

Norcal CUPA News

Consolidated Unified Program Agencies of Northern California

News and Notes

- The Yuba County CUPA was recently transferred from the OES Department to the Environmental Health Department
- Yolo County recently issued an Administrative Consent order to a business with penalties of \$8,000 for failure to submit a Risk Management Plan required by the CalARP program.
- Sutter County was certified as a CUPA effective October 1, 2004. Butte County has applied for certification.
- The CUPA in Trinity County is the State Department of Toxic Substances Control until a local agency is certified.

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About This Newsletter

The Certified Unified Program Agencies of Northern California have created this newsletter to provide you with information about us and the programs we implement.

The Unified Program consolidates and coordinates several state mandated inspection and enforcement programs under the administration of one local agency, the Certified Unified Program

Agency, or "CUPA".

The Unified program include all or part of the following:

- Hazardous Materials Business Plan
- CalARP
- Hazardous Waste Generators and Onsite Treatment
- Underground Storage Tanks
- Aboveground Storage Tanks
- State Fire Code

In this newsletter we plan to provide you with information about the laws and regulations. We will share tips that may help you to more easily comply with them. And offer suggestions we hope you will find useful.

Please provide us with your comments and suggestions for future issues. Our contact information can be found on the back page.

The UST "Tag Story"

Underground Storage Tanks (USTs) are no longer required to display an upgrade compliance sticker "blue sticker" or attach an upgrade tag "blue tag" to UST fill pipes. Most tanks have been upgraded to meet the 1998 requirements.

A new requirement authorizes local agencies to issue a "red tag" to UST systems having significant violations.

The intent of the "red tag" is to prohibit deliveries

until the violation has been corrected.

A significant violation includes any violation that results in a tank release, impairs the ability to detect a release, or is committed by a chronic (ongoing) or recalcitrant violator (where there is a pattern of neglect or disregard for the regulations).

The CUPA will issue a notice of significant violation. If the violation is an imminent threat, the

CUPA will immediately affix a red tag. If the violation is not an imminent threat or is not corrected within seven days, the CUPA may then affix the "red tag" to the fill tube of the system. Only the CUPA may remove the red tag. It is a violation for anyone other than the CUPA to remove, alter, modify or tamper with a "red tag".

It is a violation to deposit petroleum into a UST
Please See "Red Tag" Back Page

Norcal CUPAs

- **Alpine County**
(530) 694-2145
- **Amador County**
(209) 223-6439.
- **Butte County**
(530) 538-7282
- **Calaveras Co**
(209) 754-6399
- **Colusa County**
(530) 458-0398
- **Del Norte Co**
(707) 464-3191
- **El Dorado Co**
(530) 621-5360
- **Glenn County**
(530) 934-6500
- **Humboldt Co**
(707) 445-6215
- **Lake County**
(707) 263-1164
- **Lasson County**
(530) 251-8183
- **Modoc County**
(530) 233-6310
- **Nevada County**
(530) 265-1449
- **Placer County**
(530) 889-7335
- **Plumas County**
(530) 283-6355
- **Roseville City
Fire**
(916) 774-5821
- **Shasta County**
(530) 225-5787
- **Sierra County**
(530) 993-6714
- **Siskiyou County**
(530) 841-4040
- **Sutter County**
(530) 822-7400
- **Tehama County**
(530) 527-6617
- **Trinity County**
(530) 623-8217
- **Yolo County**
(530) 666-8646
- **Yuba County**
(530) 749-5450

CUPAs were created to:

- Consolidate
 - Coordinate
 - Make Consistent
- Six existing state mandated programs by SB 1082 in 1993.**

Managing Mercury Switches Found in Vehicles

New rules now affect auto repair shops and dismantlers that handle mercury switches while repairing or scrapping vehicles.

Mercury is a liquid metal at room temperatures that conducts electricity. Switches are used to control the light under the hoods and trunks of some vehicles. The light switch is a small bullet-shaped capsule that contains mercury and two electrical contacts. When the hood or trunk is opened, the mercury inside the switch moves from one end of the capsule, where it touches both contacts allowing the flow of electricity turning on the light.

Long-term exposure to mercury can cause birth defects, permanent brain damage, and even death. It can contaminate waterways or soil if not properly disposed.

Beginning January 1, 2005, light switches must be removed from vehicles to be disposed. Auto repair shops are not required to remove switches from vehicles still in service. However, if they are removed, they must be managed as universal waste.

Removed switches must be stored in a closed, non-leaking container in good condition. Since mercury

reacts with metal, the container should not be made of metal. Pack the switches with materials, such as bubble wrap, in order to prevent breakage and store containers where there is little risk of being disturbed.

Label Containers As:

*"UNIVERSAL WASTE
Mercury"*

If you are handling them as universal waste, you may keep mercury switches on site for no more than one year. A good way of verifying compliance to your inspector is to write the date you started to accumulate the switches on the label of the container.

A hazardous waste manifest or registered hazardous waste transporter is not required to transport used mercury switches as universal waste. You may transport them yourself or use a common carrier. They must go to an authorized mercury recycling facility or a universal waste handler who consolidates switches before sending them to a recycler.

You must keep records for at least three years, including the number of

vehicles that you crushed, baled, shredded, or sheared; the number of vehicles that you found to contain mercury switches; the number of mercury switches that you removed from these vehicles; and the number of vehicles that contained mercury switches that you could not remove because of accident damage to the vehicle.

If a mercury switch spill occurs, immediately place these switches inside a sealed plastic bag and into a container, as described above.

Never attempt to vacuum a mercury spill! Vacuuming disperses mercury vapors into the air and can result in harmful exposure to mercury, both to the person vacuuming and to other people in the area. Before removing any mercury switch, make sure there is personal protective equipment and a mercury spill kit nearby and that staff are properly trained to use them.

Mercury spill kits cost less than \$100 and can be ordered from laboratory and safety supply stores.

For more on Universal Waste see Page 4.

CUPA Inspection: What to Expect

“Hello, I’m your local CUPA inspector and would like to inspect your facility today.”



This article covers a few common components of a typical CUPA inspection. Your CUPA inspector is actually conducting a consolidated inspection of several programs. Not all programs discussed here may apply to your facility.

Site Inspection – The inspector will conduct a walk-through of the facility

and will observe buildings, equipment, storage areas and work areas.

Business Plan Review – The Hazardous Materials Business Plan or Contingency Plan will be reviewed to ensure the information is current, adequate, and the inventory is complete.

Employee Training Program Documentation – The written employee training records will be reviewed to determine that they meet the training standards and the procedures outlined in the Business Plan.

Hazardous Waste Disposal Records – Includes a review of manifests, bills of lading and receipts documenting proper disposal of hazardous and universal wastes generated at your facility.

Underground Storage Tank Monitoring Records – Records may be reviewed of testing, certifications and maintenance performed on the detection equipment and the UST system. Also your written monitoring procedures, emergency response plan, and monitoring plot plan may

be reviewed. And your certification of Financial Responsibility, Owner/Operator agreement (if applicable), UST operating permit, and designated operator certification will also be reviewed.

Your inspector can be a valuable resource for questions you have about the requirements and can often provide you with helpful materials and fact sheets. Get to know your inspector. Most inspectors welcome your questions and want to know your concerns.

Common CUPA Violations By Melissa Martel, Humboldt County CUPA

Failure to properly label hazardous waste containers – hazardous waste labels can be purchased from a safety supply business, or you can make your own.

The label must have the following information:

- The words “Hazardous Waste”.
- The accumulation start date (the date when waste is first put into the container).
- Name and address of the facility generating the waste.

- The composition and physical state of the waste (e.g., waste paint – liquid).
- A statement that calls attention to the particular hazardous properties of the waste (e.g., flammable, reactive).

If you use an Aboveground Storage Tank (AST), you only need “Hazardous Waste” and the accumulation start date on the tank.

The label must be legible at all times, so make sure

the container or AST stays clean.

Failure to Retain Records. 22CCR §66262.40

All manifest, biennial reports, manifest exception reports, LDR records, and records with test results and analysis, certification and notices must be kept for three years. Employee training documentation must be kept for three years for

Please See “Common Violations” page 5

“Hazardous waste labels can be purchased from a safety supply business, or you can make your own.”

Universal Waste in California

Some Typical Universal Wastes

Universal wastes are common hazardous wastes that pose a lower risk than other hazardous wastes. The regulations that identify universal wastes and provide rules for handling, recycling and disposal can be found in Title 22 of the California Code of Regulations, the "Universal Waste rule".

The following items are universal waste with management requirements when they are no longer usable or are discarded:

Mercury thermostats & thermometers

Batteries – Most rechargeable nickel-cadmium, carbon-zinc, silver button and alkaline batteries are universal wastes.

Lamps – Including most fluorescent, high intensity discharge lamps, and sodium vapor lamps.

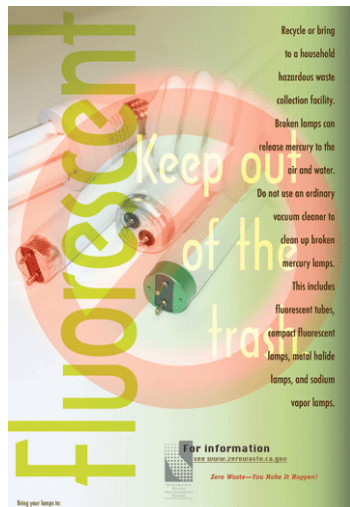
Non-empty aerosol cans – See CH&SC § 25201.16

Mercury-containing products including some switches, pressure or vacuum gauges, dilators and weighted tubing, rubber flooring, novelties, gas flow regulators, counterweights and dampers. Novelties can include flashing athletic shoes, jewelry, and other devices.

Dental amalgam tooth filling materials and waste

Consumer electronic devices – including most cell phones, game consoles, computers and other electronic products

Cathode ray tubes (CRTs) – Most television picture tubes and non-flat panel computer monitors are universal wastes when discarded. See DTSC's fact sheet on Waste Cathode Ray Tubes for more information.



Universal Waste Management Requirements

Most individuals and businesses are small quantity handlers (have less than 5.5 tons of universal waste at one place at one time). The basic requirements include:

- Send Universal Waste only to a facility authorized to collect, recycle the waste.

- Do not dispose in trash.
- Storage is allowed up to one year, record date storage began.
- Label or mark containers with waste type (i.e. Universal Waste – Mercury)
- Treatment of universal waste is prohibited except to clean up spills.
- Clean up any releases or spills. Manage materials generated during a cleanup as hazardous waste.
- Train employees in proper universal waste management procedures.
- Properly label, package and transport universal waste.

Universal Waste Exemptions

Households: Waste batteries, thermostats, lamps, and consumer electronic devices may be disposed of in household trash until February 8, 2006. A new DTSC Fact Sheet is available

CESQG (Conditionally Exempt Small Quantity Universal Waste Generators) – The smallest commercial generators may also

dispose of universal waste batteries, thermostats, lamps, and consumer electronic devices in the trash until February 2006 provided they meet the following conditions:

- Generates less than 220 lbs of total federal hazardous waste including all universal wastes (except CRTs) in any month.
- Generate less than 2.2 pounds of acutely hazardous waste.
- Remain in compliance with the Code of Federal Regulations, Title 40, section 261.5
- Dispose no more than 30 lamps or 20 pounds of batteries in trash per month.
- Mercury thermostats must be recycled or disposed of as hazardous waste.

A CESQG must generate "less than 220 lbs of total federally regulated hazardous waste including all universal wastes (except CRTs) in any month."

State Agencies Internet Sites

www.calcupa.net	Certified Unified Program Agency website
www.calepa.ca.gov/cupa	California Environmental Protection Agency with links to all CUPA regulated program state law and regulation. Look for 'Unified Program'
www.dtsc.ca.gov	Department of Toxic Substances Control with information regarding Hazardous Waste Generators and Hazardous Waste Treatment including many useful 'Fact Sheets'
www.swrcb.ca.gov	State Water Resources Control Board with information regarding underground and aboveground storage tanks
www.oes.ca.gov	State Office of Emergency Services with links to the Hazardous Materials Business Plan and CalARP regulations
www.osfm.fire.ca.gov/cupa	Office of State Fire Marshal CUPA page

To Report A Spill

First call 9-1-1

Then call State OES at 1-800-852-7550 (if in California) or (916) 845-8911

Common Violations Continued from Page 3

past employees, and until facility closure for current employees. New employees must be trained within six months, and must not work unsupervised until trained. All staff must receive annual refresher training. See California Code of Regulations §66262.34(a)(4) (§66265.16) and Health & Safety Code §25504(c) or ask your CUPA inspector.

Failure to Notify the CUPA within 30 days of a change H&SC §25505(b) & §25510

If your business closes,

relocates, or undergoes a substantial change in operations, within 30 days you must notify the CUPA and revise your Hazardous Materials Business Plan to reflect that change.

The Improper Storage of Empty Containers 22CCR §66261.7

◆ An "empty" container is one from which nothing can be poured, scraped, or chipped.

◆ Empty containers of five-gallons capacity or less can be disposed of at an appropriate solid waste

facility.

◆ Larger containers must be marked with the date they became empty and sent for reclamation for scrap value or recycled.

◆ Giving away empty drums as burn barrels is illegal because of the health hazards and liability taken when burning occurs in them.

◆ Compressed gas cylinders are exempt from regulation if the pressure has been released.

◆ Aerosol containers are exempt from regulation when the container is emptied to the maximum extent practical under

normal use (i.e., the spray mechanism was not defective and allowed for complete discharge of container contents).

For more information,



consult the Regulations or ask your CUPA Inspector.

Norcal CUPA Forum

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We're on the Web!

See us at:

www.calcupa.net

UST Designated Operator Requirements

by Marci Christofferson, Yuba County CUPA

By January 1, 2005, all underground storage tank owners must declare a "Designated Operator" for their tank systems.

Before a person can be designated, he or she must be "certified" by the ICC. The Designated Operator is required to inspect the tank system monthly, keep records of

the inspection, and provide training to facility employees. A tank owner may designate a third party to perform the designated operator functions.

"Designated Operator" designation forms are available from your local CUPA.

Spill Buckets

Don't forget to have your spill buckets tested annually!

Reminder! Schedule your annual inspection and monitor certifications at the same time.

Call your local CUPA for inspection appointments.

"Red Tag" Continued From Page 1

system that has a red tag affixed to its fill pipe. The violation initiating the red tag, and unlawful delivery of fuel to a tagged tank are subject to enforcement including penalties.

These regulations are found in Chapter 6.7 of the California Health and Safety Code, section 25292.3.

The authority for a CUPA to issue an Administrative Enforcement Order (including penalties) for

these violations is found in Chapter 6.11 of the California Health and Safety Code, section 25404.1.1.

You can view the UST regulations on the Internet at the State Water Board Web Site at: <http://www.swrcb.ca.gov/>

California CUPA Forum

What is the CUPA Forum and what does it do?

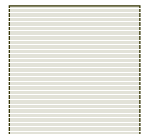
The California CUPA Forum was formed to provide a single statewide

organization consolidating Unified Program implementation efforts and representing all unified program agencies with a single voice. Cal-CUPA Forum strives to achieve

consistency, consolidation, and coordination in the implementation of the Unified Program in an efficient and effective manner.

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