

**HAZARDOUS WASTE TIERED PERMIT VIOLATION CODES
PERMIT BY RULE**

*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 Permit By Rule (PBR) 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 PBR 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 Onsite Treatment Permit from and pay an annual permit fee to HMCD or, if applicable, the Participating Agency (PA) city.
<input type="checkbox"/>	<input type="checkbox"/>	T400	CCR §§ 67450.2(b) 67450.13(b)	<p>Treatment Notification – The generator shall complete and submit a notification to HMCD at least 60 days before start of treatment operation. This includes the following properly completed documents:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Unified Program Consolidated Form (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 and attachments; <input type="checkbox"/> UPCF Certification of Financial Assurance for PBR and CA Onsite Treaters; <input type="checkbox"/> Documentation that the facility operator has notified the property owner of the operation of the fixed treatment unit (FTU); <input type="checkbox"/> Corrective action documentation required by CCR §66450.7.
<input type="checkbox"/>	<input type="checkbox"/>	T401	CCR §§ 67450.3(c)(1) 67450.3(c)(10)	Annual Treatment Notification – The treatment notification and all related documentation must be submitted to HMCD annually.
<input type="checkbox"/>	<input type="checkbox"/>	T402	CCR § 67450.3(c)(2)	Amended Treatment Notification – The treatment notification and all related documentation must be submitted to HMCD within 30 days of a change to the information in the most recent notification.
<input type="checkbox"/>	<input type="checkbox"/>	T403	CCR § 67450.3(c)(4)	Eligible Wastes and Processes – Types of waste and treatment methods must be appropriate for the PBR tier.*
<input type="checkbox"/>	<input type="checkbox"/>	T404	CCR § 67450.3(c)(5)	Management of Effluent/Residuals – Treatment residuals must be managed in accordance with federal, state, and local requirements.

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

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<input type="checkbox"/>	<input type="checkbox"/>	T405	CCR § 67450.3(c)(7)	<p>Marking of Fixed Treatment Unit – The exterior of each PBR fixed treatment unit must be marked with:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The name of the person/facility (i.e. legal entity) that owns the tank/unit; <input type="checkbox"/> The facility’s EPA ID number; <input type="checkbox"/> The tank/unit’s individual serial number.
<input type="checkbox"/>	<input type="checkbox"/>	T406	CCR § 66264.175 as referenced by 67450.3(c)(9) and 67450.3(c)(12)	<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"/> The facility must submit a written statement signed by an independent qualified professional engineer indicating that the secondary containment is designed and constructed accordingly. <p><i>[Exception: Containers with solid hazardous waste do not need secondary containment provided the containment area is designed to collect and facilitate removal of precipitation and protect the containers from accumulated liquid.]</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	T407	CCR § 66265.13 as referenced by 67450.3(c)(9)(A) and 66265.73 as referenced by 67450.3(c)(9)(D)	<p>Waste Analysis Plan – A written waste analysis plan must be developed and implemented to characterize all wastes treated on-site in a PBR treatment unit. At a minimum, the plan must contain the following information:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Parameters to be analyzed and rationale for selection of those parameters; <input type="checkbox"/> Test methods to be used in the analyses, <input type="checkbox"/> Sampling methods to be used to obtain a representative sample; <input type="checkbox"/> Frequency with which analysis will be reviewed or repeated. <input type="checkbox"/> The plan and waste analysis records from the implementation of the plan must be kept on-site until closure of the facility.
<input type="checkbox"/>	<input type="checkbox"/>	T408	CCR §§ 66265.15 as referenced by 67450.3(c)(9)(A)	<p>Inspection Schedule and Log – The following inspection requirements must be met:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The generator must develop, maintain on-site, and implement a written inspection schedule for monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment. It must indicate: <ul style="list-style-type: none"> <input type="checkbox"/> Types of problems to be looked for (e.g. inoperative pumps, etc.); <input type="checkbox"/> Frequency of inspection. <input type="checkbox"/> Inspection records must include: <ul style="list-style-type: none"> <input type="checkbox"/> Date and time of the inspection; <input type="checkbox"/> Name of the inspector; <input type="checkbox"/> Observations made during the inspection; <input type="checkbox"/> Date and nature of any repairs or remedial action. <input type="checkbox"/> Inspection records must be retained on-site for a period of 3 years.
<input type="checkbox"/>	<input type="checkbox"/>	T409	CCR §§ 67450.3(c)(8) 67450.3(c)(11)(B)	<p>Closure Plan – The facility must prepare and maintain on-site a written closure plan which includes:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A description of how and when each unit will be closed; <input type="checkbox"/> An estimate of maximum inventory of waste in storage and in treatment at any time during the operation of the unit; <input type="checkbox"/> Procedures for decontamination of equipment; <input type="checkbox"/> Expected year of closure; <input type="checkbox"/> Estimated time required to close each unit.

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<input type="checkbox"/>	<input type="checkbox"/>	T410	CCR §§ 67450.3(c)(8) and 66265.73 as referenced by 67450.3(c)(9)(D)	<p>Record Keeping – The following records must be maintained on-site until closure of the treatment unit:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Copy of the most recent treatment notification; <input type="checkbox"/> Copy of the most recent acknowledgment received from HMCD or DTSC; <input type="checkbox"/> Copy of all permits required for the operation of the treatment unit (e.g. from BAAQMD, POTW, etc.); <input type="checkbox"/> Corrective Action documentation (e.g. investigations, cleanup, abatement, etc.); <input type="checkbox"/> Documentation of any convictions, judgments, settlements, or orders by any local, state, or federal agency concerning the operation of the facility within the last 3 years. <p>The following records must be maintained on-site until facility closure:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Description and quantity of hazardous waste treated and the method(s) and date(s) of its treatment at the facility; <input type="checkbox"/> Reports and details of incidents requiring implementation of the Contingency Plan.
<input type="checkbox"/>	<input type="checkbox"/>	T411	CCR § 67450.3(c)(11)	<p>Closure – Closure of treatment units must be managed as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> All hazardous waste must be removed within 90 days after last waste treatment; <input type="checkbox"/> All closure activities must be completed within 180 days after treating the final volume of hazardous waste; <input type="checkbox"/> HMCD must be notified at least 15 days prior to completion of closure; <input type="checkbox"/> After completion of closure, a certification signed by the owner or operator and by an independent professional engineer must be submitted to HMCD.
<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. <p><i>[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.]</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	T301	CCR § 66265.14 as referenced by 67450.3(c)(9)(A)	<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.

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<input type="checkbox"/>	<input type="checkbox"/>	T302	CCR § 66265.17 as referenced by 67450.3(c)(9)(A)	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 PBR 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.
<input type="checkbox"/>	<input type="checkbox"/>	T303	CCR § 67450.13(a)(1)-(4)	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.
<input type="checkbox"/>	<input type="checkbox"/>	T304	CCR § 67450.13(a)(5)-(8)	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.
<input type="checkbox"/>	<input type="checkbox"/>	T999	See Official Notice of Inspection	Other Tiered Permit Violation – <i>(See the Official Notice of Inspection for details.)</i>

B. Additional Container, Tank System, and Facility Requirements

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<input type="checkbox"/>	<input type="checkbox"/>	G301	CCR § 66265.176 as referenced by 67450.3(c)(9)(E)	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.
<input type="checkbox"/>	<input type="checkbox"/>	G310	CCR § 66265.55 as referenced by 67450.3(c)(9)(C)	Emergency Coordinator – At all times there must be at least one employee either on the premises or on call available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response and reporting activities. This Emergency Coordinator must have the authority to commit the resources needed to carry out the Contingency Plan and be thoroughly familiar with the facility, all aspects of the Contingency Plan, and locations of all records within the facility.
<input type="checkbox"/>	<input type="checkbox"/>	G311	CCR § 66265.52 as referenced by 67450.3(c)(9)(C)	<p>Contingency Plan Prepared/Complete – The facility must have a written plan that is kept current and includes the following information:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A description of actions facility personnel will take to respond to fires, explosions, or any unplanned release of hazardous waste to air, soil, or surface water at the facility; <input type="checkbox"/> A description of any arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services for the facility; <input type="checkbox"/> The names, addresses, and phone numbers (office and home) of all persons qualified to act as Emergency Coordinator. Where more than one person is listed, one must be named as primary Emergency Coordinator, and the others must be listed in the order in which they will assume responsibility as alternates; <input type="checkbox"/> A list of all emergency equipment at the facility [e.g., fire extinguishing and spill control equipment, communications and alarm systems (internal and external), and decontamination equipment, where such equipment is required]. It must include the location and physical description of each item, and a brief outline of its capabilities; <input type="checkbox"/> An evacuation plan for facility personnel. The plan must describe signals used to begin evacuation, primary and alternate evacuation routes, and the current phone number for the State Office of Emergency Services.

[Note: A properly completed Unidocs HazMat Business Plan satisfies this requirement.]

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<input type="checkbox"/>	<input type="checkbox"/>	G312	CCR § 66265.54 as referenced by 67450.3(c)(9)(C)	<p>Contingency Plan Amendment – The Contingency Plan must be reviewed and, if necessary, immediately amended whenever:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Applicable regulations are revised; <input type="checkbox"/> The plan fails in an emergency; <input type="checkbox"/> The facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste, or changes the response necessary in an emergency; <input type="checkbox"/> The list of Emergency Coordinators changes; <input type="checkbox"/> The list of emergency equipment changes.
<input type="checkbox"/>	<input type="checkbox"/>	G313	CCR § 66265.53 as referenced by 67450.3(c)(9)(C)	<p>Contingency Plan Copies – Copies of the Contingency Plan and any revisions to it must be maintained at the facility and submitted to appropriate emergency response agencies.</p>
<input type="checkbox"/>	<input type="checkbox"/>	G314	CCR §§ 66265.51(b) and 66265.56 as referenced by 67450.3(c)(9)(C)	<p>Emergency Procedures Implemented – The facility must carry out the provisions of the Contingency Plan immediately whenever there is an imminent or actual fire, explosion, or unplanned release of hazardous waste or hazardous waste constituents. If the emergency could threaten human health or the environment outside the facility, the facility must immediately report the incident to the State Office of Emergency Services and appropriate local authorities. Additionally, the facility owner/operator must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Note in the facility operating record the time, date, and details of the incident; <input type="checkbox"/> Within 15 days of the incident, submit a written report to DTSC that includes: <ul style="list-style-type: none"> ◦ The name, address, and phone number of the owner or operator and the facility; ◦ The date, time, and type of incident (e.g., fire, explosion); ◦ The name and quantity of each material involved; ◦ The extent of injuries, if any; ◦ An assessment of actual or potential hazards to human health and/or the environment; ◦ Estimated quantity and disposition of recovered material resulting from the incident.
<input type="checkbox"/>	<input type="checkbox"/>	G320	CCR § 66265.16 as referenced by 67450.3(c)(9)(A)	<p>Training – All personnel at the facility involved in the management (i.e., generation, transfer, shipment, etc.) of hazardous waste must receive classroom instruction or on-the-job training in the proper management of hazardous waste. This training must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Be directed by a person trained in hazardous waste management procedures; <input type="checkbox"/> Include instruction that teaches personnel hazardous waste management procedures (including Contingency Plan implementation) relevant to the positions in which they are employed (e.g., personnel who prepare or sign hazardous waste manifests must be trained in manifest requirements, those who label containers must be trained in labeling requirements, etc.); <input type="checkbox"/> Be designed to ensure that personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, equipment, and systems; <input type="checkbox"/> Be provided to personnel within 6 months after the date of their employment or assignment to a new facility, or to a new position at a facility. (<i>Note: Personnel who have not yet completed this training must work under the supervision of a properly trained person</i>); <input type="checkbox"/> Be reviewed annually through refresher training.

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<input type="checkbox"/>	<input type="checkbox"/>	G321	CCR § 66265.16(e) as referenced by 67450.3(c)(9)(A)	<p>Records: Hazardous Waste Training – Hazardous waste management training must be documented by records that include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The job title for each position related to hazardous waste management, and the name of each employee filling the job; <input type="checkbox"/> A written job description for each of the above job positions that describes job duties and the skills, education, or other qualifications required of personnel assigned to each position; <input type="checkbox"/> A written description of the type and amount of both introductory and continuing training that will be given to each person filling the above job positions; <input type="checkbox"/> Documentation that this training has been completed by facility personnel. <p><input type="checkbox"/> Training records for current personnel must be kept until closure of the facility. Records for former employees must be kept for at least 3 years from the date the employee last worked at the facility.</p>
<input type="checkbox"/>	<input type="checkbox"/>	G340	CCR § 66265.191(a) or 66265.192(h) as referenced by 67450.3(c)(9)(F)	<p>Tank System Assessment – Hazardous waste tank systems in PBR 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 67450.3(c)(9)(F)	<p>Tank Secondary Containment – Hazardous waste tank systems in PBR 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>
<input type="checkbox"/>	<input type="checkbox"/>	G342	CCR § 66265.194 as referenced by 67450.3(c)(9)(F)	<p>Tank Operating Requirements – Hazardous waste tank systems in PBR 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 67450.3(c)(9)(F)	<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.