

**HAZARDOUS WASTE TIERED PERMIT VIOLATION CODES
CONDITIONAL AUTHORIZATION**

Authority Cited: California Health and Safety Code (HSC); California Code of Regulations, Title 22, Div. 4.5 (CCR); Santa Clara County Ordinance Code, Div. B11 (SCCO)

This document has been prepared to briefly summarize common violations observed by Santa Clara County Hazardous Materials Compliance Division (HMCD) at facilities that perform on-site treatment of hazardous waste subject to Conditional Authorization (CA) Tiered Permit requirements. Each requirement of law/regulation is identified by a Violation Code (VC) to help you understand violations noted in an Official Notice of Inspection. The complete and official text of these requirements can be found on-line at: **www.calregs.com** for CCR; **www.leginfo.ca.gov/calaw.html** for HSC; and **www.EHinfo.org/hazmat** for SCCO. If you would like to discuss any interpretations of these requirements, please call HMCD at (408) 918-3400 and ask for the Hazardous Materials Program Manager. Forms are available at **www.unidocs.org**.

A. Requirements for CA On-Site Treatment

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	T000	SCCO § B11-423	Hazardous Waste Onsite Treatment Permit – Any person who treats their own hazardous waste on-site must obtain a Hazardous Waste Treatment Onsite Permit from and pay an annual permit fee to HMCD or, if applicable, the Participating Agency (PA) city.
<input type="checkbox"/>	<input type="checkbox"/>	T200	HSC § 25200.3(e) CCR § 67450.13(b)	Treatment Notification – The generator must complete and submit a notification to HMCD at least 60 days before start of treatment operation. This includes the following properly completed Unified Program Consolidated Form (UPCF) pages: <ul style="list-style-type: none"> <input type="checkbox"/> UPCF Facility Information – Business Activities page; <input type="checkbox"/> UPCF Facility Information – Business Owner/Operator Identification page; <input type="checkbox"/> UPCF Onsite Hazardous Waste Treatment Notification – Facility Page; <input type="checkbox"/> UPCF Onsite Hazardous Waste Treatment Notification – Unit Page; <input type="checkbox"/> UPCF Onsite Tiered Permitting – Conditionally Authorized (CA) Waste and Treatment Process Combinations Page; <input type="checkbox"/> UPCF Certification of Financial Assurance for PBR and CA Onsite Treaters.
<input type="checkbox"/>	<input type="checkbox"/>	T201	HSC § 25200.3(k)	Amended Treatment Notification – An amended treatment notification must be submitted to HMCD within 30 days of any change in operation that necessitates revision.
<input type="checkbox"/>	<input type="checkbox"/>	T202	HSC § 25200.3(a)	Eligible Wastes and Processes – Types of waste and treatment methods must be appropriate for the Conditional Authorization tier.*
<input type="checkbox"/>	<input type="checkbox"/>	T203	HSC § 25200.3(b)(4)-(5)	Management of Effluent/Residuals – Treatment residuals must be managed properly. Treatment processes must not result in emissions or releases other than those allowed by appropriate agencies (i.e., BAAQMD, POTW, etc.).

* Refer to DTSC's On-Site Tiered Permitting Flowchart for details. The flowchart is available at www.dtsc.ca.gov/PublicationsForms/pubs_index.cfm.

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	T204	22 CCR § 66264.175(a)-(b) as referenced by HSC § 25200.3(c)(4)	<p>Secondary Containment for Treatment Containers – Containers that are used to treat hazardous waste must be provided with a secondary containment system. The system must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Have a base that is free of cracks and gaps and be sufficiently impervious to contain liquids until they are detected and removed; <input type="checkbox"/> Be of sufficient capacity to contain precipitation from at least a 24-hour, 25-year storm, plus 10% of the aggregate volume of all containers or the volume of the largest container, whichever is greater; <input type="checkbox"/> Prevent storm water run-on into the containment system that exceeds the capacity of the system; <input type="checkbox"/> Protect containers from contact with accumulated liquid.
<input type="checkbox"/>	<input type="checkbox"/>	T205	HSC §§ 25200.3(c)(5) 25200.3(c)(7)	<p>Inspection Schedule and Log – The generator must prepare and maintain on-site for a period of 5 years:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A written inspection schedule; <input type="checkbox"/> A log of inspections conducted.
<input type="checkbox"/>	<input type="checkbox"/>	T206	HSC § 25200.3(c)(6)-(7)	<p>Operating Instructions and Record – The generator must prepare and maintain on-site for a period of 5 years:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Written operating instructions that include directions on: <ul style="list-style-type: none"> <input type="checkbox"/> How to operate the treatment unit(s) and carry out waste treatment; <input type="checkbox"/> How to recognize potential and actual process upsets and respond to them; <input type="checkbox"/> When to implement the Contingency Plan; <input type="checkbox"/> How to determine if the treatment has been effective; <input type="checkbox"/> How to manage residuals of waste treatment. <input type="checkbox"/> A record of dates, concentrations, amounts, and types of wastes treated.
<input type="checkbox"/>	<input type="checkbox"/>	T207	HSC § 25200.3(c)(7)	<p>Record Keeping – The generator must maintain on-site for a period of 5 years adequate records to demonstrate compliance with all permit requirements and:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Applicable pretreatment standards; <input type="checkbox"/> Industrial wastewater discharge requirements issued by the local POTW.
<input type="checkbox"/>	<input type="checkbox"/>	T208	HSC § 25200.3(g)	<p>Closure – Upon terminating operation of the treatment unit, the generator must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Remove or decontaminate equipment, waste residues, containment systems, soils and structures in accordance with the local fire agency; <input type="checkbox"/> Submit a notification to HMCD after all closure requirements are met.
<input type="checkbox"/>	<input type="checkbox"/>	T300	HSC § 25200.14	<p>Phase I Assessment and Corrective Action – The owner/operator of the facility must implement a corrective action program that includes:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Assessing the property for any previous releases of hazardous waste; <input type="checkbox"/> Submitting the results of the assessment to DTSC and HMCD within one year of receiving the treatment permit; <input type="checkbox"/> Cleaning up any releases that poses a risk to public health or the environment; and <input type="checkbox"/> Submitting updated information concerning subsequent hazardous waste releases during the next regular reporting period.

[Exceptions: This requirement does not apply to a facilities which conducted or are conducting a full facility site assessment in accordance with an order issued by the Regional Water Quality Control Board or any other state or federal environmental enforcement agency, or conducted an assessment for other purposes within 3 years prior to the submittal date which would otherwise meet the above requirements and which is supplemented by any relevant updated information available to the facility owner/operator.]

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<input type="checkbox"/>	<input type="checkbox"/>	T301	CCR § 66265.14 as referenced by HSC § 25200.3(c)(1)	<p>Security – For facilities where any unknowing and/or unauthorized entry could cause injury or a violation, the following must be provided:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A 24-hour surveillance system which continuously monitors and controls entry onto the facility or artificial/natural barrier with a means to control entry onto the facility. <input type="checkbox"/> Signs stating, “DANGER HAZARDOUS WASTE AREA - UNAUTHORIZED PERSONNEL KEEP OUT,” or equivalent in English, Spanish, and any other local predominant language.
<input type="checkbox"/>	<input type="checkbox"/>	T302	CCR § 66265.17 as referenced by HSC § 25200.3(c)(1)	<p>Ignitable or Reactive Wastes – The facility must take precautions to prevent the accidental ignition or reaction of ignitable and/or reactive waste treated in the Conditionally Authorized hazardous waste treatment unit by separating and protecting the waste from sources of ignition or reaction, including open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks, spontaneous ignition, and radiant heat. “NO SMOKING” signs must be conspicuously placed wherever such wastes are located.</p>
<input type="checkbox"/>	<input type="checkbox"/>	T303	CCR § 67450.13(a)(1)-(4)	<p>Closure Cost Estimate – The facility must prepare a written estimate of the cost of closing the treatment unit. The closure cost estimate must be adjusted for inflation by March 1 of each year and revised whenever a change occurs that increases the cost of closure. A copy of the latest closure cost estimate and adjusted estimate must be maintained at the facility during the operating life of the facility.</p>
<input type="checkbox"/>	<input type="checkbox"/>	T304	CCR § 67450.13(a)(5)-(8)	<p>Financial Assurance – Financial assurance for the closure of each treatment unit must be obtained through one or more of the following methods: Closure Trust Fund; Surety Bond guaranteeing payment into a Closure Trust Fund; closure Letter of Credit; closure Insurance; Financial Test and Corporate Guarantee for closure; alternative financial mechanism for closure costs; Self-Certification, if the closure cost estimate is less than \$10,000.</p>
<input type="checkbox"/>	<input type="checkbox"/>	T999	See Official Notice of Inspection	<p>Other Tiered Permit Violation – <i>(See the Official Notice of Inspection for details.)</i></p>

B. Additional Container and Tank System Requirements

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	G301	CCR § 66265.176 as referenced by HSC § 25200.3(c)(4)	<p>Containers With Ignitable or Reactive Wastes – Containers holding ignitable or reactive wastes must be located at least 50 feet from the facility’s property line.</p>
<input type="checkbox"/>	<input type="checkbox"/>	G340	CCR § 66265.191(a) or 66265.192(h) as referenced by HSC § 25200.3(c)(4)	<p>Tank System Assessment – Hazardous waste tank systems in Conditionally Authorized tiered permit hazardous waste treatment systems must have a current written hazardous waste tank system assessment certified by a Professional Engineer.</p>
<input type="checkbox"/>	<input type="checkbox"/>	G341	CCR § 66265.193 as referenced by HSC § 25200.3(c)(4)	<p>Tank Secondary Containment – Hazardous waste tank systems in Conditionally Authorized tiered permit hazardous waste treatment systems must have secondary containment for the tank and all ancillary equipment not exempted by 22 CCR §66265.193(f).</p>

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<input type="checkbox"/>	<input type="checkbox"/>	G342	CCR § 66265.194 as referenced by HSC § 25200.3(c)(4)	<p>Tank Operating Requirements – Hazardous waste tank systems in Conditionally Authorized tiered permit hazardous waste treatment systems must be provided with the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Spill prevention controls (e.g., check valves, dry disconnect couplings, etc.); <input type="checkbox"/> Overfill prevention controls (e.g., level-sensing devices, high level alarms, automatic feed cutoff, bypass to a standby tank, etc.); <input type="checkbox"/> In the case of uncovered tanks, at least 2 feet of freeboard to prevent overtopping by wave or wind action or by precipitation. <i>[Exception: This freeboard requirement does not apply if the tank is equipped with a containment structure (e.g., dike, trench, etc.), drainage control system, or diversion structure (e.g., standby tank) with a capacity equal to or greater than the volume of the top 2 feet of the tank.]</i>
<input type="checkbox"/>	<input type="checkbox"/>	G343	CCR § 66265.195 as referenced by HSC § 25200.3(c)(4)	<p>Tank Inspections – The facility operator must perform and document inspections of the following items at least once each operating day:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Overfill/spill control equipment to ensure good working order; <input type="checkbox"/> Aboveground portions of the tank system, if any, to detect corrosion or leaks; <input type="checkbox"/> Data gathered from monitoring equipment and leak detection equipment (e.g., pressure and temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design; <input type="checkbox"/> Construction materials and the area immediately surrounding the externally accessible portions of the tank system including secondary containment structures to detect erosion or signs of leaks; <input type="checkbox"/> For uncovered tanks, the level of waste in the tank to ensure compliance with freeboard requirements.