whether or not the inspector identified areas where they "did not comply with the regulations," nearly two-thirds said "yes" (65.7%) ●

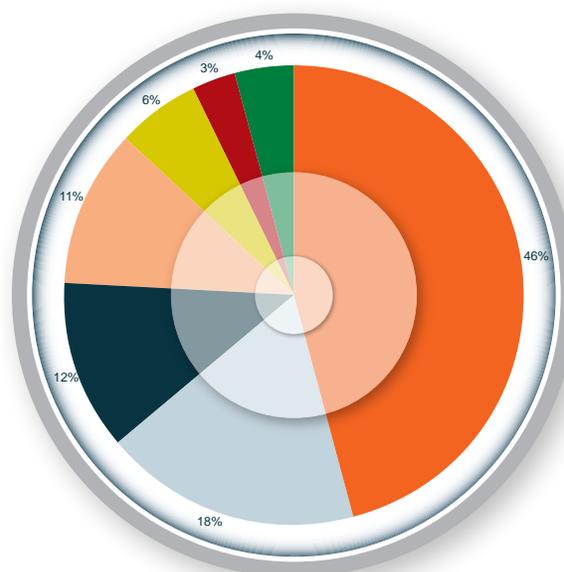
In order to assess satisfaction with CUPA programs and inspectors, the Orange County Health Care Agency, Environmental Health Division and the Office of Quality Management collaborated to conduct a brief survey of businesses that experienced an on-site inspection from a CUPA Hazardous Waste Specialist between April 2007 and April 2008. Of the 1,255 surveys handed out to businesses during a routine on-site inspection from a CUPA Hazardous Waste Specialist, 486 completed surveys were received

(including 460 printed and 26 online surveys), representing a response rate of approximately 39%. In addition, two focus groups were conducted with businesses who had indicated on the survey their interest to provide more detailed input into the CUPA inspection process.

For those of you who either completed a survey or attended a focus group, the OC CUPA wants to thank you for providing us with valuable information that we will use to enhance our service to you the regulated business community. ●

Elements of the Inspection	# of Responses	% Agree or Strongly Agree	*Average Score
Inspection purpose was clearly explained	483	97.9%	4.62
Inspector provided information on how to correct the identified problems	295	99.7%	4.70
Inspector spent a sufficient amount of time at facility to answer all questions	485	98.4%	4.67

\*Note: Respondents reported on a 5-point scale, where: 5 = Strongly Agree, 4 = Agree, 3 = Neither Agree Nor Disagree, 2 = Disagree, 1 = Strongly Disagree.



Percent of respondents from each business size (# of employees)

- 0 - 10
- 11 - 25
- 26 - 50
- 51 - 100
- 101 - 250
- 251 - 500
- 501+

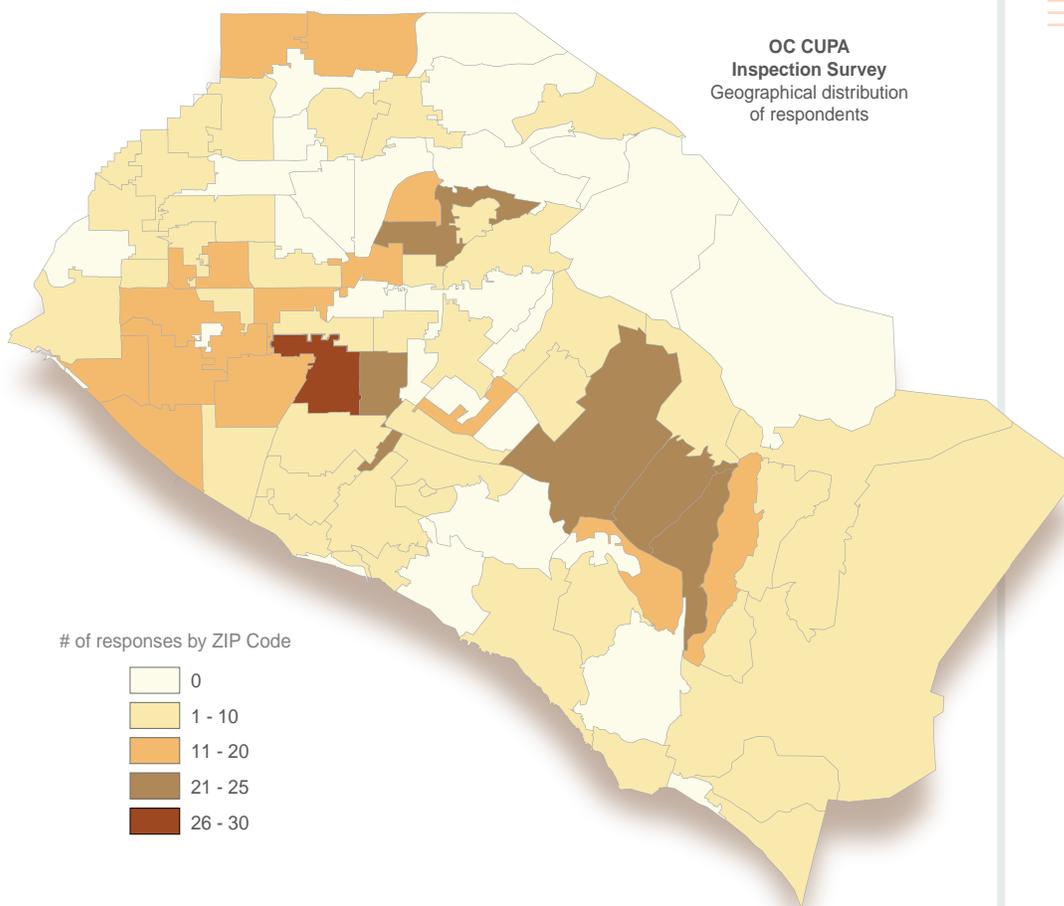
**Website Awareness: Out of 462 respondents, half (50.4%) knew that OC CUPA has a website at [www.occupainfo.com](http://www.occupainfo.com)**

## Satisfaction with Elements of the Inspection

Most respondents (97.9%) reported that they “agree” (33.3%) or “strongly agree” (64.6%) that “the purpose of the inspection was clearly explained.”

Of the 295 respondents who reported that their inspector identified areas where they did not comply with the regulations, virtually all (99.7%) of them also reported that they “strongly agree” (70.5%) or “agree” (29.2%) that the inspector provided “information on how to correct the identified problems.”

Most respondents (98.4%) stated that they “agree” (29.3%) or “strongly agree” (69.1%) that “the amount of time the inspector spent at my facility was sufficient to answer all of my questions.” ●



Helpfulness of the Inspector	*Average Score	% Reporting inspector was very helpful	% Reporting inspector was helpful	% Reporting inspector identified areas of non-compliance
# of Responses	482	482	482	452
How helpful was the inspector?	4.79	82%	16.4%	65.7%

\*Note: Respondents reported on a 5-point scale, where:  
5 = Very Helpful, 4 = Helpful, 3 = Somewhat Helpful, 2 = Slightly Helpful, 1 = Not at all Helpful.



## Where Do We Go From Here?

Participants from survey and focus groups provided comments and suggestions on enhancing our services.

Overall, they were very positive and mentioned how “helpful,” “knowledgeable,” “informative,” “courteous,” “friendly” and “professional” the inspectors are. Based on other suggestions and comments, here are some specific areas we are going to address for incorporation into our operations.

### Electronic submittal of forms:

We are testing a new software system that will allow this. Estimated go-live date for all of the CUPA program forms is late 2009/early 2010.

### Upgrading of CUPA website:

Some commented that the website is difficult to find and navigate, not user-friendly and needs more up-to-date information.

### Trainings online

or through video conferencing:  
Both for annual hazardous waste trainings and CUPA workshops.

### Inspection checklists:

Businesses would like checklists to prepare them for the annual CUPA inspections.

### Online form or email link for ongoing program input:

Businesses suggested we develop a method for ongoing program input. ●

# Welcome!

## Welcome to the 21st volume of Orange County's CUPA Connection!

This edition is the start of some exciting new changes in the way we reach out to you, our regulated businesses.

The CUPA Connection will now be distributed to businesses once a year and in a new expanded format. These changes reflect our commitment to keep businesses informed with the most current information available and in a timelier manner. Orange County CUPA website [www.occupainfo.com](http://www.occupainfo.com) is a good resource for information or just simply pick up the phone and dial (714) 433-6000 and ask to speak to your district inspector or the HazMat Duty Officer.

### ORANGE COUNTY CUPA Whowareandwhatwedo!

#### So what is a CUPA anyway?

CUPA is an acronym for: Certified Unified Program Agency. What that means is Orange County Environmental Health has been certified by the California Environmental Protection Agency (Cal EPA) to coordinate the regulation of six environmental programs for all of Orange County with the exception of Anaheim.

Environmental programs include:

- Hazardous Waste
- Underground Storage Tanks
- Aboveground Petroleum Storage Tanks
- Hazardous Materials Disclosure
- Business Plan
- California Accidental Release Prevention Program (CalARP)

County and City Fire Agencies in Orange County have joined the CUPA as Participating Agencies, forming a partnership within the County's Unified Program.

In most cities, Environmental Health administers the Hazardous Waste, Underground Storage Tank and Aboveground Petroleum Storage Tank programs while the Fire Agencies generally administer Hazardous Materials Disclosure, Business Plan and CalARP with some exceptions.

## Environmental Programs, Explained!

### Hazardous Waste Program

Orange County has approximately 6,500 businesses that routinely generate hazardous waste as part of their operations. To assist businesses in the management of their wastes, Hazardous Waste Specialists conduct site visits throughout the year to educate business on good management practices to ensure these wastes are not released to the environment.

Under this program, the treatment of hazardous waste is also regulated by a Tiered Permit. Businesses planning to treat hazardous waste on-site must notify the CUPA by completing a notification form and obtaining authorization from the CUPA. Upon obtaining a permit, facilities receive oversight and education to the treatment of specific wastes.

Treatment means any method, technique or process which changes the physical, chemical or biological character or composition of a hazardous waste, or removes or reduces its harmful properties or characteristics.

### Underground Storage Tank Program

The Environmental Health Division oversees the Underground Storage Tank Inspection Program in Orange County with the exception of the following cities: Anaheim, Fullerton, Orange and Santa Ana.

The purpose of this program is to ensure that hazardous materials stored in underground tanks are not released into the groundwater and/or the environment.

Specialists from the County and cities inspect underground storage tanks (USTs), monitoring equipment, and inventory records of UST systems to ensure that the systems comply with applicable laws and regulations.

*(Continued on pg. 9)*



# Legislative Updates

## Interior Tank Lining Recertification

By December 22, 1998, motor vehicle fuel underground storage tanks (USTs) constructed of steel had to be retrofitted with a secondary containment system, or upgraded with cathodic protection and interior lining or bladder system.

A UST upgraded using the interior tank lining method must be inspected by a coatings expert or special inspector within 10 years of lining and every five years thereafter (pursuant to California Code of Regulations (CCR), Title 23, Section 2663 (h)). The inspection must meet the requirements as stated in CCR, Title 23, Section 2663 (h) (1)-(9).

A written certification of the inspection must be submitted to this agency for review within 30 calendar days of inspection completion. Any UST that is not re-certified within ten years of initial lining and/or receives certification that it is no longer suitable for continued use must be closed in accordance with Article 7 of Title 23, CCR. A previously lined tank may not be repaired using the interior tank lining method (pursuant to CCR, Title 23, Section 2661 (c)). ●

## Administrative Enforcement Order Update

In 2007, the Orange County Certified Unified Program Agency (OC CUPA) issued Administrative Enforcement Orders for facilities that failed to come into compliance.

The goal of an Administrative Enforcement Order is to return a facility to compliance in a timely manner, eliminate the economic benefit of non-compliance, and create a deterrence against future non-compliance.

During the 2007 calendar year, the OC CUPA issued Administrative Enforcement Orders for 11 facilities and collected just over \$83,000 in penalties. Administrative Enforcement Orders were issued at both hazardous waste generator and underground storage tank facilities which had incurred a serious violation as defined under the Health and Safety Code.

These facilities addressed their compliance issues through this process. The following chart outlines the 2007 cases by type of businesses and programs.

Type Of Business	Program	Penalty Amount
Waste Hauler	Hazardous Waste Generator	\$1,000
Service Stations	Underground Storage Tank	\$7,750
Manufacturing	Hazardous Waste Generator	\$45,000
Auto Repair	Hazardous Waste Generator	\$5,950
Plating	Hazardous Waste Generator	\$19,000
Metal Finishing	Hazardous Waste Generator and Tiered Permitting	\$4,400

The OC CUPA issues Administrative Enforcement Orders for Class 1 hazardous waste and tiered permitting violations, major UST violations, and repetitive violations in any regulated program. We encourage facilities to review their inspection reports carefully and address all outstanding issues that have been identified by their inspectors. ●

## 48-Hour Notice

Please provide a 48-hour notification to this agency prior to conducting the interior tank lining inspection.

For further questions, information, or to provide notification, please contact the district inspector in your area.

## Electronic Reporting Legislation Passed

Assembly Bill 2286 requiring Unified Program electronic reporting has been passed.

It requires the electronic submittal of Unified Program data by 2013. The regulated business community will be able to submit data directly to their local Unified Program Agency (UPA) who will share it with Cal EPA. Cal EPA will also exchange data with US EPA and will create a public access website. This project will be completed by 2013.

The bill provides a funding mechanism for the transition to e-reporting. Each regulated business is now required to pay \$24 per year in Unified Program service charge. The bill authorizes up to an additional \$25 per year for three years. This will result in approximately \$10 million over the three years. Of this amount, about \$2 million will remain with Cal/EPA for the development and ongoing maintenance and support of the state's data submission portal and data exchange system.

The remaining approximately \$8 million will be distributed to or used directly to support the UPAs.

A mechanism of fund allocation and distribution is currently being developed. These funds or services contracted by Cal EPA will be available to UPAs to fund various aspects of the transition to e-reporting.

# New Environmental Program!

## Aboveground Petroleum Storage Tanks

Have an aboveground storage tank? Thinking of installing one? This new legislation may affect you!

### Who Is Subject to the Aboveground Petroleum Storage Tank Program?

The Act defines “storage tank” as any aboveground tank or container used for the storage of petroleum, 55 gallons or greater. An operator with total aboveground storage tank capacity equal to or greater than 1,320 gallons will be required to prepare a Spill Prevention Control and Countermeasure (SPCC) Plan.

A tank facility is subject to this chapter, if the tank facility is subject to the Oil Pollution Prevention regulations in Part 112 of Subchapter D of Chapter I of Title 40 CFR, or the facility has a storage capacity of 1,320 gallons or more of petroleum. Certain exemptions do apply.



Tank Size	APST Requirements
Equal to or greater than or 1,320 gallons	SPCC, tank facility statement, inspection, fee
Farms, nurseries, etc., equal to or greater than 20,000 gallons per tank or 100,000 gallons total storage	SPCC, tank facility statement, inspection, fee
Farms, nurseries, etc., less than 20,000 gallons per tank or 100,000 gallons total storage	Conduct daily visual inspection, tank facility statement, inspection, secondary containment as needed, pay fee. SPCC not required.

### Requirements summary:

A brief summary of requirements under the APST program:

- Each owner or operator of a storage tank at a tank facility subject to this chapter shall prepare a spill prevention control and countermeasure (SPCC) plan prepared in accordance with Part 112 of Subchapter D of Chapter I of Title 40 CFR.
- Each owner or operator of a storage tank at a tank facility shall conduct periodic inspections of the storage tank to assure compliance with the regulations stated above.
- On or before January 1, 2009 and each January 1 of each year thereafter, each owner or operator of a qualifying tank facility shall submit a Tank Facility Statement to the CUPA.
- On or before January 1, 2010 and each January 1 of each year thereafter, each owner or operator of an APST who is required to submit a Tank Facility Statement shall pay a fee to the CUPA. The fee is established by the CUPA, sufficient to support costs incurred to administer the program.
- The CUPA will inspect every year each storage tank within its jurisdiction that has a storage capacity of 10,000 gallons or more of petroleum. Storage tanks between 1,320 and 9,999 gallons of petroleum will be inspected periodically by the CUPA.

## Aboveground Petroleum Storage Tanks

(continued from page 6)

### Who is Required to Prepare and Implement an SPCC Plan?

All facilities subject to the Act must prepare an SPCC plan except farms, nurseries, logging, or construction sites if these businesses have a total storage capacity of less than 100,000 gallons and if their individual storage tanks are less than 20,000 gallons.

Farms, nurseries, logging or construction sites with the above stated storage capacities must conduct a daily visual inspection of any storage tank storing petroleum, allow the CUPA to conduct a periodic inspection of the tank facility, install secondary containment if determined necessary by the CUPA, and pay the annual fee.

### Who Conducts APST Facility Inspections?

The Orange County Certified Unified Program Agency (CUPA) will conduct inspections and verify whether an SPCC Plan is in place at your facility. The CUPA will also receive and review tank facility statements.

Plan check review and tank installation will continue to be managed by the fire departments.●

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## More Information

For more details on the Aboveground Petroleum Storage Tank program, see the fact sheet on our website at:  
[www.OCCUPAINFO.com](http://www.OCCUPAINFO.com).

## Aboveground Petroleum Storage Tank Program

Orange County CUPA was recently delegated authority by the State to regulate aboveground storage tanks containing petroleum products from the newly amended Aboveground Petroleum Storage Tank Act in the California Health and Safety Code.

As of January 1, 2008, the amended regulations became effective. As a result, facilities with a total aboveground storage tank capacity equal to or greater than 1,320 gallons of petroleum products will now be regulated under the APST Program administered by Orange County Environmental Health.

Owners or operators of aboveground petroleum storage tanks are required to submit a Tank Facility Statement and implement spill prevention measures according to the Aboveground Petroleum Storage Act of 1990.

### Petroleum: What does it mean?

“Petroleum” means crude oil or any fraction that is liquid at 60 degrees Fahrenheit at normal atmospheric pressure. This includes petroleum-based substances comprised of a complex blend of hydrocarbons, such as gasoline, diesel, jet fuels, residual fuel oils, lubricants, some petroleum solvents, and used oils. Petroleum does not include liquid propane gas (LPG).

Facilities with a single tank or cumulative aboveground storage capacities of 1,320 gallons or greater of petroleum are required to prepare a spill Prevention Control and Countermeasure Plan (SPCC) with some exemptions. An SPCC plan must be prepared in accordance with the oil pollution prevention guidelines in the Federal Code of Regulations (40 CFR, 112).

This plan must include procedures, methods, and equipment at the facility to prevent discharges of petroleum from reaching navigable waters. An SPCC plan must be certified by a Registered Professional Engineer and a complete copy must be maintained on site.



## Aboveground Petroleum Storage Tank Program

(continued from page 7)

The Orange County CUPA will conduct inspections and verify whether an SPCC Plan is in place at your facility. The CUPA will also receive and review tank facility statements. Plan check review and tank installation will continue to be managed by the fire departments.

## Hazardous Materials Disclosure

In Orange County, the CUPA has delegated this program to the local Fire Agencies, with the exception of Brea. This Program requires businesses to complete a Hazardous Materials Inventory and chemical description for each hazardous material that is handled at the facility more than the threshold quantity for a Business Emergency Plan (BEP). The California threshold for BEPs is 55 gallons, 500 pounds or 200 cubic feet of gas. Listed Extremely Hazardous Substances may have a lower limit to the quantity that will require a BEP.

## Business Plan

Businesses that handle a hazardous material above the threshold quantity are required to develop and submit a BEP to the Administering Agency.

### BEP Components

#### 1. Inventory of Hazardous Materials

Each hazardous material present in a quantity above the threshold quantity must be inventoried. This information is reported on Office of Emergency Services (OES) forms 2730, 2731 & 2732. Businesses submitting California inventory forms will also be in compliance with the Federal Emergency Planning & Community Right-to-know Act.

#### 2. Emergency Response Plans and Procedures

Emergency plans and procedures are required to address a release or threatened release of hazardous materials. The response plan and procedures should be scaled appropriately for the size and nature of the business, the type of materials handled and the proximity to residential areas.

#### 3. Release Reporting

All releases or threatened releases must be reported to the OES and the Administering Agency. Guidelines and reporting requirements can be found on the OES web page.

#### 4. Training

A training program should be reasonable and appropriate for the size of the business and the nature of the hazardous materials used. ●



## California Accidental Release Prevention Program (CalARP)

The Orange County CUPA implements this program for the cities of Brea, Costa Mesa, Fountain Valley, Huntington Beach, Garden Grove, Newport Beach, Orange and Santa Ana. The CUPA has delegated the responsibilities and management of this program to some of the local Fire Agencies for all other cities. CalARP was adapted from the Federal accidental release program established by the Clean Air Act Section 112 (r) and modified to meet California's needs.

This program requires any business that handles more than threshold quantities of a Regulated Substance (RS) to develop a Risk Management Plan (RMP). The RMP is implemented by the business to prevent or mitigate releases of regulated substances that could have off-site consequences.

Regulated Substances and their threshold quantities can be found in Title 19, California Code of Regulations, in the following tables:

Table 1: Federal list of Toxic Regulated Substances

Table 2: Federal list of Flammable Regulated Substances

Table 3: California list of Regulated Substances

## Orange County CUPA's Commitment

Our focus is environmental protection through education. To realize that goal we need to provide outreach not only to our regulated community but also to our next generation of business owners and citizens. Some of the same inspectors that visit your business during the week are also promoting environmental protection at schools and at community events on the weekends through our Used Oil Recycling Program. These events include the Children's Water Festival, city fairs, various car shows and school district environmental awareness festivals. Environmental Health staff provide public outreach by attending approximately 30 community events throughout Orange County each year. ●

**Education is key to our success!**

# Underground Storage Tanks

Grant funds from the State Water Resources Control Board are available to small businesses for underground storage tanks (USTs) installed within the last 12 months.

## Qualifying for the Underground Storage Tank Grant Program

To qualify as a small business, as defined in AB 2955, the grant applicant is a business that employs fewer than 500 full-time and part-time employees, is independently owned and operated, and is not dominant in its field of operation. Grant funds of up to \$30,000 are available for:

- Leak Detection UST Monitoring Equipment; the maximum available for this equipment is \$15,000.
- Enhanced Leak Detection Testing after installation of new USTs; the maximum available for these tests are \$15,000.

Please note that grants must be issued no later than 12 months after the installed UST is placed into use. To ensure grants are issued within the allotted time to qualify for funding, applications must be received by the SWRCB no later than 10 months after receiving a permit to operate from the local agency. ●

**SAVE THE DATE!**

**CUPA Workshop**

**Workshop Title:**

Underground Storage Tanks - The Basics

**Workshop Date:**

Wednesday, September 30, 2009

This is an introductory course designed for new owners/operators, or for those who would like a refresher.

**See page 12 in this issue for more information on this free workshop!**



## For more about Underground Storage Tank grants

Contact the State Water Resources Control Board office for further information:  
Karyn Gardner (916) 445-1091 or Email at: [kgardner@waterboards.ca.gov](mailto:kgardner@waterboards.ca.gov)  
<http://www.waterboards.ca.gov/cwphome/ustcf/>

## UST Owner/Operator Responsibilities



Depending on the upgrades to the underground storage tank (UST) system, a plan check submittal, inspection and fees to the County may be required. No matter what the upgrade is, a witnessed monitoring system certification is required to verify all monitoring parameters are met.

Example: A UST site needs to install a new monitoring panel. This type of upgrade requires a plan check, fees and inspection. Whereas, if a UST site needs to install a software upgrade to the monitoring panel only, this upgrade does not require a plan check, but may require a fee for a monitoring system certification inspection.

The UST owner may be subject to a second and/or subsequent re-inspection fee of \$104 per hour to cover Agency costs associated with the verification of proper operation of the monitoring system. ●

### How will inspections fees be assessed?

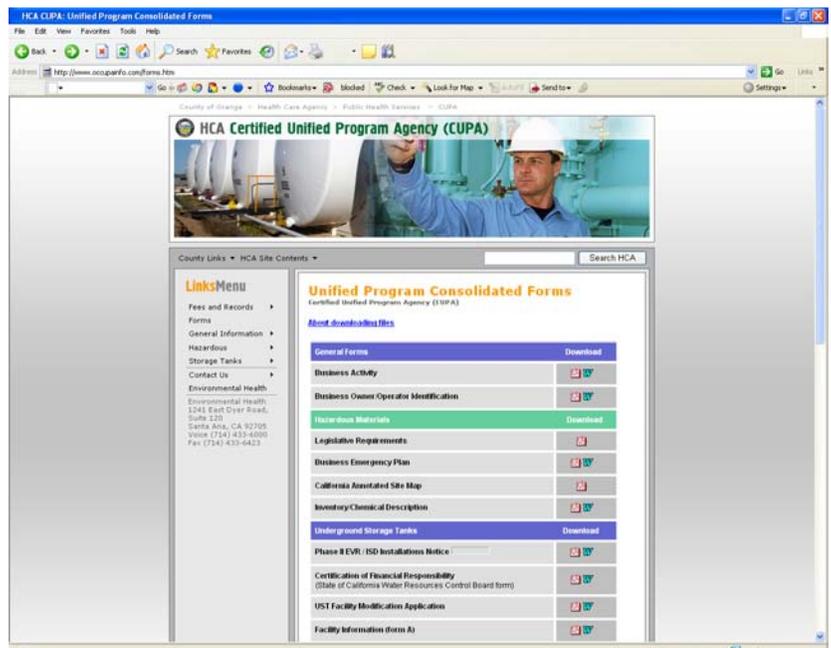
This fee will be assessed in cases where the site has already received their inspections for the fiscal year. If you have specific questions, please contact your district inspector for more details.

## AQMD Phase II EVR and ISD 2009 Compliance Deadlines

The Orange County Health Care Agency has created a guidance document to assist owners and contractors in complying with the Phase II Enhanced Vapor Recovery (EVR) and In-Station Diagnostics (ISD) installation deadlines.

### Where can I find these documents on the Internet?

These documents can be found at the County of Orange Health Care Agency Environmental Health CUPA website at: [www.occupainfo.com/forms.htm](http://www.occupainfo.com/forms.htm) They will be listed under the title of "Underground Storage Tank Program Tools."





## UST Owner/Operator Responsibilities

Obtain a Permit to Operate a UST system and pay an annual fee to operate USTs used to store hazardous substances.

- Comply with construction and monitoring requirements for new USTs.
- Install and operate monitoring systems for existing USTs.
- Report and cleanup all unauthorized releases from USTs.
- Ensure that each tank in use meets the 1998 upgrade requirements.

## Repair, Removal and Installation of USTs

CUPA staff oversees the installation, repair and removal of USTs through the plan check process. Plan submittal is required for the following activities:

- New installations
- Piping repair/upgrade
- Cathodic protection
- Bladder insertions
- Boring for monitoring wells
- Sump installations
- Dispenser containment modifications/ installations
- Replacement installation of both leak detection monitoring box and sensors
- Overfill prevention
- Spill containment
- Positive shut down device

## Biodiesel Storage Prohibited in USTs

Biodiesel is an alternative fuel that is made from renewable resources. It can be blended with petroleum diesel to make a biodiesel blend. The underground storage of fuel containing biodiesel has caused considerable concern from State regulators due to potential incompatibility with storage tank system components. In an attempt to balance the need for alternative fuels with acceptable environmental risk, the State Water Board has passed emergency regulations to allow for the storage of biodiesel blends of up to 20% biodiesel. Specific conditions must be met in order to obtain a variance for biodiesel storage from this Agency. Permanent regulations are currently being drafted by the Water Board. If approved, the specific variance requirements may change. Please contact this Agency to discuss the variance process and biodiesel storage.

### Biodiesel Storage: What Steps Should You Take?

If you have biodiesel in an underground storage tank in Orange County:

Step 1:  
Call Orange County  
Environmental  
Health at  
**(714) 433-6000**

Step 2:  
Ask to speak to  
your inspector  
who will work with  
you to have the  
material removed.

# Underground Storage Tanks *the Basics*

## Underground Storage Tanks “The Basics”

This is an introductory course designed for new owners/operators, or for those who would like a refresher.

For a more detailed training outline visit us at [www.occupainfo.com](http://www.occupainfo.com).

**Refreshments will be served**

**Seating is limited • Please RSVP early**

## A free CUPA workshop!

**Wednesday, September 30, 2009**

**9:00 a.m. to 12:00 p.m. (sign-in begins at 8:30 a.m.)**

Huntington Beach Central Library  
7111 Talbert Ave., Huntington Beach 92648  
Training will be held in the theater

*For more information, or to RSVP for this free workshop, contact:*

**Christine Lane • [clane@ochca.com](mailto:clane@ochca.com) • (714) 433-6243**



# Universal Waste Management

As a business you may have one or all of these wastes that are now regulated and must be recycled. Disposal of these wastes in the municipal trash is prohibited. As of February 9, 2006, businesses must pursue recycling options that are available.

## Frequently Asked Questions

### What are the most common Universal Wastes?

The following is a partial list of items that are designated as universal waste when they are discarded or are no longer useful. For a complete list of universal wastes, please review the regulations.

- Batteries – Alkaline batteries, rechargeable nickel-cadmium, silver button batteries, mercury batteries, small sealed lead acid batteries (such as those found in burglar alarms and emergency lights), and carbon-zinc batteries.
- Lamps – Fluorescent tubes and compact fluorescent bulbs, high intensity discharge lamps, and sodium vapor lamps, or any other lamps that contain added mercury.
- Televisions and computer monitors - Cathode ray tubes (CRTs and CRT glass), LCD and Plasma screens greater than 4 inches (portable DVD players).
- Electronic devices – Electronic equipment such as cell phones, telephones, computer CPUs, and printers.
- Non-empty aerosol cans.
- Mercury Containing Equipment (MCE) – Thermostats, thermometers, mercury switches, dental amalgam, pressure or vacuum gauges, mercury-added novelties, mercury counterweights and dampers, dilators and weighted tubing, and gas flow regulators.



### What is “Universal Waste?”

State legislation and regulations label these wastes as “universal waste,” which are hazardous wastes, and if properly recycled, are exempt from some of the common hazardous waste handling and disposal requirements. In other words, universal wastes are common hazardous wastes that pose a lower risk to people and the environment, but require regulation due to the impacts of these wastes in solid waste landfills.

State and Federal regulations have been developed identifying universal wastes and providing simple rules for handling and recycling.

The universal waste regulations can be found in California Code of Regulations, Title 22, Division 4.5, Chapter 23 or online at:

[www.dtsc.ca.gov/LawsRegsPolicies/Title22/OEARA\\_REG\\_Title22\\_Ch23.cfm](http://www.dtsc.ca.gov/LawsRegsPolicies/Title22/OEARA_REG_Title22_Ch23.cfm)

## Frequently Asked Questions

(continued from page 13)

### How Should Universal Wastes be Managed?

Universal waste must be stored in a container which is closed, structurally sound, compatible with the contents and maintained in good condition. Electronic devices, CRTs, and CRT glass may be stored in such a way as to prevent breakage or the release to the environment such as boxed or stretch-film on a pallet.

Each container or pallet of universal waste must be labeled with the words "Universal Waste" and the type of waste being stored (e.g. batteries, lamps, CRTs, etc.). A generator of universal waste may not accumulate universal waste for longer than one year and must be able to demonstrate the beginning accumulation date.

### How is Universal Waste Disposed/Recycled?

Remember, universal waste is a hazardous waste. It is illegal to dispose of universal waste in the municipal trash. Universal wastes are recyclable and should be sent to a universal waste handler, or a destination facility authorized to accept universal waste.

CRTs, CRT glass, lamps, and mercury containing equipment are required by law to be recycled in order to be managed under the universal waste regulations. If you do not plan to send these wastes to a facility that recycles them, they must be managed under the full hazardous waste regulations.

### Can I treat Universal Waste?

"Treatment" of universal waste is not permitted. However, the following activities are allowed as long as they do not contribute to a release of universal waste to the environment:

- Disassemble batteries or battery packs into individual batteries or cells
- Sort batteries by type or mix battery types in one container
- Discharge batteries so as to remove the electric charge
- Remove user-replaceable components (e.g. ink cartridges) from electronic devices
- Remove CRTs from electronic devices in a manner that prevents breakage
- Puncturing & draining non-empty aerosol cans: Restrictions apply. Please contact the OC CUPA for further details.

In the near future, OC CUPA will be conducting random audits of businesses for Universal Waste to assess compliance and provide educational assistance where needed. ●



For More Information...  
Information on managing universal waste in California can be found on the California Department of Toxic Substances Control (DTSC) website: [www.dtsc.ca.gov](http://www.dtsc.ca.gov)

For additional information call Environmental Health at (714) 433-6000 and ask for the HazMat Duty Officer.

# Waste Aerosol Can Management

Senate Bill (SB) 1158 reduced the regulatory and financial burden of managing waste aerosol cans by designating them as universal waste.

## Processing Requirements:

Section 25201.16 (H&SC) allows qualified handlers to process hazardous waste aerosol cans as “universal waste aerosol cans.”

Processing includes puncturing, crushing and draining the cans. Requirements for processing these cans include but are not limited to:

1. The processing unit needs to be stored above a non-earthen floor that is free of cracks or gaps and is sufficiently impervious and bermed to contain leaks and spills.
2. Develop and implement a written operating procedure for safely processing universal waste aerosol cans and handling emergencies.
3. Proper management of hazardous waste residuals from the aerosol can processing operation.

A permit to process non-empty aerosol cans is not required. However, proper notification to the local Certified Unified Program Agency (CUPA) is required.

Notification requirements are met by completing the Orange County CUPA aerosol can processing notification form and submitting it to OC CUPA. This form can be found on the OC CUPA website [www.occupainfo.com](http://www.occupainfo.com).

Notification must be submitted no later than the date on which the handler first initiates processing activities.

Orange County CUPA must also be notified within 30 days of any changes in operation that modify information originally provided on the form.

## Prior to SB 1158

Prior to SB 1158 (effective January 1, 2002) non-empty aerosol cans that were discarded had to be managed as hazardous waste.

## After SB 1158

SB 1158 added section 25201.16 to the Health & Safety Code (H&SC) which made processing hazardous waste aerosol cans a universal waste handling activity.

## Handling Requirements:

This section requires all handlers of universal waste aerosol cans to comply with proper management practices. These include but are not limited to:

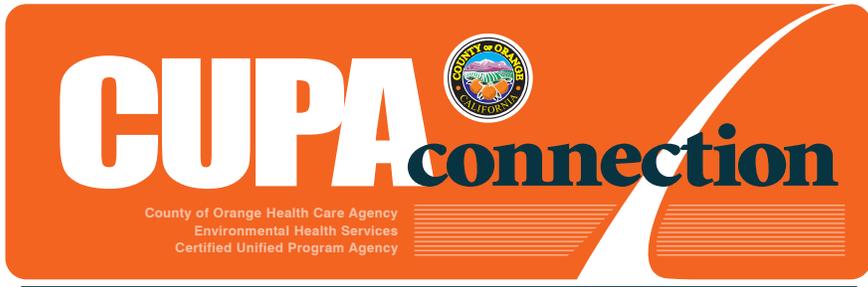
1. Storage of the cans in a structurally sound and compatible containers with no evidence of leaks, spills or damage that could cause leaks.
2. Label containers for these cans with one of the following phrases:
  - “universal waste – aerosol cans”
  - “waste aerosol cans”
  - “used aerosol cans”
3. Manage the cans in a manner and in equipment designed to prevent fire, explosion and unauthorized releases to the environment.
4. Provide a spill clean-up kit and promptly clean-up any spills or leaks of the contents of universal waste aerosol cans. ●



Managing waste aerosol cans as universal waste

OC Environmental  
Health Department  
1241 E. Dyer Road, Suite 120  
Santa Ana, CA 92705  
(714) 433-6000

CUPA Connection is a newsletter for  
the clients of the County of Orange  
Health Care Agency Regulatory  
Health Services CUPA Program.



*Inside this issue!*

# Orange County CUPA Business Inspection Program Survey Results

Read about what everyone had to say!



## Designated Operator Responsibilities

### Underground Storage Tanks

The Designated Operator (DO) is a person or group of people chosen by the facility owner to carry out specific tasks regarding the UST facility. The DO may be a facility owner, operator, employee, or outside contractor. Every DO must pass the California UST System Operator examination in order to conduct designated operator activities and must renew their license every 24 months.

The Designated UST operator(s) shall perform monthly visual inspections of all underground storage tank systems for which they are designated. The results of each inspection shall be recorded in a monthly inspection report. Inspections shall include but are not limited to the following:

1. Reviewing the alarm history report or log for the previous month, and checking that each alarm condition was documented and responded to appropriately. A copy of the alarm history report or log, along with documentation describing action taken in response to any alarm(s), shall be attached to the monthly visual inspection record.
2. Inspecting for the presence of a hazardous substance, water, or debris in spill containers.
3. Inspecting for the presence of hazardous substance, water, or debris in under-dispenser containment areas, and checking that the monitoring equipment in these areas are located in the proper position to detect a leak at the earliest possible opportunity.
4. Inspecting for the presence of a hazardous substance, water, or debris in containment sumps that, in the past month, have had an alarm for which there is no record of a service visit, and checking that the monitoring equipment in these containment sumps are located in the proper position to detect a leak at the earliest possible opportunity.
5. Checking that all required testing and maintenance for the underground storage tank system have been completed, and documenting the dates these activities occurred.
6. Verifying that all the facility employees have been trained in accordance with the subdivision. ●

## Above Ground Storage Tank Compliance

On October 7, 2010, EPA maintained the November 10, 2010 compliance date for drilling, production or workover facilities that are offshore, or that have an offshore component, and for onshore facilities required to have and submit Facility Response Plans (FRPs). However, EPA extended the compliance date an additional year for all other facilities to amend or develop a SPCC Plan until November 10, 2011.

EPA also delayed the SPCC compliance date by which a facility must address milk and milk product containers, associated piping and appurtenances constructed according to current applicable 3-A Sanitary Standards, and that are subject to the current applicable Grade "A" Pasteurized Milk Ordinance (PMO) or equivalent State regulatory requirement. The date is delayed one year from the effective date of a final rule specifically addressing these milk and milk product containers.

The amendments do not remove the regulatory requirement for owners or operators of facilities in operation before August 16, 2002, to maintain and continue implementing an SPCC Plan in accordance with the SPCC regulations then in effect. Such facilities continue to be required to maintain Plans during the interim until the applicable compliance date for amending and implementing the amended Plans.

The purpose of the SPCC rule is to establish requirements for facilities to prevent a discharge of oil into navigable waters or adjoining shorelines. Deep water drilling, production or workover facilities are typically not subject to EPA jurisdiction and will not be impacted by this action.

For training on how to fill out the EPA Tier 1 Template:  
[http://www.sdcounty.ca.gov/deh/hazmat/hmd\\_tier\\_1\\_template\\_course.html](http://www.sdcounty.ca.gov/deh/hazmat/hmd_tier_1_template_course.html) ●

## Upcoming Events

### Underground Storage Tanks: Advanced Topics and E-Submit Business Portal

January 11, 2011 from 8:30 a.m. to 12 noon (sign-in begins at 8 a.m.)

Huntington Beach Central Library (inside the theater):  
7111 Talbert Ave., Huntington Beach, CA 92648

This is an advanced course designed for owners/operators or for UST environmental/compliance managers. Learn how to meet your AB2286 electronic reporting requirements. For a more detailed training outline, please visit our website: [www.occupainfo.com/ust.htm](http://www.occupainfo.com/ust.htm).

Refreshments will be served, seating is limited, so please RSVP early!

To register, please contact: Christine Lane, [clane@ochca.com](mailto:clane@ochca.com), 714-433-6243



# CUPA Consolidated Billing

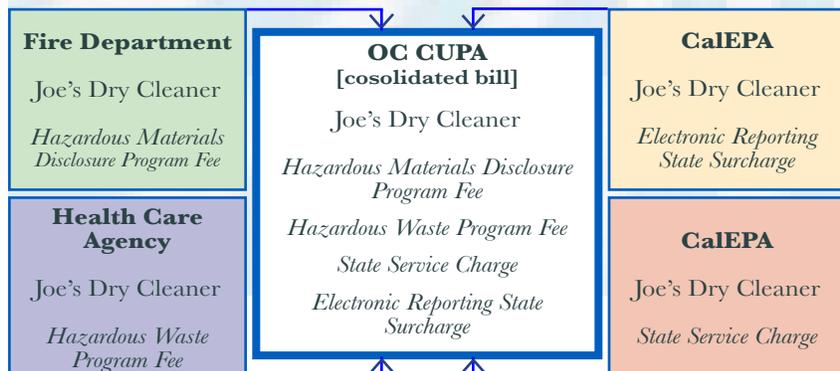
## What Businesses Can Expect

Since 2002, Orange County CUPA (Certified Unified Program Agency) has implemented CUPA consolidated billing which incorporates the fees from five different regulatory programs into a single invoice. The five programs are: Hazardous Waste (HW), Tiered Permitting, Hazardous Materials Disclosure/Inventory, California Accidental Release Prevention Plan (CalARP), and Underground Storage Tanks. This invoice will also include the State Service Charge and an Electronic Reporting State Surcharge.



A CUPA is mandated by State regulations found in Title 27 of the California Code of Regulations to develop a single fee system, which incorporates a consolidation of the separate program fees into one invoice. What this means to you, the regulated business, is that instead of receiving three or four separate bills from participating agencies that may enforce one or more of five programs, you will receive one annual invoice instead. The most common scenario for a business that stores hazardous materials and generates hazardous waste is to receive a fee from the Fire Department for the hazardous materials disclosure program, a HW generator fee from the Health Care Agency (HCA), and two surcharge fees from the State. The State Service Charge and Electronic Reporting Surcharge must be assessed to all businesses that are regulated by any of the five programs. The diagram below provides a visual picture of the consolidated billing process.

Due to this consolidation, HCA will only be able to send the invoice to one address. In most cases this address will be the facility site address. For underground storage tank sites, the consolidation bill will typically be sent to the tank owner. Remember that this address must accommodate all the fees from any of the five regulatory programs impacting your business. For example, an underground storage tank facility will have a UST fee, Hazardous



Material Disclosure fee, possible Hazardous Waste Generation fee, and State fees. We hope that your business will find the consolidated billing more convenient. If you have any questions regarding billing, please contact CUPA staff at (714) 433-6000 or visit: <http://occupainfo.com/hazardous-specialists.pdf>, for more information. ●

### We Would Love To Recognize Your Business!!!

This reserved space commends a business or organization for their commitment to prevent and reduce their generation of hazardous wastes, industrial discharges, or air emissions into our environment.

Some examples of preventative activities include: educating employees through workshop or demonstrations, utilizing pollution reduction technology, reusing or recycling waste streams, sourcing reduction through input product or process changes, and maintaining "good" housekeeping practices.

If you feel your business or organization deserves this recognition, please e-mail [nmastella@ochca.com](mailto:nmastella@ochca.com) so that we can recognize your business or organization in upcoming publications.

### 13th Annual Cal CUPA Training Conference

Garden Grove Hyatt  
 Jan. 31, 2011 to Feb. 3, 2011

Get trained with your regulatory agencies, and share experiences and knowledge in a conference setting. We invite you: **businesses, consultants, agencies, industry professionals, academia, and public officials** to join us for presentations and training that will emphasize all six CUPA programs. Presentations range from basic chemistry to risk management, all the way to documentation preparation, inspections and enforcement.

Please check [www.CALCUPA.net](http://www.CALCUPA.net) for information regarding registration and hotel accommodations.



## Managing your USTs... and Staying in Compliance

An effective tool for organizing required on-site documentation is to keep a compliance binder. During an annual regulatory inspection, the review process can be made easier by having an organized compliance binder on-site with current and complete copies of all required documentation. Keeping these documents in a binder with a table of contents for reference will also make it easier to use. **The following documentation must be made available for review during the annual inspection:**

Permit to Operate (copy or original)	Leak Response Plan
Current UPC forms:	Approved Monitoring Plan
Business Activities	UST Plot Plan
Business Owner/Operator Identification	Owner Operator Agreement
Facility Information Page	Facility employee training records
Tank Information Page for each Tank	Spill and alarm logs
Installation Certificate of Compliance	Annual Monitoring Certification Test
Certificate of Financial Responsibility	Secondary Containment Test
Designated UST Operator Statement	Spill Bucket Test Report
DO Monthly Inspection Reports	
Maintenance receipts, service tickets, work orders	

### Optional additions to the Compliance Binder:

- Hazardous waste management information (i.e. manifests)
- Past CUPA inspection reports
- Copies of tank laws and regulations
- Company policies and procedures regarding USTs

Following these simple recommendations will allow your inspector and facility employees to easily access the organized documentation to effectively manage the Underground Storage Tank system. All of the latest forms are available at the Orange County CUPA web site [www.occupainfo.com](http://www.occupainfo.com). ●

## Upcoming Events

### Advanced UST Workshop & Introduction to Electronic Reporting for Tank Owners

Coming Fall 2010!!  
Location TBD



**E-SUBMIT**

## Electronic Reporting is here!

Environmental Health (EH) recognizes that businesses are increasingly turning to the internet to file paperwork and pay for services. With convenience in mind, EH is committed to providing online services through the introduction of "E-submit," a portal service that will allow Orange County businesses to securely submit paperwork electronically instead of the traditional paper method.

The E-submit portal is relatively new as we only went "live" in 2009. As the project develops further, we expect the number of available forms to grow significantly across many of the CUPA programs. Right now the Hazardous Materials Disclosure and Chemical Inventory Program for the cities of Brea and Newport Beach are "live." In the near future, EH will be adding additional CUPA programs and cities, then progress to the development of online payments.

"Connecting Orange County" is our goal and we are very excited to present this alternative method of forms submission to the businesses of Orange County. ●



# Closed Containers

*"Container" is any device that is open or closed, and portable in which a material can be stored, handled, treated, transported, recycled or disposed of.*

One of the most common violations cited during inspections is not storing waste containers "closed." Unfortunately there is no single definition for what "closed" means. This has caused much confusion and inconsistency among businesses and regulators. In December 2009, the US EPA issued a *guidance document*\* in an effort to address these issues. This is for guidance purposes only and is not a substitute for the law or regulations.

**Management:** A container holding hazardous waste shall always be closed during transfer and storage, except when it is necessary to add or remove waste. A container holding hazardous waste shall not be opened, handled, transferred or stored in a manner which may rupture the container or cause it to leak (CCR Title 22 §66265.173 a & b).

## Why should you keep hazardous waste containers closed?

1. To minimize emissions of volatile wastes
2. To help protect ignitable or reactive wastes from sources of ignition
3. To prevent spills and releases
4. To reduce the potential for mixing incompatible wastes
5. To protect facility personnel and the environment

## Solids vs. Liquids

**Solids:** Containers required to have a lid that fits directly over the opening, but it need not be secured while the container is in use.

**Liquids:** Required to have all opening covers properly and securely affixed to the container at all times except when wastes are being added or removed. ●



## What are acceptable forms of closed containers?

- Drum with a snap ring secured
- Drum with a funnel that screws into the bung hole and has a tight fitting lid that is kept closed
- Container where the lid is opened with a foot pedal (for solids)
- DOT approved box, tote, super-sack, roll-off box, etc. that has the lid/top on, and/or is otherwise closed or covered to prevent release or exposure of the waste

\*US EPA Guidance on 40 CFR 264.173(a)/265.173(a)



*Have you been to our web site lately?*

**WWW.OCCUPAINFO.COM**

CUPA Program Updates!  
Forms & Templates!  
Workshop Announcements!  
Guidance Documents!  
Training Videos!  
CUPA Connection!

# Inspections Are Coming!

The Orange County Certified Unified Program Agency (CUPA) will begin conducting **Aboveground Petroleum Storage Tank (APST)** inspections in 2010. How does this affect your business? Businesses should have: completed, been maintaining on-site and begun implementing a Spill Prevention Control and Countermeasure (SPCC) Plan. The SPCC is the "plan" that each APST regulated business must maintain and follow in order to help them prevent/minimize spills of petroleum to the storm water system of California.

Businesses operating APSTs need to be aware that they may be regulated by the US EPA (federal) as well as the CUPA (state). Each agency has different regulatory requirements. However, the SPCC Plan that you develop for your business will meet both agencies' requirements.

The Orange County CUPA will be auditing your business in 2010 to assist you in gaining compliance with this program. The purpose of this audit is to identify deficiencies at your facility allowing you to make the corrections needed to be in compliance. You are encouraged to visit our web site [www.occupainfo.com](http://www.occupainfo.com) to review the new and up to date information regarding this program. ●





## I can Throw my EMPTY Container Away... Right?

Hazardous Waste

A container that previously held hazardous waste is "empty" only if the contents are no longer pourable or if the contents have been scraped out as much as reasonably possible. If the container is not empty, it must be disposed as a hazardous waste. If the container is empty, the handling varies with the volume of the container.

**Five gallons or less:**

Empty containers, or inner liners removed from containers, of five gallons or less that once contained a hazardous substance, are not regulated if all the contents have been poured out, or scraped out. Empty containers of five gallons or less may be discarded to the municipal trash.

**Greater than five gallons:**

Empty containers, or inner liners removed from containers, of greater than five gallons in size that once contained a hazardous substance, must be sent out on a bill of lading to a drum recycler or reconditioner for scrap value or sent back to the manufacturer for refilling within one year of being emptied. Containers greater than 5 gallons in size cannot be put into the municipal trash or municipal landfill.

Containers which previously held acute or extremely hazardous waste are considered empty only if the container has been triple-rinsed using a solvent capable of removing the material, or cleaning by another method which is proven to achieve equivalent removal to triple-rinsing. These activities may require formal authorization (permitting) by DTSC or the Certified Unified Program Agency (CUPA).

*Containers must be managed within one year, labeled with the word "Empty" and marked with the date it was emptied. ●*

### Upcoming Events

**Advanced UST Workshop & Introduction to Electronic Reporting for Tank Owners**

**Has been postponed until early 2011!!  
More to follow!**

## We're Making it Easier for You!

### Underground Storage Tanks

The Orange County CUPA underground storage tank (UST) website has been updated to make it more user-friendly and informative. The site features announcements, deadlines, updates to regulations, information on alternative fuels, forms, links, timelines, FAQs, the guidance document "UST: The Basics" and the much-anticipated E-Submit Business Portal.



The Business Portal reduces the amount of paperwork that must be submitted, and allows for modification to existing information. Environmental Health will be offering a workshop in early 2011, to tank owners and operators that will cover the features of the E-Submit Business Portal, as well as more advanced UST topics such as plan checks and tank modifications.

Links to Orange County agencies that also administer UST programs are available, as well as links to California laws and regulations, the Contractors Board and ICC certificate verification. Now tank owners and operators hiring personnel to work at their site can verify some of the required qualifications. Contact information for district staff is also provided in the event that there is a question that is not answered on the website.

Please visit the new and improved UST website at [www.occupainfo.com/ust.htm](http://www.occupainfo.com/ust.htm). If there is a feature or topic that you would like to see on the website, please contact Royce Long at [rlong@ochca.com](mailto:rlong@ochca.com) or (714) 433-6240. ●

# Financial Assurance

Under the California Hazardous Waste Control Law, businesses that treat their hazardous waste are required to provide financial assurance for closure. Permit by Rule (PBR) and Conditionally Authorized (CA) facilities must complete a closure cost estimate and provide financial assurance for closure. The closure cost estimate is based on a list of activities to be performed during closure. A typical cost estimate would include the costs for removal of waste, treatment and disposal of the wastes and residues removed from the system, decontamination of the tank and containment systems, demolition and removal of the containment system, labor, materials and equipment, sampling and analysis to confirm decontamination of components of the system or removal of contaminated soil, remediation cost, if required, for treating and/or removing contaminated soil, cost of obtaining a certificate of closure from an independent Registered Engineer (PBR sites only), and other related expenses. Once the closure cost estimate has been prepared, a business may offset the total dollar amount by including the salvage value, if any, of the equipment.



Businesses must review and update their closure cost estimate every year. At a minimum, each business must adjust the closure cost estimate to account for inflation. Adjustments would also be required if a change has been made in the closure plan or estimated closure activities. Businesses may choose to create a new closure cost estimate each year or utilize the inflation factor to demonstrate compliance with the inflation requirement.

Adjustments for inflation are calculated by using the prior year's closure cost estimate and multiplying it by the inflation factor for the current year. The Orange County CUPA notifies businesses in January of the current inflation factor. If your business chooses to utilize the inflation factor, remember to apply the inflation factor to the closure cost only – do not apply the inflation factor to any salvage value that may have been part of your prior year's closure cost. Be sure to document depreciation costs associated with your salvage value before adding them to the updated closure cost estimate. ●

**Remember, to submit updated financial assurance forms by March 1st ever year!**

## SO, YOU NEED AN SPCC

### Aboveground Storage Tanks

For those businesses within Orange County who are subject to Aboveground Storage Tank regulations, it is time to make sure that your Spill Prevention Control and Countermeasure Plan (SPCC) is in order. What is an SPCC you ask? Any business that has  $\geq 1,320$  gallons of petroleum products (in  $\geq 55$  gallon containers) is subject to the California Aboveground Petroleum Storage Act (APSA). There are three "levels" of facilities within the program. They are:

businesses that store between 1,320 and 9,999 gallons, businesses that store 10,000 gallons or greater and "farms/nurseries/construction sites (FNCS).

If your business has  $\geq 10,000$  gallons of petroleum on site, you must prepare an SPCC that is reviewed and certified by a licensed Professional Engineer (PE) every five years. If your business is a FNCS, you do not have to prepare an SPCC as long as you meet certain requirements. If your business has 1,320-9,999 gallons, you are allowed to complete an abbreviated SPCC, known as a Tier I or Tier II SPCC ([www.occupainfo.com](http://www.occupainfo.com)). These are abbreviated SPCCs that may be completed by the business and do not require a PE certification. Please understand that even though you are allowed to complete a "less stringent" SPCC, you are still required to implement the plan completely, which requires

specific container management standards, employee training and emergency preparedness. This is a program that requires active participation from the business throughout the year, not just a completion of the SPCC and letting it sit on the shelf.

The OCCUPA web site [www.occupainfo.com/ast.htm](http://www.occupainfo.com/ast.htm) contains information that will help all three levels of businesses in completing their SPCC. It has FAQs, examples, pre recorded training sessions, links to local, State and Federal web sites to assist you in completing your SPCC and a list of the OCCUPA inspector assigned to your specific business. We highly recommend that you visit our web site (click on the APST link) and take advantage of the assistance available to you and your business. Remember, when in doubt; call your OCCUPA inspector for assistance. It is our goal to help all ourv businesses gain compliance via education. ●



# CUPA connection

County of Orange Health Care Agency  
Environmental Health Services  
Certified Unified Program Agency

Annual 2011 Edition



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# Welcome!

## Welcome to the 22nd volume of Orange County's CUPA Connection!

In this edition, it is our hope that you benefit from keeping updated on some exciting new changes in some of the regulated programs as well as learn from outstanding businesses, as we spotlight one of our regulated businesses!

The CUPA Connection will be distributed to businesses through email, by hand during inspections, and it can be accessed on our website. These changes reflect our commitment to keep businesses informed with the most current information available in a timely manner. The Orange County CUPA website [www.occupainfo.com](http://www.occupainfo.com) is a good resource for information, or just simply pick up the phone and dial (714) 433-6000 and ask to speak to your district inspector or the HazMat Duty Officer. ●

### ORANGE COUNTY CUPA

#### So what is a CUPA anyway?

CUPA is an acronym for: Certified Unified Program Agency. What that means is Orange County Environmental Health has been certified by the California Environmental Protection Agency (Cal EPA) to coordinate the regulation of six environmental programs for all of Orange County with the exception of Anaheim, who are their own CUPA.

Environmental programs include:

- Hazardous Waste
- Underground Storage Tanks
- Aboveground Petroleum Storage Tanks
- Hazardous Materials Disclosure
- Business Plan
- California Accidental Release Prevention Program (CalARP)

County and City Fire Agencies in Orange County have joined the CUPA as Participating Agencies, forming a partnership within the County's Unified Program.

In most cities, Environmental Health administers the Hazardous Waste, Underground Storage Tank and Aboveground Petroleum Storage Tank programs while the Fire Agencies generally administer Hazardous Materials Disclosure, Business Plan and CalARP with some exceptions. ●



## E-SUBMIT

Assembly Bill (AB) 2286 requires the electronic submittal of Unified Program data by 2013. The regulated business community will be able to submit data directly to their local CUPA who will share it with Cal EPA. Cal EPA will also exchange data with US EPA and will create a public access website. This bill provides a funding mechanism for the transition to e-reporting. This project will be completed by 2013.

To comply with AB 2286, in 2009 Orange County Environmental Health (EH) introduced "E-Submit", a business portal to allow businesses to securely submit paperwork electronically. EH recognizes that businesses are increasingly turning to the internet for file submission and service payment. With convenience in mind, EH is committed to providing online services through the "E-Submit" business portal.

Currently, the Hazardous Materials Disclosure and Chemical Inventory Program for the cities of Brea and Newport Beach are "live". The next city scheduled to go live is Costa Mesa. Regulated businesses in Costa Mesa will be notified. The next scheduled CUPA program to be added to the portal is the Underground Storage Tanks. As the project develops further, the number of available forms will grow across many of the CUPA programs. EH will be adding cities in a phased approach from now until 2013, then progress to the development of online payments.

"Connecting Orange County" is our goal and we are very excited to present this alternative method of form submission to the businesses of Orange County. ●

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## ***What are the advantages of “E-Submit”?***

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- Fulfills the electronic submittal requirement of Assembly Bill 2286
- User Name and Password to securely and efficiently access submissions and updates, with ability to request multiple account linking
- Allows consultants to complete submittals electronically on behalf of the business
- Stores data for easy updating of facility information or routine submissions of required forms
- District staff communication for further assistance on submittal packages
- One location to submit all CUPA program forms regardless of multiagency oversight (ie. Fire Departments and EH)

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## ***What can “E-Submit” currently do for Businesses?***

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Currently, the Hazardous Materials Disclosure (HMD) and Business Emergency Plan Program are available for online submittal in certain cities. Please check the E-Submit homepage for a listing or wait to receive a notification.

Features include:

- Annually update HMDs online using a secure login to satisfy the HMD regulatory requirement
- Submit a Business Emergency Plan (BEP) online and update every three years, satisfying the Business Plan requirement
- Submittals, change of address, and ownership/DBA change

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## ***What additional services will “E-Submit” offer in the future?***

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The number of available forms will grow significantly across CUPA programs. In the near future, the Underground Storage Tank (UST), Aboveground Petroleum Storage Tanks (APST), Tiered Permitting (TP) and Hazardous Waste (HW) programs will be available. Features include:

- UST submissions will allow businesses to complete and update required UPC forms, including facility information, tank information, monitoring plan and response plan
- The submittal and update of a Designated UST Operator Statement, and ability to inform the agency of an ownership change.

All cities and programs are on a phase-in approach, and as more are added EH will progress to incorporate billing and payment services.

# UNDERGROUND STORAGE TANKS

- Biodiesel • Ethanol • Unsupported Monitoring Systems •



## BIODIESEL

In the last CUPA Connection newsletter, an article regarding Biodiesel specified the removal of this substance from any underground tank. The State Water Board has finalized the variance requirements as noted:

Biodiesel blends less than or equal to 5% or B5 are considered diesel for the purpose of the regulations. Biodiesel blends equal to or less than 20% or B20 may be stored in an underground storage tank (UST) with the following stipulations:

- The UST must have approval from an independent testing organization for the storage of petroleum diesel
- The UST must be in operational compliance
- A Notice of Intent to store Biodiesel must be submitted, after the first two items are satisfied
- A revised tank form is required
- A statement from the owner that the UST and components are compatible with the biodiesel blend stored
- A written statement from the owner that the leak detection equipment functions with the biodiesel blend stored
- Supporting documentation from the manufacturer of the release detection method or equipment must be included in the submittal •

**Note - Biodiesel blends greater than B20 cannot be stored in an underground tank.**

## ETHANOL

Ethanol is another alternative fuel which may be stored in an UST. Ethanol blends up to or less than 10% (E10) are regulated the same as unleaded gasoline. Ethanol blends from E11 to E84 and from E86 to E100, may not be stored in an UST, because third-party approved equipment is not yet available.

E85 (85% Ethanol) may be stored in an UST as long as the third-party approved leak detection equipment and components are used during the installation of these tanks.

Please contact your district inspector at (714) 433-6000, with questions regarding a new alternative fuel tank installation or when considering a modification of your existing UST system to accommodate an alternative fuel. ●



## Unsupported Monitoring Systems

The monitoring system for the Underground Storage Tank is required to be tested annually by a licensed and certified Service Technician. What happens when that monitoring system is no longer supported by a manufacturer?

When a monitoring system is not supported by a manufacturer and a Service Technician cannot receive training or become certified on the equipment, the system cannot complete its annual Monitoring System Certification. If the Service Technician does not have current certifications or training by the manufacturer of the equipment, he or she cannot certify the Monitoring System. In order for the UST system to remain in compliance, it may need to get a different monitoring system.

The individual performing the testing must follow the requirements listed in Cal. Code Regs, Title 23, 2715(i). As part of these requirements Section 2715 (i) (2) and (3) discuss the training and certification by the manufacturer of the equipment being used to monitor the UST System.

### Section 2715 (i)

(2) Be trained and certified by the manufacturer of the equipment as follows:

- (A) For service technicians conducting secondary containment testing pursuant to section 2637(a), this training and certification may be obtained through the developer of the testing equipment or test method being used, or through the manufacturer of the secondary containment system being tested, as applicable.
- (B) For service technicians performing work on monitoring equipment, training and certification shall be obtained from the manufacturer of the monitoring equipment.
- (C) In the event that no training or certification exists that would satisfy the criteria of subparagraph (i)(2)(A) or (B), the local agency may approve comparable alternate training or certification.

(3) Renew all training and certifications issued by the manufacturer, through completion of a manufacturer's refresher course, at the time interval recommended by the manufacturer, or every 36 months, whichever is shorter.

Therefore, when an UST monitoring system is no longer supported by a manufacturer it may need to be replaced. ●



**NEW!**

### UST Compliance Binder

The Orange County CUPA has completed and provided another tool developed for the Underground Storage Tank program. The tool is a 3-ring binder that contains information regarding the underground storage tank compliance information required on site and made available to the inspector for review during a routine UST inspection conducted by this agency. This tool includes a Table of Contents to reference what is inside and dividers to organize the content. The table of contents includes the following:

#### UST COMPLIANCE BINDER – Table of Contents

1. Permit and UPC Forms
2. CUPA Inspection Reports
3. Financial Responsibility
4. Monitoring and Response Plans
5. Facility Employee Training Records
6. Designated UST Operator
7. UST System Testing and Certifications
8. UST System Maintenance
9. Alarm Logs, Spill Reports
10. Hazardous Material Business Plan
11. Hazardous Waste Management Records

The dividers have been made to separate the sections and also include a brief description of the topic they organize. The Table of Contents and the individual dividers may be downloaded from the Orange County CUPA website at [www.occupainfo.com](http://www.occupainfo.com) or may be requested from your district inspector.

By organizing the documents:

1. Everything is in one place
2. Inspections can be quicker

# ABOVEGROUND PETROLEUM STORAGE TANKS

- Storage Capacity
- SPCC Planning
- Tier II SPCC Plan Template

## How Do You Calculate Storage Capacity?

A facility is covered by the SPCC rule if it has an aggregate aboveground oil storage capacity greater than 1,320 U.S. gallons.

You must use the shell capacity of the container (maximum volume) and not the actual amount of product stored in the container (operational volume) to determine whether the SPCC rule applies to you. Count only containers with storage capacity equal to or greater than 55 U.S. gallons.



## Examples of Oil Storage Containers at a Facility that do Count Toward Facility Storage Capacity:

### Bulk Storage Containers:

- Aboveground storage tanks (either shop-built or field-erected tanks)
- Certain completely buried tanks
- Partially buried tanks
- Bunkered tanks
- Mobile or portable containers such as drums, totes, non-transportation related tank trucks, and mobile re-fuelers

### Oil-filled Equipment (May Include...):

- Electrical or operating equipment such as:
  - hydraulic systems
  - lubricating systems (e.g., those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems)
  - gear boxes
  - machining coolant systems
  - heat transfer systems
  - transformers
  - circuit breakers and electrical switches
- Manufacturing equipment such as process vessels
- Other equipment used in the alteration, processing or refining of crude oil and other non-petroleum oils, including animal fats and vegetable oils •



## Who Can Certify a SPCC Plan?

Preparation of the SPCC Plan is the responsibility of the facility owner or operator, who may also be eligible to self-certify the SPCC Plan if the facility meets the following eligibility criteria for a qualified facility:

1. Total aboveground oil storage capacity of 10,000 U.S. gallons or less
2. In the 3 years prior to the date the SPCC Plan is certified, the facility has had no single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons, or no two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons within any 12-month period

## What if it Does Not Meet the Criteria?

If the facility does not meet the above criteria, the SPCC Plan must be certified by a licensed Professional Engineer (PE).

When self-certifying a facility's SPCC Plan, the owner/operator makes a similar statement to the statement a PE is required to make. See 40 CFR §112.6 for other qualified facility SPCC Plan requirements. ●

### Tier II SPCC Plan Template now available!

For qualified facilities the new Tier II SPCC Plan Template is now available

#### Tier II qualified facilities are those that:

1. 10 K gallons or less above ground oil storage
2. A tank equal or greater than 5 K gallons

Link: <http://www.occupainfo.com/ast-forms.htm>



# HAZARDOUS WASTE

Labeling • Training

## Hazardous Waste Labeling

Each portable container under 110 gallons is required to be labeled with:

- The words "Hazardous Waste"
- Contents of the container
- Name and address of generator
- Hazardous waste property (e.g. flammable, toxic, reactive, corrosive)
- Physical state (e.g. liquid, solid)
- Accumulation Date

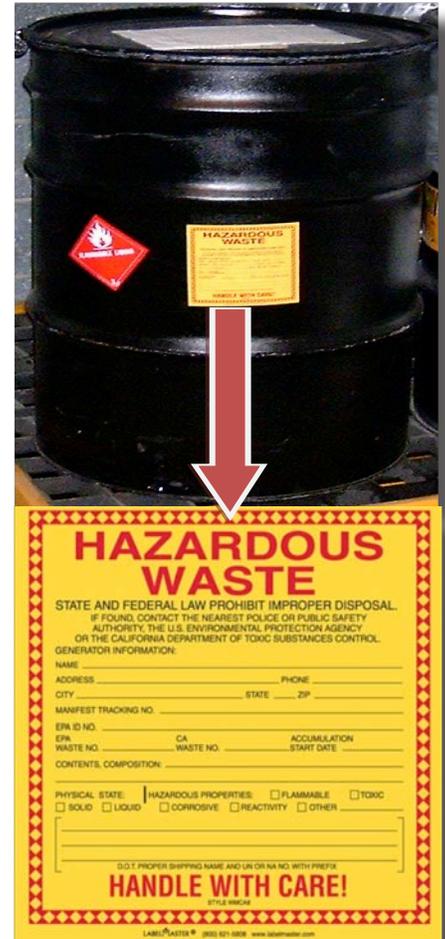
Each stationary container greater than 110 gallons is required to be labeled with:

- The words "Hazardous Waste"
- Accumulation Date

Each container used to transport hazardous waste is required to be labeled with:

- The words "Hazardous Waste"
- "State and Federal law prohibits improper disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency, or the California Department of Toxic Substances Control."
- Name and address of generator
- Manifest document number

(continue on p. 10)



## Reminders:

- **SB14 Qualified Facilities**
  - Summary Report: due 9/1/2011 for reporting year 2010
  - Required for generators that have 12,000 kg=26,400 lbs or 13.2 tons or 3,100 gallons of hazardous waste in a reporting year or 12 kg=26.4 lbs of extremely hazardous waste in a reporting year. Minus exclusions and exemptions.
- **Servicing Tires**

As of January 1, 2010, anyone servicing or replacing tires in California must use weights of a material other than lead. Manufacturers and distributors now sell weights made of steel, zinc alloy and other materials as alternatives.

## Hazardous Waste Labeling & Training (cont'd)

Recyclable Material is required to be labeled in the same manner as hazardous waste except with the words, "Hazardous Waste" replaced with "Excluded Recyclable Material."

Oil/Fuel Filters that are recycled off site by a scrap metal recycler are required to be labeled:

- The words "Drained Used Oil and Fuel Filters"
- Accumulation Date

### Hazardous Waste Training

All Employees shall be thoroughly familiar with the proper waste handling and emergency procedures relevant to their responsibilities during the normal facility operations and emergencies.

Large Quantity Generators (generate greater than 1000 kg/month of HW) are required to have annual class room training:

- Training must be conducted within six months after employment.
- Conducted by a person trained in hazardous waste management procedures.
- Designed and related to job functions.
- Written Records must be maintained and available and require the following information:
  1. Job Title for each position related to hazardous waste management and the name of the employee filling each job.
  2. Written job description for each position, including education or other qualifications and duties for employees assigned to each position.
  3. Written description of the type and amount of both introductory and continuing training that will be given to each person filling each position.
  4. Attendance records with dates and signatures of each employee completing a training program.
  5. Training records on current personnel must be kept until closure of the site. Training records on former employees must be kept for at least three years. ●

**Check Out:**  
the new improvements  
to the Hazardous Waste page  
@ [www.occupainfo.com!](http://www.occupainfo.com)  
...See page 14 for details

The screenshot shows the website for the Orange County Health Care Agency (HCA). The header includes the logo for 'Occupainfo.com' and navigation links for 'HCA Home', 'By Topic', 'How Do I...', 'Our Services', 'Services A to Z', and 'Docu'. The main content area is titled 'Environmental Health Division' and 'Health Care Agency'. Below this, there is a 'Google Search' bar and a 'CUPA Site Menu' with links to 'CUPA Homepage', 'Programs', 'Forms', 'Fees', 'Records Request', 'CUPA Connection Newsletter', and 'Contact Us'. The 'CUPA Homepage' section features three featured items: 'CUPA Connection' (More Changes on the Way!), 'Hazardous Waste-The Basics' (A resource for small and medium-sized businesses in Orange County), and 'Underground Storage Tanks-The Basics' (A resource for small and medium-sized businesses in Orange County). A 'Page Translation' button is also visible at the bottom left of the page.



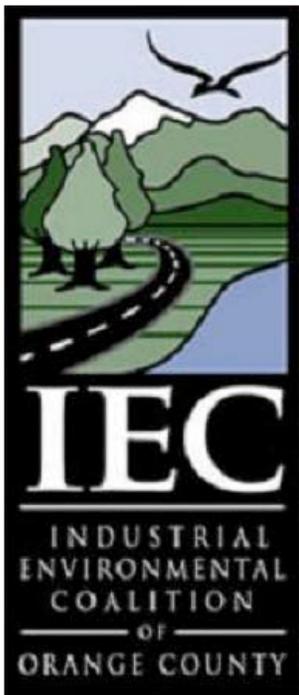
# ADMINISTRATIVE ENFORCEMENT ORDER UPDATE

## ... for Violations Under the Health & Safety Code

In 2010, the Orange County Certified Unified Program Agency (OC CUPA) issued Administrative Enforcement Orders for facilities that failed to come into compliance. The goal of an Administrative Enforcement Order is to return a facility to compliance in a timely manner, eliminate the economic benefit of non-compliance, and create deterrence against future non-compliance. During the 2010 calendar year, the OC CUPA issued Administrative Enforcement Orders for four facilities and collected just over \$25,000 in penalties. Administrative Enforcement Orders were issued at both hazardous waste generator and underground storage tank facilities which had incurred a serious violation as defined under the Health and Safety Code. These facilities addressed their compliance issues through this process. The following chart outlines the 2010 cases by type of businesses and programs.

TYPE OF BUSINESS	PROGRAM	PENALTY AMOUNT
Service Stations/Car Wash	Underground Storage Tank	\$12,200
Manufacturing	Hazardous Waste Generator	\$13,500

The OC CUPA issues Administrative Enforcement Orders for Class 1 hazardous waste and tiered permitting violations, major UST violations, and repetitive violations in any regulated program. We encourage facilities to review their inspection reports carefully and address all outstanding issues that have been identified by their inspectors. If you have any questions regarding how to come into compliance, please call your district inspector. ●



## Industrial Environmental Coalition of Orange County (IECOC)...

is a non-profit organization providing Southern California businesses a forum for the discussion of Environmental, Health & Safety matters since 1985.

Bi-monthly luncheon meetings feature top speakers from government and industry, including updates from local regulatory agencies. The meetings provide an opportunity for networking with businesses, EHS professionals and local agency representatives.

To receive notices of the meetings and get more information, please contact Pearl White at 949-651-1068 or email at [IECOC@cox.net](mailto:IECOC@cox.net). The meetings are typically held on the third Thursday, alternating months starting on January 27, 2011 at 11:30 a.m. at The Hanford Hotel in Costa Mesa.

Please see the website for event details: [www.IECOC.net](http://www.IECOC.net).

# COMPANY RECOGNITION:

## Marcel Electronics International



### Marcel Electronics International

Honored with the California Water Environment Association's (CWEA) Southern California Facility of the Year Award – 2008, in the large industry category.

### About Marcel Electronics International (MEI)

MEI manufactures multi-layer printed circuit board designs containing several inner layers made out of thin fiberglass epoxy sheets. These are then assembled into panels and prepared for outer layer circuit formation.

### Emissions:

With the manufacturing of printed circuit boards many developers, etchants, resist strippers, plating and oxidation lines are used to create the final product. Each of these processes includes multiple rinse baths. Historically printed circuit board manufacturers have been large quantity generators of hazardous waste in both solution and solids. The industry uses large quantities of hazardous materials in their processes thus yielding much oversight from regulatory agencies: CUPA, AQMD, and Sanitation District along with the local fire departments.

### MEI's Change in Culture:

MEI has always strived to better the quality of their product and the well being of their employees, but it was time to think outside the box. With the new era of environmental impacts on society, MEI examined what they could do to preserve the environment and to set the standard in the PCB industry. As a small company MEI not only meets but exceeds all environmental compliance laws and regulations. The Industrial Process Water Use Reduction Program began when MEI looked at ways to make changes in different areas of the company where they could see internal savings and make a difference by reducing the level of their environmental impact. In 2005, it was brought to MEI's attention that there was a Grant offering funding towards their water recycling program and they were the first in line to move forward with the URS on this project. The Grant paid for the actual wastewater recycling system but MEI invested a little over \$1,500,000 of their own money in the program. Below is a shortened version of the total expense chart.

	Cost
Kinetico Expenses Water Innovations	\$325,635.09
PAL Line	\$1,188,900.15
<b>Total Cost</b>	<b>\$1,514,535.24</b>

## Results of Implementing a Water Efficiency Program

MEI began the water- recycling program with little guidance on what to do. The company went through their facility and identified each wastewater stream that they had and rerouted them to the more efficient locations. Water savings varies on production, but MEI has seen reductions of up to 40% on their billing cycle. The chart below shows the significant decrease in the cost and usage of water in the past 3 years.

MEI has saved on energy by using less in some areas that required continuous operations for waste treatment. After installing the water recycling system, it took on a good portion of the waste streams that were previously treated by their waste water treatment system, and sent to the County Sanitation District for further processing. The estimated payback period is 1-1 ½ years.

Water Bills 2005/2006	2006 in Dollars	100 cu. ft. = 748 gal. Usage (cu.ft.)	Water Bills 2008/2009	2009 in Dollars	100 cu. ft. = 748 gal. Usage (cu.ft.)
Dec- Mar	\$27,026.72	15,246	Dec- Apr	\$15,435.10	7,758
Mar- Aug	\$32,380.76	18,281	Apr- Aug	\$16,279.13	8,071
Aug- Dec	\$24,745.43	13,860	Aug-Nov	\$17,118.71	8,306
<b>Total</b>	<b>\$84,152.91</b>	<b>47,387</b>	<b>Total</b>	<b>\$48,832.94</b>	<b>24,135</b>

## Continuing Success

MEI credits communication as the key to their success. With weekly meetings about water recycling, employees are able to contribute additional ideas on how to conserve water, energy, and other resources. By including the insight of employees, MEI has created an open environment that allows new and better ideas that can help continue the success of the company. Water treatment personnel and production supervisors follow strict guidelines on what water is to be used for all processes. MEI went through their facility and identified every wastewater stream they had and rerouted them to the proper locations, installed low water usage toilets, and flow restrictors on all rinse processes.

To MEI every gallon counts, making their savings goal on-going as they continue to find ways to reduce or reuse their waste water. They are continuously looking at new chemistries and the compatibilities with their processes and equipment. ●



# OC CUPA

## Environmental Health Division

**Stay Connected: [www.occupainfo.com](http://www.occupainfo.com)**

[www.occupainfo.com](http://www.occupainfo.com) is easy to use and has all the forms and information owners and contractors need to stay in compliance. Once you access the site, there are many helpful links to guidelines on the basics of helping you and your business stay safe and in-check with Health & Safety Codes.

If you need forms, there is a direct link to them on the left of the homepage, under "CUPA Site Menu" and submission of these forms will be made simple with the introduction of E-Submit. The website also has links to past training videos and newsletters in case you missed anything or just want to take a look.

OC CUPA is making it more convenient for you to access the information you need and keep you updated on the latest events and regulations. Don't forget to check out our upcoming Face Book page and YouTube channel on current CUPA topics!



### Guidance Documents: Get the Basics

Hazardous Waste  
Underground Storage Tanks (UST)  
Aboveground Petroleum Storage Tank (APST)  
Hazardous Materials Disclosure/ Business Emergency Plan  
Californian Accidental Release Prevention (CalARP)  
Tiered Permitting (TP)  
Universal Waste (UW)



### Online Training Videos:

UST Basics Workshop  
UST Advance Topic Workshop  
APST Training Video-Business Assistance Workshop



### Direct Links to:

Forms  
Latest Laws and Regulations  
Associated State Agencies  
Directory of District Inspectors/Hazardous Waste Inspectors  
Important Related Links for Each Program  
CUPA Connection Newsletter!

### Coming Soon!

- YouTube Videos and Facebook on current CUPA topics
- E-Submit forms for UST owners and operators

### Helpful Links & Information on...

- Forms
- Document Submittal
- Permitting
- Violations, Fines & Fees
- Facility Compliance
- Testing
- How to Prepare for Inspections
- Plan Check & Repairs
- New Owners
- What Hazardous Waste Is
- Proper Disposal/Storage

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## *We Would Love to Recognize Your Business!!*

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This reserved space commends a business or organization for their commitment to prevent and reduce their generation of hazardous wastes, industrial discharges, or air emissions into our environment.

Some examples of preventative activities include: educating employees through workshops or demonstrations, utilizing pollution reduction technology, reusing or recycling waste streams, sourcing reduction through input product or process changes, and maintaining “good” housekeeping practices.

If you feel your business or organization deserves this recognition, please e-mail [nmastella@ochca.com](mailto:nmastella@ochca.com) so that we can recognize your business or organization in upcoming publications.



# ENVIRONMENTAL HEALTH



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Fulfill the electronic submittal requirement of Assembly Bill 2286 by securely submitting your forms through E-Submit.

Stay updated to find out when your city is scheduled to go “live” on the Business Portal!



Graphic Design & Layout Production By:

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Environmental Health Division