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Statutory Reference(s):

Health and Safety Code (HSC) section 25001, et seq., and HSC section 25185 and their implementing regulations.

This policy and any internal procedures adopted for its implementation are intended solely as guidance. This policy does not constitute a rulemaking by the Department of Toxic Substances Control (DTSC) and may not be relied upon to create a specific right or benefit, substantive or procedural, enforceable at law or in equity, by any person. DTSC may take action at variance with this policy or any internal implementing procedures.

This policy expires five years from the effective date, but may be updated prior to expiration.

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ACRONYMS

BDO	Board, Department and Office
CalEPA	California Environmental Protection Agency
CCR	California Code of Regulations
CCE	Closure Cost Estimate
CERS	California Environmental Reporting System
CUPA	Certified Unified Program Agency
DTSC	Department of Toxic Substances Control
ECL	Environmental Chemistry Lab
EERD	Enforcement and Emergency Response Division
FRR	Financial Records Review
FRU	Financial Responsibility Unit
GAR	Groundwater Audit Review
HARP	Hazard Appraisal and Recognition Plan
HSC	Health and Safety Code
HWMP	Hazardous Waste Management Program
HWTS	Hazardous Waste Tracking System
IH	Industrial Hygienist
LDR	Land Disposal Restrictions
LQG	Large Quantity Generator
OCI	Office of Criminal Investigation
OG	Office of Geology
OLC	Office of Legal Counsel
PDT	Penalty Determination Team
PPE	Personal Protective Equipment
PRA	Public Records Act
RCRA	Resource Conservation and Recovery Act

SEP	Supplemental Environmental Project
SOO	Summary of Observations
SOV	Summary of Violations
TSDF	Treatment, Storage, and Disposal Facility
VSP	Violations Scoring Procedure
WAP	Waste Analysis Plan
U.S. EPA	United States Environmental Protection Agency

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I. PURPOSE

The Department of Toxic Substances Control (DTSC) regulates the generation, transportation, treatment, storage, and disposal of hazardous waste. DTSC monitors compliance with the Hazardous Waste Control Law, Health and Safety Code (HSC) section 25100 et seq. and its implementing regulations (California Code of Regulations, title 22 (22 CCR), section 66260.1 et seq.) by conducting inspections, and determining and pursuing enforcement actions.

This document sets forth DTSC's policy and procedures for conducting inspections and completing inspection reports in a timely manner, and monitoring that regulated entities demonstrate compliance with regulatory requirements.

II. BACKGROUND

This policy supersedes DTSC-OP-0005 (dated 06/29/2017).

III. STATUTORY AUTHORITY

HSC, section 25185 grants DTSC authority to conduct inspections, conduct sampling activities, inspect, copy documents, and take photographs at sites or establishments where hazardous wastes are stored, handled, processed, treated, or disposed. Additional statutory authorities include, without limitation, HSC, sections 25159.21 and 25244.18.

IV. POLICY STATEMENT

It is DTSC's policy that inspectors conduct inspections in accordance with this document. All associated procedures are referenced in the Attachments section of this document.

DTSC is committed to maintaining a robust inspection program that is effective, equitable, consistent, and timely. DTSC promotes equitable and fair treatment, accessibility, and protection for all communities and residents, regardless of race, age, culture, income, or geographic location.

V. ORGANIZATIONAL STRUCTURE

The Enforcement and Emergency Response Division (EERD) and the Office of Criminal Investigations (OCI) are two divisions within DTSC's Hazardous Waste Management Program (HWMP). EERD and OCI are both overseen by the deputy director for HWMP, led by their respective division chiefs, and are responsible for conducting inspections and investigations in various offices throughout California.

EERD and OCI work closely with several other DTSC programs as it pertains to intra-departmental coordination of inspection and enforcement activities. These programs include the: Permitting Division, Office of Legal Counsel, Environmental Chemistry

Lab, Office of Communications, Safer Consumer Products, Office of Environmental Equity, and Geological Services. EERD and OCI support and coordinate multi-media inspections and investigations with other California Environmental Protection Agency (CalEPA) Boards, Departments, and Offices (BDO), and federal and local agencies.

EERD and OCI continually strive to promote and support program evaluation and enhancements to ensure equitable, consistent, effective, and timely inspections and investigations. This includes enhancing public transparency and accessibility.

EERD and OCI are committed to upholding their respective mission statements as follows:

- EERD's mission is to achieve a unified, comprehensive, effective, and equitable enforcement program that partners with communities and the regulated industries to achieve and sustain full compliance with California Hazardous Waste and Hazardous Substances Laws.
- OCI's mission is to prevent and investigate violations of California's Hazardous Waste Control Laws for the safety of the public and protection of the environment.

VI. RESPONSIBILITIES

Enforcement and Emergency Response Division

EERD has a broad range of inspection and enforcement responsibilities including, but not limited to:

- Performing inspections of hazardous waste generators, handlers, transporters, operators of treatment, storage, and disposal facilities, and electronic waste recyclers and handlers.
- Regulating universal wastes, treated wood waste, lead in jewelry, and toxics in packaging.
- Performing complaint investigations.
- Conducting enforcement actions for serious violations found through inspections and complaint investigations.
- Implementing targeted inspection and enforcement initiatives including participation in the Identifying Violations Affecting Neighborhoods Network and attending various task force meetings.
- Conducting emergency response, which includes off-highway incident response, clandestine laboratory clean-up, railroad accident response, disaster planning, and resumption of government planning responsibilities.

- Providing oversight and conducting evaluations of the Certified Unified Program Agencies (CUPAs), providing CUPA support, and providing technical training and technical assistance.
- Implementing the CUPA program for both Imperial and Trinity Counties.

Office of Criminal Investigations

OCI is tasked with specific inspection, investigation, and enforcement responsibilities. OCI is responsible for investigating alleged criminal violations and pursues a wide range of both felony and misdemeanor cases. OCI also assists other BDOs within CalEPA to investigate complex civil and administrative violations. OCI works with other state, federal and local law enforcement agencies, including the California Highway Patrol, Department of Fish and Wildlife, Federal Bureau of Investigation, United States Environmental Protection Agency's (U.S. EPA) Office of Criminal Investigations, and local enforcement agencies in the development of criminal cases.

VII. ENVIRONMENTAL JUSTICE

DTSC recognizes the need for further integration of environmental justice in its program activities and decisions to protect California's most vulnerable and environmentally burdened communities. EERD and OCI prioritize DTSC's commitment to advance environmental justice by conducting objective and equitable inspections, investigations, and enforcement. Additionally, EERD and OCI will implement environmental justice-informed approaches for disproportionately impacted and disadvantaged communities by:

- Integrating environmental justice into regulations, program activities, and policies.
- Engaging community members in a meaningful manner and providing opportunities for public participation.
- Working closely with the public, including vulnerable and environmentally burdened communities, to identify, verify, and resolve hazardous waste complaints.
- Ensuring that communications with the public are conducted in a culturally and linguistically sensitive and effective manner.
- Conducting at least 50 percent of all inspections and investigations in disadvantaged communities.
- Reducing environmental harm and health risks through targeted enforcement actions.

- Developing and incorporating an environmental justice program element in employee-training curriculum.
- Actively supporting and participating in CalEPA environmental justice enforcement initiatives and directives.

VIII. RELATIONSHIP TO OTHER POLICIES

This document should be used in conjunction with other U.S. EPA, CalEPA, and DTSC documents, including, but not limited to, the following:

- Resource Conservation and Recovery Act (RCRA) Comprehensive Ground Water Monitoring Evaluation.
- RCRA Operation and Maintenance Inspection.
- Referrals to California Compliance School DTSC-OP-0002.
- Complaint Response Policy DTSC-OP-0003.
- Enforcement Response Policy DTSC-OP-0006.
- Quarantine Authority DTSC-OP-0008.
- Records Retention DTSC-14-018.
- EERD and Permitting Coordination Departmental Procedures Memorandum.
- EERD Return to Compliance Guidance.
- EERD Guidance for Filing Documents.

IX. CONFIDENTIALITY

Under the Public Records Act (PRA), Government Code section 6250 et seq., records retained by state agencies are public unless exempt from disclosure. Preserving the confidentiality of documents is important; however, not all documents obtained or generated are confidential.

Documents

Documents obtained during an inspection that are not part of the inspection report may be confidential. Documents are not subject to disclosure under the PRA if they pertain to pending litigation and/or compromise the record of an investigation compiled for law enforcement purposes (Government Code section 6254(b) and (f)).

However, once litigation is complete or the case is otherwise resolved, these documents may become public records pursuant to Government Code section 6254.

Draft Documents

Preliminary draft documents are typically confidential under the PRA, pursuant to Government Code section 6254(a). Documents are subject to public disclosure once they are finalized or released to the facility.

Attorney-Client Privilege

Attorney-client communications are not discoverable and are exempt from disclosure under the PRA. Evidence Code section 954 sets forth the attorney-client privilege.

Attorney Work Product Doctrine

The work product of an attorney is not discoverable and is exempt from disclosure under the PRA. Attorney work product documents remain confidential, even after an enforcement action is completed.

Trade Secrets

"Trade secrets" are confidential pursuant to HSC section 25173. Within ten business days of receipt of the inspection report, the operator may submit a letter to DTSC identifying trade secret information contained in the inspection report and request that such information be withheld from public disclosure. Failure to make a timely claim of confidentiality may result in waiver of these rights. See HSC section 25173, and 22 CCR section 66260.2, and the references contained therein.

X. CONDUCTING INSPECTIONS POLICY

DTSC monitors facilities for verification of compliance status through a variety of facility inspections and information requests. These include:

Compliance Evaluation Inspection

A Compliance Evaluation Inspection is a comprehensive inspection that evaluates all aspects of a facility's hazardous waste operations for compliance with all applicable statutes and regulations. The inspection may include, but is not limited to: characterizing and reviewing the facilities activities; identifying all hazardous wastes handled or managed on-site; reviewing applicable records, documents, and on-site plans; and identifying and inspecting any units that generate, treat, store, or dispose of hazardous waste.

Focused Compliance Inspection

A Focused Compliance Inspection is an inspection that reviews specific and focused aspects of a facility's hazardous waste operations for compliance with all applicable statutory and regulatory requirements.

Follow Up Inspection

A Follow-Up Inspection is a re-inspection to verify the status of violations or to verify compliance based on a previous determination.

Financial Records Review

A Financial Records Review is a review of a facility's financial assurance mechanisms and resources that is conducted by DTSC's Financial Responsibility Unit. Owners and operators of hazardous waste facilities with permits, interim status, or standardized permits are required to maintain financial assurance. Permit by rule and conditionally authorized treatment with closure costs greater than \$10,000, and certain Universal Waste Electronic Device recyclers are required to maintain financial assurance.

Facility Self-Disclosure

A Facility Self-Disclosure is when a facility self-discloses to DTSC the existence of a violation at the facility or has provided information to indicate the presence of a violation at the facility.

Groundwater Audit Review

A Groundwater Audit Review (GAR) is a screening conducted by DTSC's Office of Geology (OG) and an EERD inspector. As a result of the GAR, a Groundwater Monitoring Evaluation or an Operations and Maintenance inspection may be scheduled.

Groundwater Monitoring Evaluation

A Groundwater Monitoring Evaluation is an inspection to evaluate the adequacy of a facilities groundwater monitoring program. The inspection is conducted in coordination with the OG.

Non-Financial Records Review

A Non-Financial Records Review is conducted to review in detail non-financial records to ensure accuracy and compliance with applicable statutes and regulations.

Operation and Maintenance

An Operation and Maintenance inspection is a periodic inspection to evaluate a facility's operations and maintenance and evaluates the integrity of the groundwater monitoring system. The inspection is conducted in coordination with the OG.

Complaint Investigation

A Complaint Investigation is an inspection to investigate alleged act(s) of noncompliance. See DTSC's Complaint Response Policy DTSC-OP-0003, which sets forth DTSC's policy for managing hazardous waste complaints.

XI. INSPECTION ACTIVITIES

Inspectors must conduct all pre-inspection activities, on-site inspection activities, and post-inspection activities in accordance with the procedures established in this policy.

It is DTSC's policy to perform unannounced inspections, except in cases where facility access will require prior notification (e.g., security pre-authorization, military bases, correctional facilities, etc.).

Inspectors must obtain and document consent from the facility operator prior to the start of any inspection. As per HSC 25185 and 78450, granting DTSC consent to perform an inspection includes, but is not limited to: a walkthrough of the facility; inspection of hazardous waste handling areas and vehicles; the interview of personnel; photographs; sample collection; document review; and retaining copies of documents, when necessary.

Inspectors must conduct "process-based" inspections, as appropriate. Process-based inspections establish a comprehensive understanding of the facility processes. Such processes include tracking raw materials through operations, identifying by-products, co-products, and finished products.

Facilities that are issued a Summary of Violations will be re-inspected to verify return to compliance, to the extent possible.

See Attachments A-K for specific inspection procedures.

Attachment A

Definitions

The definitions below are for reference only. Staff need to consult the statutory and regulatory definitions, as appropriate.

Class I Violation

Health and Safety Code (HSC) section 25110.8.5 defines a Class I Violation as a violation that represents a significant threat to human health or safety or the environment because of the volume of the waste, the relative hazardousness of the waste, and/or the proximity of the population at risk. A Class I Violation is also a violation where the deviation is significant enough that it could result in a failure to ensure that hazardous waste is destined for, and delivered to, an authorized hazardous waste facility, prevent releases of hazardous waste or constituents to the environment during the active or post closure period of facility operation, ensure early detection of releases of hazardous waste or constituents, ensure adequate financial resources in the case of releases of hazardous waste or constituents, ensure adequate financial resources to pay for facility closure, and/or perform emergency cleanup operations of, or other corrective actions for, releases. A Class I violation also means the deviation is a Class II violation which is a chronic violation or committed by a recalcitrant violator. "Class II Violation" has the same meaning as defined in 22 California Code of Regulations (22 CCR), section 66260.10.

Class II Violation

22 CCR, section 66260.10 defines a Class II Violation as a deviation from the requirements specified in Chapter 6.5 of Division 20 of HSC, or regulations, permit or interim status document conditions standards, or requirements adopted pursuant to that chapter, that is not a Class I violation. A Class II violation can be classified as a Class I violation when the violator is a recalcitrant violator and has a history of chronic Class II violations.

Minor Violation

HSC section 25117.6 defines a Minor Violation as a deviation that is not a Class I violation. A minor violation does not include any of the following: any knowing, willful, or intentional violation; any violation that enables the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage; or any Class II violation that is a chronic violation or that is committed by a recalcitrant violator. If there is evidence indicating that the violator has engaged in a pattern of neglect or disregard with respect to the requirements, a violation may be considered chronic or a recalcitrant violator.

Operator

The person responsible for the overall operation of a facility (22 CCR section 66260.10).

Respondent

A person, including any individual, company, or entity, listed in HSC section 25118, who has been cited for a violation.

Summary of Observations

Issued to the operator if no violations were observed during an inspection or if issues or concerns were identified that require further research.

Summary of Violations

Issued when violations are observed during the inspection process. For each violation, the inspector must cite the statute, regulation, permit section, variance section, or enforcement order section that was violated and describe the violation by referencing language from the provision cited. The inspector must state the actions necessary to correct each violation, to the extent possible. The inspector must discuss the Summary of Violations with the facility operator.

Supplemental Environmental Project

Environmentally beneficial project that a Respondent voluntarily agrees to undertake in the settlement of enforcement action to offset a portion of an administrative or civil penalty. A Supplemental Environmental Project (SEP) must only consist of measures that go beyond the obligations that a Respondent is already legally required to perform. SEPs are carried out in accordance with the Department of Toxic Substance Control's SEP Policy (DTSC-OP-035).

Attachment B

Inspection Roles and Responsibilities

Inspector

- Completes and submits a Hazard Appraisal and Recognition Plan (HARP) Pre-Site Visit Form to the Department of Toxic Substances Control's Industrial Hygiene (IH) staff at least two business days before each inspection for review and routes to their supervisor for approval prior to each inspection, pursuant to the HARP policy. After each inspection, the inspector must complete and submit a HARP Daily Site Visit Document (post-HARP) to supervisor and IH staff within five days of the inspection.
- Conducts inspections and notifies supervisor of exposures or any health and safety issue(s) immediately.
- Completes a Summary of Violation(s) (SOV) if violations are observed, or Summary of Observation (SOO) if no violations are observed, and provides it to the operator subsequent to the onsite inspection. The SOV or SOO must be uploaded to EnviroStor and the violation details entered into EnviroStor within five days upon completion of the inspection report.
- Debriefs and consults with their supervisor regarding inspection findings and verifies the appropriate course of corrective action in order to address noncompliance.
- Updates data and works with their regional office's Data Manager to upload documents to EnviroStor in a timely, complete, and accurate manner.
- Completes inspection reports and cover letter. Submits both documents to the facility. Ensures the inspection report, attachments, and cover letter are uploaded into EnviroStor within five (5) days of completion of the report.
- Initiates enforcement actions (requesting Office of Legal Counsel support, penalty assessment, negotiation/settlement.), as necessary.
- Communicates with facilities, as necessary. E-mail communications are part of the public record and must be printed and placed into the case file by the inspector.
- After inspecting permitted facilities, sends inspection reports to the Violation Scoring Procedure Scoring Team for scoring prior to sending it to the facility.

- Assists other inspectors with inspections and conducts peer review of inspection reports as needed.

Supervisor

- Ensures inspectors receive required training and equipment, including personal protective equipment, prior to conducting inspections, and are current on hazardous waste operations and emergency response, medical monitoring, respirator fit testing, and cardiopulmonary resuscitation /automatic external defibrillator/first aid training, as appropriate.
- Assigns inspections.
- Accompanies inspectors on inspections at least once per year.
- Reviews and approves a pre-HARP prior to each inspection and reviews a post-HARP after each inspection, if exposure symptoms are reported.
- Consults with inspectors regarding violations discovered during inspections and determines if an enforcement action is appropriate.
- Reviews inspection reports and returns them to inspector within five (5) days of receipt, as appropriate.
- Coordinates with inspectors to ensure that all work associated with an inspection, including uploads and data entry to EnviroStor, occurs in a timely, accurate, and complete manner.
- Ensures that SOOs, SOVs, inspection reports, and attachments are uploaded onto the public EnviroStor site via Public Document Approval Tool. Per Health and Safety Code section 25173, Operators have ten (10) business days to claim trade secrets. Documents should be approved on public EnviroStor as soon as possible and when appropriate.
- Ensures inspectors meet all timelines and deliverables.

Environmental Program Manager

- The Environmental Program Manager (branch chief) coordinates and manages the development and implementation of the annual work plan and inspection schedule.
- Works with data managers to ensure timely, accurate, and complete data entry.

Office of Legal Counsel

- Provides timely legal guidance, clarification, and support to Enforcement and Emergency Response Division after a work request is submitted via EnviroStor.
- Assists as necessary with the preparation of inspection warrants and/or quarantine orders.

Office of Criminal Investigations

- Investigates alleged criminal violations of the Hazardous Waste Control Law.
- Assists inspectors with the development, issuance, and service of inspection warrants.
- Provides consultation on unique investigation issues, as needed.

Health and Safety Program

- Reviews and files pre-HARP and post-HARP forms.
- Provides and maintains health and safety equipment, training, and guidance to inspectors.
- Oversees and monitors sampling activities, as needed, and provides assistance, as requested.
- When requested, accompanies inspectors during inspections to ensure health and safety.

Administrative Support Staff

- Ensures documents are Americans with Disability Act compliant and uploads documents into EnviroStor, generates reports, performs quality assurance and quality control review of the data.
- Assists with project deadline tracking.
- Assists with correspondence and documents sent to operators.

Attachment C

Inspection Procedures

I. PRE-INSPECTION ACTIVITIES

Inspectors will use the Administrative Goal Timeline (Attachment F) as a general guide for inspection activities and respective timelines. The inspector must not discuss any potential violations discovered during the pre-inspection process with the operator until those violations have been investigated and corroborated during the inspection. Inspectors with complex confidentiality concerns should consult with their supervisor and the Office of Legal Counsel (OLC).

A. Preparing for an Inspection

The lead inspector and supervisor will determine the appropriate number of inspectors needed per inspection based on factors such as safety, inspection complexity, sampling needs, and other site-specific circumstances. The lead inspector is responsible for identifying and documenting all violations during the inspection. All violations observed, including those corrected at the time of the inspection, must be documented by the lead inspector with sufficient detail to determine compliance and to support future enforcement actions. The Department of Toxic Substances Control (DTSC) will initiate appropriate enforcement action in accordance with DTSC's Enforcement Response Policy (DTSC-OP-0006).

Inspectors must not provide advance notice to facilities of planned inspections, except in cases where facility access requires prior notification (e.g., security pre-authorization, military bases, correctional facilities, etc.). An advanced notification request must first be approved by the inspector's supervisor.

Adequate preparation prior to an inspection is essential to conducting a safe, effective, and efficient inspection. The inspector must use available resources to research the facility's hazardous waste activities, regulatory status, regulatory requirements, compliance history, and health and safety requirements. Before conducting the inspection, the inspector must meet with the assisting inspector to discuss the facility operations, permit status (if applicable), compliance status, and delegate staff duties and responsibilities.

The inspector must review or perform the following prior to an onsite inspection, as applicable:

1. **Regulatory Status**

The facility type and authorization status (e.g., variance, permit, registered transporter, generator, etc.) establishes the regulatory standards that must be met and determines the criteria used for the inspection. The inspector must review applicable laws, regulations, and permit conditions. The inspector must use the California Environmental Reporting System (CERS) to review the onsite treatment notifications under the treatment tiers for permit-by-rule, conditional authorization, or conditional exemption.

2. **File Review**

DTSC's on-site physical facility files and EnviroStor database can be used to review inspection and enforcement history, and authorization status of the facility. At a minimum, the inspector must review any pending or past enforcement actions taken against the facility and the three most recent inspection reports including any attachments. Any unresolved issues or violations found in previous inspection report(s) must be investigated during the inspection. The inspector must create a list of documents to request from the facility at the beginning of the inspection (e.g., manifests, operating logs, inspection logs, training records, contingency plan, etc.). Copies of applicable authorization and enforcement documents must be brought on the inspection and cross referenced with on-site activities to ensure regulatory compliance.

3. **Hazardous Waste Tracking System, Resource Conservation and Recovery Act Online, and Resource Conservation and Recovery Act Info Review**

Prior to the inspection, the inspector must review reports on the Hazardous Waste Tracking System (HWTS) and Resource Conservation and Recovery Act (RCRA) Online databases. In HWTS, inspectors should review the Environmental Protection Agency (EPA) ID Profile and manifesting reports for basic information on the facilities hazardous waste management. The inspector must evaluate HWTS reports that include: 10-day, 6-day or no-day transfer facility exemption exceedances; and unauthorized acceptance of waste codes, when applicable. The inspector must use the RCRAInfo database to review the Handler Summary Report and identify the hazardous wastes that are routinely or non-routinely generated and shipped offsite for further treatment or disposal, as appropriate. The inspector may provide the owner/operator with copies of these reports. During an inspection, the inspector must cross reference the accuracy of the information obtained from HWTS, RCRA Online, and RCRAInfo.

For hazardous waste transporter inspections, the inspector must assess the transporter's registration status by looking at the facility profile on HWTS and selecting the "Transporter Registration" link. The inspector must assess

consolidated manifest activities and Transporter Quarterly Report submittal, as applicable.

B. Coordination

a. Permitting Division

DTSC's Permitting Division is responsible for making permit decisions on facilities that treat, store, and/or dispose of hazardous waste. If the facility has a full or standardized permit from DTSC, contact the Permitting Division to ensure the Permit Part A and B, and any modifications, are available for review. The inspector should reach out to the Permit Project Manager to discuss the status of the facility's authorization. The inspector must ensure that all information available in EnviroStor is up to date and that any new special conditions, permit modifications, variance, closure activities, have been uploaded to EnviroStor. The inspector will submit an EnviroStor work request to the Permit Project Manager inviting them to participate in the inspection. Refer to departmental Procedures memorandums for further guidance on coordination with Permitting.

b. Financial Responsibility

A Financial Records Review (FRR) must be conducted for facilities required to provide financial assurance pursuant to Title 22 of the California Code of Regulations (22 CCR), sections 66264.140 through 66264.151, 66265.140 through 66265.148, and 66273.76. Inspectors may initiate a FRR by submitting a work request in EnviroStor to the Financial Responsibility Unit (FRU) one day after the inspection. The work request to the FRU unit must include the exact dollar amount and date (if possible) of the most recent available Closure Cost Estimate (CCE). Closure costs may be found under the Financial Assurance Activity Summary tab in the Permitting EnviroStor. Closure costs should be verified using the Branch Chief Acceptance Memo, if available. If the cost estimate information is not found in EnviroStor, the inspector may request the Permit project manager to provide the CCE, post closure cost, and third-party liability. Inspectors will simultaneously request a copy from the FRU and cost estimate from the facility and cross reference it with the cost estimate provided by the Permitting Division to ensure the facility has financial resources to adequately pay for closure and post closure. The FRU has the original financial assurance mechanism and will use it to conduct a financial review of the facility, based on the latest DTSC approved cost estimate.

c. Office of Criminal Investigations

Before the inspection, consult with the Office of Criminal Investigations to determine if there are any pending enforcement actions or unresolved issues associated with the facility, as appropriate.

d. Other DTSC Programs

Before the inspection, consult with other programs within DTSC, such as Brownfields and Environmental Restoration Program (Cleanup), OLC, Policy and Program Support Branch, Public Participation, Environmental Justice and Tribal Affairs, and the Office of Communications, as appropriate. The Office of Environmental Equity is available to assist inspectors identify disadvantaged and marginalized communities, communicate with tribal communities and government, transmit community knowledge, provide suggestions for restorative justice, and support the development of supplemental environmental projects.

e. Other Agencies

The Certified Unified Program Agency (CUPA) or Participating Agency (PA) with jurisdiction to administer elements of the hazardous waste program must be contacted prior to the inspection to obtain information about any recent inspections or enforcement actions, unless the inspector's branch chief directs otherwise. A CUPA (or PA) inspector may be invited to accompany DTSC during the inspection, but the inspection must not be postponed if the CUPA inspector is unable to attend, unless postponement is approved by the DTSC branch chief. In addition, other regulatory agencies such as the Regional Water Quality Control Boards or Air Quality Management Districts/ Air Pollution Control Districts may be contacted, as appropriate. Outside agencies must be informed not to announce the inspection to the facility. The inspector must inform outside agencies that they may only attend the inspection on an observational basis and if they wish to perform an inspection, they must do so at a different time.

f. Office of Legal Counsel

Communications to and from OLC or the Office of the Attorney General for legal counsel, must be marked "Confidential" or "Attorney-Client Privilege," and must be kept in a confidential file. Documents subject to attorney-client privilege remain confidential even after an enforcement action is completed.

C. Hazard Appraisal and Recognition Plan

The lead inspector is responsible for preparing the pre-Hazard Appraisal and Recognition Plan (HARP) form for all inspections. The pre-HARP form must be completed based on information obtained from previous inspection reports, research of the facility's business activities, business plan inventories from CERS, and waste stream information from HWTS. Each pre-HARP should be completed with the expectation of performing basic sampling activities. The pre-HARP form must be submitted for approval to DTSC's regional Industrial

Hygienist (IH) and the inspector's supervisor at least two business days prior to the planned inspection date. DTSC personnel must comply with all applicable health and safety requirements and policies.

D. Equipment and Supplies

Inspectors must gather all necessary equipment and reference materials needed for the inspection including, but not limited to, personal protective equipment (PPE), identification (credentials), sampling supplies, monitoring equipment, statutes, regulations, copies of the permit and operations plan or other forms of authorization, checklists, and compliance assistance information.

E. Pre-Sampling Activities

To the extent possible, inspectors must always be prepared to collect samples. If the inspection requires sampling, or the inspector can reasonably infer that sampling will take place, the inspector must coordinate with DTSC's Environmental Chemistry Laboratory (ECL) to complete and submit an Authorization Request Form and Sampling Analysis Request via the SLIMS ECL Services Portal (<https://cadtsc.sharepoint.com/mcas.ms/ecl/SitePages/Submit-Samples-for-Analysis.aspx>). Refer to Attachment I for more detailed steps to utilize the SLIMS ECL Services Portal.

The inspector must access and submit any necessary requests via the ECL Services Portal to obtain the necessary sampling containers and equipment before the inspection.

F. Mapping

The inspector must verify the facility's location on a map via Google Maps or Nearmaps and evaluate the proximity to sensitive receptors.

II. ON SITE INSPECTION ACTIVITIES

A. Arrival

The inspector must either drive completely around the facility, or walk the fence line of the facility, to make observations, assess the proximity to sensitive receptors, and evaluate any possible unauthorized access points. A safety tailgate must be conducted prior to entering the facility.

B. Opening Conference and Consent

Upon arrival at the facility or site, inspectors must identify themselves, present credentials, and ask to meet with the facility manager or environmental coordinator, hereinafter referred to as the "operator". Upon meeting the operator, the inspector must explain the purpose and extent of the inspection, and request

consent to conduct the inspection. The consent language that is included in the inspection report template should be provided to the operator at this time:

“As per Health and Safety Code 25185 (*and 78450**), giving DTSC consent to perform an inspection includes, but is not limited to: A walkthrough of the facility, inspection of hazardous waste handling areas and vehicles, the interview of personnel, photographs, sample collection, document review, and retaining copies of documents when necessary”.

After the inspector has obtained consent to perform the inspection and has noted the name, title, and contact information of the operator, and time consent was granted, the inspector must request identification of the operator. The operator is not required to provide inspectors with verification of identification.

1. Consent Denied

If consent to conduct an inspection is limited, denied, or withdrawn at any time, the inspector must leave the facility and notify their supervisor. An inspection warrant may be prepared in order to complete the inspection. The inspector should inform the facility of the authority of the Department of Toxic Substances Control to inspect and show the facility a copy of Health and Safety Code (HSC) section 25185. The inspector may ask the facility's attorney to contact DTSC's OLC to discuss this authority. The inspector may inform the facility that they intend to produce an inspection warrant.

The inspector must specifically document the circumstances of the consent denial in the inspection report. The documentation must include the date, time, the general area of the facility at which consent was denied or withdrawn, name and title or position of the person denying or withdrawing consent to conduct the inspection, and the reason(s) given for denying or withdrawing consent. If the inspection is limited (such as no pictures, no samples, or denied entrance to a certain area) then that should be noted.

If an inspection warrant is necessary the inspector must discuss the situation with their supervisor, then complete and submit a work request with all necessary information to OLC. OLC will assist as necessary with the preparation of an inspection warrant. If the operator has denied consent in the past, the inspector may obtain an inspection warrant in advance, although the inspector needs consent denied before requesting a warrant. An inspection warrant requires 24-hour notice to the operator unless the notice period is waived by a court.

*HSC 78450 obtains consent for Site Mitigation and Restoration Program staff conducting program activities.

C. Documents

The inspector must provide the operator with a list of documents that need to be made available for review. If applicable, the inspector should request a copy of a current site map to guide the walkthrough portion of the inspection.

D. Verification of Operations

The inspector must verify the facility's current hazardous waste management activities and operations and compare it to information obtained from EnviroStor, HWTS, as well as the permit and operations plan (if applicable). Any noted discrepancies between information provided by the operator and DTSC or other agency records or databases must be noted and discussed with the operator, as appropriate. The inspector must note all discrepancies in the inspection report and notify DTSC's Permitting branch chief or supervisor (for permitted facilities) and other agencies of those discrepancies, as appropriate.

E. Health and Safety

Prior to conducting a walkthrough of the facility, the inspector must discuss the facility's health and safety requirements with the operator. The inspector must comply with all reasonable security, safety, and precautionary measures specified by the operator (e.g., wearing of non-static clothing, hard hats, hearing protection and/or safety glasses). The inspector must adhere to the approved pre-HARP form and don the appropriate level of PPE.

III. WALKTHROUGH

A. General

In advance of the inspection, the inspector should determine the order in which hazardous waste units, activities, or processes will be inspected. The inspector must conduct a "process-based" inspection to provide the inspector with a comprehensive understanding of the facility processes. This includes tracking raw materials through the industrial operations process(es), identifying by-products, co-products, treatment residuals, additional process streams, and finished products. The inspector must identify all waste generated (hazardous or non-hazardous) and determine how these wastes are tracked, managed, stored, and disposed. The inspector will refer to and use appropriate inspection checklists during an inspection.

All permitted units, points of generation, and storage areas must be inspected. If there are multiple points of generation, the inspector may opt to inspect a representative number of those points of generation, as appropriate. The visual inspection of each unit or area must include an assessment of potential violations, such as: releases, leaking containment systems, improper storage, incompatible wastes, container management (including labeling deficiencies), damaged, leaking, or open containers, tank management, integrity of a tank system (including the secondary containment system, if applicable), spillage, and

safety equipment deficiencies or changes from past operating conditions, as applicable.

Based on the observations made during the walkthrough, the inspector must determine which additional documents, if any, to request from the facility for review. The inspector must investigate violations identified in previous inspection reports and ensure the violations have been corrected.

The inspector may identify waste minimization opportunities to reduce or improve management of hazardous waste streams. The inspector may refer the operator to DTSC's Safer Consumer Products website for hazardous waste source reduction and compliance assistance information (i.e., fact sheets, guides, checklists, etc.). The inspector may also refer the operator to the Regulatory Assistance Office.

B. Evidence

For each violation observed, the inspector must identify the relevant statute, regulation, and/or permit condition that forms the basis for the violation. The individual elements of each violation must be supported by evidence to establish that the violation occurred. The inspector must collect evidence to substantiate violations by: recording observations and documenting statements from, and discussions with, the facility's owner(s), employee(s), representative(s), and operator(s); obtaining copies of relevant records; collecting samples; taking photographs; and other methods, as appropriate. The evidence collected must adequately support the violation, while providing the information necessary to determine the potential for harm, extent of deviation, and the duration of violation. As violations are observed, the inspector must discuss with the operator the statutory or regulatory requirement(s) and what is required to correct the violation(s).

Quoted statements may be used in the inspection report when quoted directly and accurately. When requesting documents to support violation(s), the inspector must date and initial each document copy for authentication purposes. A copy of each relevant document must be included in the inspection report with the time, date, and name of the person who provided the document. The inspector should ask for the name and title of any person providing a statement or relevant document and should verify proof of identification when possible; the operator is within their rights to decline this request.

C. Taking Photographs

The inspector must take photographs of anything they deem relevant to their inspection, including photos of the facility showing its layout, condition, and location of all hazardous waste handling areas. Photos of the facility layout and condition are essential to providing context in an inspection report.

If the operator refuses to allow the inspector to take photographs, the inspector must end the inspection and obtain an inspection warrant as described previously. Under no circumstances must the inspector surrender a camera to the operator.

D. Sampling

There are various circumstances that may dictate the need to perform sampling. The primary reasons for sampling are to determine whether a waste is hazardous and to provide supporting evidence of a violation. Sampling can also help determine whether there has been a release to the environment. The inspector's training, experience, and judgment will help determine when, what, where, and how much to sample. The following questions may also help determine when sampling is appropriate:

- Is there sufficient objective evidence to prove that a waste is hazardous without sampling? If yes, sampling may not be needed.
- Will sampling help support an allegation of unlawful activity or a violation? Is there a reasonable amount of uncertainty? If yes, sample.

If the inspector conducts sampling, the inspector must be prepared to offer and provide co-located or duplicate samples upon operator request. DTSC's ECL SharePoint site has additional information and guidance on how to collect and submit samples for analysis. The inspector must follow proper sampling procedures and methods. The inspector must, to the extent possible, coordinate with their supervisor and ECL to ensure adequate laboratory support prior to the sampling event. Samples collected must be submitted to ECL within two days. The inspector may consult with the regional IH if additional support is needed for sampling. If sampling cannot be performed immediately due to lack of personnel or equipment, the inspector may quarantine hazardous wastes or materials reasonably suspected to be hazardous wastes pursuant to the Quarantine Authority DTSC-OP-0008 policy. If the criteria for quarantine authority do not exist, the inspector may request the facility operator hold wastes or materials up to 30 days in accordance with 22 CCR, section 66272.1(e). This request must be in writing for retention of evidence.

If sampling results indicate violations after the initial Summary of Observations (SOO) or Summary of Violations (SOV) have been issued, an amended SOV must be completed and issued to the facility within five days of the date of discovery. When sampling is performed, the inspector will include in the inspection report all relevant information and observations pertaining to the sampling event, including the sampling results, if available. Should the inspector not receive sampling results within 30 days from the first day of the inspection,

the inspector must finalize the initial inspection report and attach an addendum inspection report to include the results after sampling results are received.

E. Document Review

The inspector's document review depends on the type of inspection (Compliance Evaluation Inspection, Focused Compliance Inspection, etc.) and the facility's regulatory status (Treatment, Storage, and Disposal Facility, transporter, generator, etc.). The inspector must summarize in the inspection report all relevant documents reviewed and report any significant findings. If there are any documents that should have been reviewed, but were not, the inspector will provide an explanation in the inspection report (i.e., documents were not available, not applicable, destroyed, etc.).

The facility must make all required documents available to the inspector at the time of the inspection. A violation may be cited if certain documents are not made available during the inspection.

A document review must be tailored to the specific operations, regulatory requirements, and the regulatory status of each facility. Documents to review by facility type are listed below, however, inspectors must review applicable laws, regulations, and permit conditions, as applicable, before each inspection to determine all appropriate documents to review.

1. Treatment, Storage, and Disposal Facility

a. Operating Record

The inspector must confirm that the operator maintains a written operating record and maintains the required information specified in 22 CCR, section 66264.73.

b. Annual Reports

The inspector must confirm that the annual reports have been submitted, as required by 22 CCR, section 66264.75.

c. Water Quality Monitoring

If required, the inspector must determine whether water quality monitoring reports are maintained as per the requirements of 22 CCR, sections 66264.90 through 66264.101.

d. Waste Analysis Records

A Waste Analysis Plan (WAP) must be reviewed for completeness and compliance with appropriate procedures as per the requirements specified in 22 CCR, section 66264.13. The inspector must select at least one specific characteristic waste stream and determine if the owner

or operator obtained detailed chemical and physical analysis of a representative sample of the waste. The inspector should ensure that any testing method(s), sampling method(s), and the frequency of analyses comply with the WAP. If a facility receives waste from off-site facilities, the inspector must review analytical results provided by the generator and controls in place for the acceptance and movement of waste through the facility.

e. Training Records

The inspector must review training records for employees handling hazardous waste to verify compliance with CCR, Title 8, section 5192, and 22 CCR, section 66264.16. Inspectors must verify that Hazardous Waste Operations and Emergency Response initial and annual refresher training was conducted, if applicable. Training records for new employees (less than one year with facility) must be reviewed to determine if training was received within the first six months of employment.

f. Closure/Post-Closure Documents

The inspector must review the facility's most recently approved closure/post-closure plan and CCE's to ensure compliance with 22 CCR, section 66264.112 and to assess the completeness and accuracy of the facility's current hazardous waste activities. If the facility is actively in closure or post closure, the inspector must compare the current closure/post-closure activities to the approved closure/post-closure plan to ensure these activities are included in the plan.

The inspector must obtain the facility's CCE from Permitting's EnviroStor or the permit project manager and the owner/operator during the inspection. The inspector must submit the CCE to the FRU to verify that that the facility has an adequate financial mechanism for closure.

g. Contingency Plan

The inspector must ensure that the contingency plan contains the required contents as required in 22 CCR, section 66264.50. The inspector must also verify that any entity listed (e.g., Fire Department) has documentation of the agreement. The inspector must check the operating record for incident reports to affirm that the contingency plan is functional, appropriate actions were taken, and whether notification reports were submitted to DTSC, as required.

h. Inspection Records

The inspector must ensure that the inspection records are maintained as required by 22 CCR, section 66264.13(a)(2)(A). At a minimum, the inspector must review the facility's internal inspection records for the week prior to the inspection. For each year that has passed since the last

DTSC or CUPA inspection, the inspector should review at least one additional week of inspection records. The inspector must review and verify that the facility regularly conducts its own inspections, documents the results, and properly addresses any issues discovered during the inspection. It is suggested that operating records be reviewed at different times of the year to account for any potential seasonal differences in operations. If the inspector observes a pattern of noncompliance, additional inspection records must be reviewed. The inspector must verify that all required elements are documented in inspection records. It is important for inspectors to observe any irregularities at the facility during the inspection and include them in the report, as applicable. If violations are observed during the walkthrough, the inspector must review the inspection records for that day to help determine if the facility inspection procedures are adequate.

i. Tank Systems

If the facility manages hazardous waste in tanks, the inspector must verify that the facility is complying with all applicable tank regulations as specified in 22 CCR, sections 66264.190 through 66264.200. If applicable, the inspector must ensure adequate secondary containment is maintained and must review tank integrity assessments, certifications, and records. Inspectors should review the status of the Professional Engineer(s) that certified any tank, as the tanks must be certified by a professional engineer licensed in California by the Board for Professional Engineers, Land Surveyors, and Geologists. Acceptable certifications are limited to civil, structural, and geotechnical disciplines. If the inspector is unsure, they must consult with the Engineering and Special Projects Office.

The inspector must determine if the tanks were modified, and whether the modification invalidates the tank's certification. The inspector should also obtain a copy of the tank assessment(s) and submit it to DTSC's Engineering and Special Projects Office for review. The inspector must also ensure that the facility has a schedule and procedure in place for future tank integrity assessments.

j. Manifest and Land Disposal Restrictions Records

The inspector must review manifests and applicable Land Disposal Restriction (LDR) notifications and certifications prepared since the prior inspection for proper completion, use, and maintenance. Information initially obtained during pre-inspection preparation must be compared to manifesting information obtained during the onsite inspection.

2. Transporter

a. Identification and Registration

The inspector must ensure that the facility maintained an identification number and a registration certificate while transporting hazardous waste as specified in 22 CCR, section 66263.17(a) and HSC section 25163(a). The inspector must verify the facility had a valid registration in his or her possession while transporting the hazardous waste as specified in HSC section 25163(a)(2).

b. Insurance

The inspector must review insurance documents to ensure that the Transporter maintained sufficient liability coverage while transporting hazardous waste as specified in 22 CCR, section 66263.15(b).

c. Manifests and Consolidated Manifests

The inspector must review manifests to ensure accuracy and proper completion as specified in 22 CCR, section 66263.20. The inspection must also verify that all manifests were completed as specified in HSC section 25160.2(b).

If the transporter uses consolidated manifesting, the inspector must review that a notification to DTSC was submitted prior to any transportation hazardous wastes under the consolidated manifesting procedure as specified in HSC section 25165(a). The inspector must ensure a copy of the registration certificate was maintained with a DTSC-signed consolidated notification form attached during the transportation of hazardous wastes as specified in HSC 25163(a)(2). The inspector must also ensure a manifest was in possession of the transporter while hazardous wastes was in transit as specified in HSC section 25160(d)(1).

d. Quarterly Reports

The inspector must ensure that Quarterly Reports were submitted to DTSC as specified in HSC section 25160.2(d).

3. Generators

When inspecting a generator, it is important to determine if the facility is a conditionally exempt small quantity generator, small quantity generator, or large quantity generator (LQG). Documents required for generators must be reviewed for compliance as part of an inspection. Documents that may be reviewed include, but are not limited to, manifests, LDRs, bills of lading, manifest exception reports, and contingency plans. Documents specific to LQGs only include, but are not limited to, biennial reports, daily tank inspection logs, training plan, training records, contingency plan activation notifications, and Senate Bill 14 waste reduction plans. Additional documents are required

for generators operating under an onsite permitting tier (Permit by Rule, Conditionally Authorized, and Conditionally Exempt) and should be reviewed as appropriate.

4. Universal Waste Electronic Device Collectors and Recyclers

For both Universal Waste Electronic Device (UWED) Collectors and Recyclers, the inspector must review the following documents:

a. Notification as an E-Waste Handler

The inspector must review the notification of intent to handle universal waste, which the operator must have on-file at the facility.

b. Annual Reports

The inspector must review annual reports submitted within three years of the inspection date.

c. Onsite/Offsite Shipment Logs

The inspector must review receipts of incoming and outgoing shipment logs to cross-examine and verify the quantities reported in the facility's annual reports.

d. Accumulation Time Records

If a UWED handler maintains a separate database to inventory and track the accumulation time of items accumulated onsite, the inspector must review these records to assess compliance with the one-year accumulation time limit for UWED.

e. Agreements with Other UWED Handlers

If a UWED handler has any agreements with any other handlers, the inspector must review these records.

f. Export Notifications

If applicable, the UWED handler must provide copies of export notifications to DTSC and CUPA for export of any electronic devices, Cathode Ray Tubes (CRT), or CRT glass; copy of United States Environmental Protection Agency Acknowledgement of Consent document for CRT or CRT glass export; and documents showing compliance with Public Resources Code section 42476.5 for the export of Covered Electronic Waste.

g. Personnel training records

- i. The inspector must review initial training records for each member of personnel that handles universal waste.
- ii. The inspector must review annual training records for each member of personnel that handles universal waste.

h. Import Requirements

Documentation showing compliance with import requirements referenced in 66273.41(a)

For UWED Recyclers, the inspector must review the following documents to assess compliance with the applicable regulations:

i. Land Use Verification

The inspector must obtain and review proof that treatment is consistent with local zoning requirements and land use patterns.

j. Local Permits

The inspector must obtain and review a copy of any local air district permit and/or other permit required by local permitting agencies.

k. Closure Plan

The inspector must review the facility's closure plan if the facility is engaged in the treatment or shredding of UWED.

F. Copies

Copies of documents that support violations must be included in the inspection report regardless of the type of inspection. As documents are obtained by the inspector, the inspector must label the document with the date and name of the individual who provided the document and the inspector must initial and date any copies of documents obtained during the inspection. Authentication of copies at the time of receipt assists with detection of alterations to the original document.

G. Closeout Conference with Facility Operator

Once the inspection is complete, the inspector must discuss all observations, violations, and unresolved issues with the facility operator. If no violations were observed or more research is needed to determine compliance, the inspector must complete an SOO and provide the operator with a copy of both the SOO and inspection checklist, if applicable.

If minor violations are observed, the inspector must complete an SOV and

provide the operator with a copy of both the SOV and inspection checklist, as applicable. Minor violations corrected during the inspection must be documented in the SOV, including the corrective action taken by the facility.

If Class I or Class II violations (defined in HSC section 25110.8.5 and 22 CCR, section 66260.10 respectively) are observed, the inspector must complete an SOV and provide the operator with a copy of both the SOV and inspection checklist, as applicable. The inspector must also briefly describe the enforcement process and inform the operator that DTSC may pursue an enforcement action against the facility and/or its operator. The inspector must leave a copy of the inspection checklist and the SOO or SOV on-site.

If there are any issues that require further investigation, the inspector must discuss the issues with the operator and document the issues in the SOO or SOV and the inspection report. The inspector must inform the operator that additional violations may be identified after additional information is reviewed and unresolved issues are investigated. The inspector may inform the operator about the availability of California Compliance School and give reference in accordance with DTSC policy, Referrals to California Compliance School DTSC-OP-0002.

The inspector must inform the operator an inspection report will be issued within 30 days, and, in any event, not later than 65 days from the date of the inspection. Pursuant to HSC section 25185(c)(2)(D)(3), the operator has 60 days, or a shorter time as DTSC may reasonably require, after receipt of the inspection report to respond, to propose corrective actions, document corrective actions that have taken place, or contest violations alleged in the inspection report. The operator may request a meeting to discuss the violations and corrective actions described in the report. DTSC has 30 business days to respond to the operator.

If the operator provides convincing information or evidence that an alleged violation did not occur, and the inspector and their supervisor conclude that it is not a violation, it must be rescinded.

IV. POST-INSPECTION ACTIVITIES

Inspectors can refer to the Administrative Goal Timeline (Attachment F) and Inspection Process Map (Attachment G), to assist with project management and meeting targeted timelines for completion of inspection work.

A. Brief Supervisor

The inspector must, at the earliest opportunity, brief their supervisor concerning the results of the inspection, any unresolved issues, health and safety concerns, and discuss enforcement options (if applicable).

B. Work Request for Legal Assistance

If there are violations that warrant enforcement during an inspection, the inspector must submit a work request for legal assistance immediately after returning to the office, upon supervisor approval.

C. Financial Responsibility Review Work Request in EnviroStor

A financial responsibility review must be conducted for facilities required to provide financial assurance pursuant to 22 CCR, sections 66264.140, 66265.140, 66270.69.4, 66273.76, and 67450.13. Closure costs may be found under the Financial Assurance Activity Summary tab in the Permitting EnviroStor. Closure costs should be verified using the Branch Chief Acceptance Memo, if available. The work request to the FRU must include the exact dollar amount and date (if possible) of the most recent available CCE. Inspectors will cross reference it with the financial assurance provided by the facility to ensure the facility has funds to close, post closure, and third-party liability if necessary.

D. Post-HARP

The inspector must complete a post-HARP form within five business days after completing an inspection. The inspector must submit the post-HARP to their supervisor for signature if there was an exposure. The inspector will submit the post-HARP to the regional IH.

E. Photographs

Inspection photographs captured with Survey123 are time, date, and location-coordinate stamped. The original photos can be found on the field tablet's local memory drive. Original photographs must be transferred to a Local Network drive or OneDrive promptly upon return to the office. The inspector must not alter digital pictures or change the name of the original digital picture file.

Photographs included in the inspection report must be identified with the date of the inspection (if not date-stamped by the camera), name of the photographer, and a brief caption identifying specifically what the photograph depicts. All photographs must be made available to the inspector's supervisor.

Copies of the photographs must be given to the operator pursuant to HSC section 25185(d) for review, for trade secret determination.

Further guidelines on photographs can be found at the California Environmental Protection Agency website link:
www.calepa.ca.gov/Enforcement/Policy/Photos.htm.

F. Inspection Report

An inspection report must be completed for all inspections.

The lead inspector is responsible for completing the inspection report. The lead inspector should meet with the assisting inspector and supervisor for consultation, as needed, to complete the inspection report as soon as possible. The inspection report should be signed and completed within 30 days or less from the first day of inspection. HSC section 25185(c)(2)(A) requires that inspectors sign and submit an inspection report no later than 65 days from the first day of inspection. Draft copies must be shredded and disposed of when the inspection report or other documents are finalized.

Evidence Code section 1280 allows the admission of the inspection report if “the writing was made at or near the time of the act, condition, or event.” In addition, Evidence Code section 1237, allows the inspector to read their inspection report into the record so long as it “was made at a time when the fact recorded in the writing occurred or was fresh in the witness’ memory.” Should the inspector not complete the inspection report in a timely manner, it will not be admitted into evidence and the inspector may not recite from the inspection report while in court.

All violations described in the SOV must be referenced in the inspection report. Any violations in the SOV that were later rescinded must be explained in the inspection report. All violations corrected by the facility during an inspection must be noted in the inspection report. If the facility returns to compliance prior to completion of the inspection report, return to compliance documentation must be reviewed and included in the inspection report.

If sampling is performed the inspector must complete the sampling section of the inspection report to the most extent possible. The inspector should not wait for sampling results to complete their inspection report. The inspector must complete the inspection report to the extent possible without the information that specifically pertains to the sampling. Sampling results must be provided to the operator in an addendum report within ten business days of receipt by the inspector. If additional violations are determined based on the sampling results, an amended SOV and cover letter detailing the additional violations and required corrective action(s) must be prepared and sent to the facility with the addendum report.

When information becomes available after the initial inspection report has been completed, the inspector must complete an addendum report. The purpose of an addendum is to add information to an existing inspection report. It is not necessary to repeat all the prior inspection information in the addendum report. The inspector must complete the General Information section of the addendum report to identify the general facility information. The other sections of the addendum inspection report may be completed to document additional

information, as appropriate. Violations and corrective actions must be included in the cover letter associated with the addendum report and amended SOV, as appropriate.

If an inspection report cannot be completed within 65 days as required by HSC 25185(c)(2)(A), a letter must be issued to the operator informing them that DTSC is unable to meet the 65-day requirement as prescribed in HSC 25185(c)(2)(B). The inspector must consult with the supervisor if the 65-day requirement cannot be met to take appropriate action.

G. Violations Scoring Procedure

For all inspections conducted at Operating Permitted Facilities:

The inspector must submit the final inspection report and all attachments to the Violations Scoring Procedure (VSP) Scoring Team via VSP@dtsc.ca.gov for scoring prior to sending the inspection report to the facility. DTSC is required to issue a provisional inspection violation score to the facility concurrent with the inspection report.

The VSP Scoring Team will provide a provisional inspection violation score matrix and inspection report cover letter to the inspector within 10 business days of receiving the finalized inspection report. If issuance of the inspection report exceeds 65 days, the inspector must inform the facility in writing within 70 days from the first day of the inspection report that issuance of the inspection report will be delayed, pursuant to HSC 25185(c)(2)(B).

The inspector must update EnviroStor within five business days after completing the inspection report, as appropriate, and must name all files consistent with EnviroStor's naming protocol, and work with the Data Manager to ensure all documents are uploaded to EnviroStor.

If the inspection report is subsequently amended or violations are added, deleted, or modified, the inspector will e-mail the amended inspection report with all attachments to VSP@DTSC.ca.gov and cc their respective supervisor.

H. Field Notes

All relevant information from field notes must be included in the inspection report. After the inspection report is finalized, field notes and all drafts of the inspection report must be shredded and disposed of. The final inspection report is the official record of the inspection.

I. Tracking

The inspector must update EnviroStor within five days after the inspection with the following information: the date of the inspection; the date the SOO/SOV were issued; and all violations noted and other fields as applicable. The violation

description must include the statutory or regulatory citation in enough detail to clearly describe and classify the violation(s). All required documents should be uploaded to EnviroStor. The inspector works with the Data Manager on updating/uploading to EnviroStor.

J. Sending the Inspection Report to the Facility

HSC, section 25185(c)(2)(A) states that within five days after finalization of the report, and no later than 65 days from the date of the inspection, the inspector must send a copy of the inspection report to the facility. If the report cannot be provided to the facility within 65 days, DTSC must inform the operator via letter within 70 days from the first day of the inspection and give an estimated date by which the report will be provided. However, it is DTSC policy to provide the inspection report to the facility within 30 days from the first date of inspection. For all inspections, the first day of inspection will constitute the date of the inspection as per United States Environmental Protection Agency Hazardous Waste Civil Enforcement Response Policy, December 2003.

The report must contain all pertinent information, including documentation, and other attachments that support violations. The inspector must send a cover letter with the report describing the operator's rights and responsibilities under HSC section 25185(c). The cover letter can include an acknowledgement and response to any submittal by the facility in response to the SOV.

HSC section 25185(c)(2)(C) states, "Information from the inspection report, or the report itself, may be withheld by the department or the local officer or agency if necessary to a criminal investigation or other ongoing investigation in which the department or the local officer or agency determines, in writing, that disclosure of the information will result in a substantial probability of destruction of evidence, intimidation of witnesses, or other obstruction of justice." This determination must be made by a branch chief after consulting with the Enforcement and Emergency Response Division Chief.

The inspection report, inspection report attachments, and all documents associated with the inspection must be filed in the file room in accordance with DTSC's Records Retention Policy DTSC-14-018. Refer to the EERD Guidance for Filing Documents for additional guidance.

K. Return to Compliance

A facility which receives a notice to comply for minor violations will have 7, but no more than 30, days from the date of receipt of the Notice to Comply and achieve compliance with the permit conditions, rule, regulation, standard, or other requirement cited on the Notice to Comply.

The operator has 60 days, or less as specified in the inspection report, from the date of receipt of the inspection report to respond to all other violations contained

in the inspection report, unless otherwise specified. The operator's response must be in writing and include a statement of the corrective action(s) they will take or have taken to come into compliance or any dispute(s) the operator has with the violation(s). The inspector must respond to the operator's letter within 14, but no more than 30, business days by issuing a "report of violation or other appropriate document," stating whether the corrective actions documented or proposed to be taken by the operator will achieve compliance or specify that DTSC determined the violation(s) still exist (HSC, section 25185 (c)(3)).

"Other appropriate document" includes a letter responding to the facility's submittal that describes the status of each violation contained in the original SOV and/or the violation section from the inspection report.

Return to compliance must be documented and uploaded to EnviroStor. Refer to the EERD Return to Compliance Guidance for additional guidance.

Attachment D

Inspection Report Instructions

The details in an inspection report must reflect the complexity and number of violations found at the facility. If a field is not applicable to the inspection or there is no information available, use "N/A". Keep a copy of the signed inspection report that is sent to the facility. This will be utilized as evidence during the enforcement process.

GENERAL FACILITY INFORMATION

Facility Name

Use the complete name of the facility or business. If the site is not a business, use the best description to identify the site.

Facility/Site Physical Address

The site's physical address where the inspection was conducted.

City, State, Zip Code

Insert city, state, and zip code.

Facility Telephone Number

List the facility telephone number.

State or Federal EPA ID (ID) Number

Use the identification number listed in Hazardous Waste Tracking System or EnviroStor. If the facility or site does not have a number, then indicate "No EPA ID Number."

Type of Business

Specify the type of business or facility this site might fit into, for example: military base, transporter, solvent distributor, etc.

CalEnviroScreen 4.0 Score

Include the CalEnviroScreen score for the physical location of this site from EnviroStor or the CalEnviroScreen tool.

Regulatory Status

Use the drop-down menu to select the appropriate regulatory status: Permitted; interim status; tiered permitting; generator; registered transporter; E-waste collector/recycler; certified appliance recycler; variance; illegal operator; or other.

Site Map Attached

Mark "Yes or No" if the site map will be included as an attachment to the inspection report.

Owner/Operator Name

Include the complete name of the facility owner/operator.

Owner/Operator Title

Include the complete job title of the facility owner/operator.

Owner/Operator Email

Include the complete email address of the facility owner/operator.

Owner/Operator ID Type

From the drop-down menu, select the type of ID that was provided.

Owner/Operator Mailing Address

Include the mailing address, if different than the physical address. Include the city, state, and zip code of the mailing address.

Number of Employees

As accurately as possible, determine the number of employees that work on site.

Number of Employees Managing Hazardous Waste

Insert number of employees directly involved in the management of hazardous waste (including documentation).

DESCRIPTION OF FACILITY OPERATIONS

Include a description of facility operations and other relevant facility information here. Examples of information to include, but not limited to: the size of facility, any sensitive receptors, age of facility/business, environmental justice information, and prior addresses or prior ownership. If the inspection is a complaint inspection, add non-confidential complaint information. This section should give a thorough overview of the facility, including, but not limited to, the facility's location, layout, day to day operations, employee information, any change in ownership or relocations, issues with verifying licensing, anything of note that occurred during the inspection, and any other relevant information.

INSPECTION INFORMATION

Lead Inspector

List the name of the lead inspector participating in the inspection. If there is more than one inspector, identify the lead inspector.

Assisting Inspector(s)

Include all Department of Toxic Substances Control (DTSC) employees present and the days present at inspection.

Other Inspection Team Representative(s)

Include all DTSC employees present and the days present at inspection. If accompanied by another agency, the inspector shall include the name of the agency and name, title(s), date(s) when they were present and contact information for each person.

Department of Toxic Substances Control Regional Office

Include the name of the lead inspector's regional office.

Office Address

Include the physical address of the lead inspector's regional office.

Office City

Including the city that the lead inspector's regional office is located in.

Office ZIP Code

Include the ZIP code the lead inspector's regional office is located in.

Workplan Type(s)

Use the drop-down menu to select the appropriate workplan type. The dropdown provides the same options as EnviroStor. Treatment, storage, disposal facility (TSDF); post closure; generator; transporter; electronic waste collector or recycler; certified appliance recycler; or other (e.g., hazardous waste broker). Secondary and Tertiary Workplan types are facilities that have multiple workplan types on one site.

Example: TSDF and Transporter.

Inspection Type

Indicate type of inspection (e.g., Compliance Evaluation Inspection, e-waste recycler, transporter, or Operation and Maintenance).

Complaint #

If the inspection is a complaint investigation, include the complaint number.

FACILITY REPRESENTATIVE(S)

Facility Representative

Insert names, job titles, and contact information for facility personnel here.

Representative ID Confirmed

How did the inspector confirm the identity of the facility/site operator? This is a drop-down menu that includes: Driver's License, Passport, and Facility ID Card.

INSPECTION CONSENT

Consent to Inspect Granted By

Include the complete name, job title, and email address of the facility representative that is granting consent.

Consent Time(s) and Date(s)

When did the operator give consent to inspect? Inspectors must document each time consent is granted. This includes reentry for any reason (includes lunch breaks). If multiple, type them out.

INSPECTION HISTORY

Identify whether the facility or site has previously been inspected, include the dates of previous inspections, identify the lead inspector, the number of total violations, the number of Class I violations, a brief description of the violations, and any important information about the facility's compliance history. The inspection history must be completed for the 5 calendar years prior to the inspection. If the facility has not been inspected before, this section should be filled out "N/A" in each of the table cells and the additional important information box must read: "This facility has not previously been inspected."

DOCUMENT REVIEW

Identify each document reviewed during the inspection, any violations discovered as a result of the review, the corresponding violation, and information discovered during the document review. As appropriate, a representative number of the following documents must be reviewed: manifests; manifest discrepancy reports; bills of lading; land disposal restriction notifications; exception reports; import/export reports; contingency plan; training plan and records; incident reports; waste analysis plan and records; operation plan; inspection records; tiered permitting applications and authorization letter; annual/biennial reports; hazardous waste source reduction plans; closure cost estimates and updates; permit (Part A and B); tank and/or containment

certifications; variances; recycling records; or any other record relating to the management of hazardous waste.

If a document is the subject of, or relevant to, a violation, it should be included as an attachment. Other documents that must be included as attachments include: Summary of Violations (SOVs) (including amended versions); facility map; all written communications with the facility post-inspection regarding the inspection and compliance; and e-waste/transporter inspection checklists.

NON-PERMITTED AREAS INSPECTED

The inspector must describe, in chronological order, the non-permitted areas inspected, observations, occurrences, and information obtained during the inspection. This section must list the areas inspected, accompanying photographs, and any observations, occurrences, and information discovered during the inspection.

PERMITTED AREAS/UNITS INSPECTED

Identify if the facility is permitted, the permit effective date and expiration date, and the permit project manager. For each permitted area/unit inspected, identify the area/unit's name, accompanying photographs, and information discovered during the inspection. It is recommended that this section be completed in advance of the inspection so that inspectors will be familiar with the area/units that will be inspected.

The inspector must only use this section to describe observations, occurrences, and information obtained as they relate to permitted units.

ADDITIONAL INSPECTION INFORMATION

The inspector may use this section to describe or provide more context regarding onsite observations, occurrences, and information obtained as they relate to the inspection.

SAMPLING

Thoroughly describe all sampling activities during the inspection. Indicate if field replicate samples were requested and provided to the operator. Inspectors must provide thorough sampling information including: number of samples taken, sample ID, sample date, sample analysis type, split sample, reason for sample, location of sample, and supporting photographs.

VIOLATION SUMMARY

Were Violations Cited?

State "Yes" or "No" to indicate whether violations were cited.

Total Number of Violations

Sum of all Class I, Class II, and Minor violations. State "0" if no violations were cited.

Total Class I Violations

Number of Class I violations. State "0" if no violations were cited.

Total Class II Violations

Number of Class II violations. State "0" if no violations were cited.

Total Minor Violations

Number of minor violations. State "0" if no violations were cited.

If violations are cited, include the following:

Proximity to Humans

Are employees in immediate danger? What is the distance to the nearest residence?
What is the distance to the nearest building, business, or dwelling?

Proximity to Animals

Can the waste in question be reached or interacted with by animals?

Proximity to Water

Is there a sewer drain on site? (If so, mark it on the site map and or take a photo with reference points.) Does the facility discharge to a publicly owned treatment works?
How close is the nearest off-site water body?

Proximity to Sensitive Receptors

Are there any sensitive receptors nearby? Sensitive receptors include, but are not limited to, hospitals, schools, daycare facilities, elderly housing, and convalescent facilities. These are areas where the occupants are more susceptible to the adverse effects of exposure to toxic chemicals, pesticides, and other pollutants. Extra care must be taken when dealing with contaminants and pollutants in close proximity to areas recognized as sensitive receptors. If so, what is the distance to sensitive receptors?

VIOLATIONS

Inspectors will need to complete an inspection report subsequent to every inspection, whether or not any violations were cited.

The violation section of the inspection report requires significant detail and is the most important part of the inspection report, as it contains evidence that supports each alleged violation.

Violation #

Violations must be numbered sequentially. Discuss with your supervisor whether the violations must be organized according to class, waste stream, or action that formed the basis for related violations.

Date of the Violations

List the date the violation was discovered.

Violation Classification

Using the drop-down menu, select the appropriate class for the violation.

Justify Violation Classification

Use Health and Safety Code (HSC) sections 25110.8.5 and 25117.6, and 22 California Code of Regulation (CCR) section 66260.10, as reference to justify the violation class.

Violation

How was the requirement in citation violated? Specify who, what, when, where, how, and how you know of the violation. Describe the violation concisely and completely.

Citation(s)

Insert the citation the facility violated (ex: HSC, CCR, or other statutory or regulatory authority). If applicable, list both the HSC and the CCR. Format as follows: For the first reference that appears use: "pursuant to California Code of Regulations, Title 22 (22 CCR), section xxxx..." or "pursuant to Health and Safety Code ("HSC"), section xxxx". For the references thereafter, use "22 CCR, section xxx" or "HSC section xxx"

Citation Text

Cut and paste the actual text of the referenced citation. The applicable legal authority should not be paraphrased. The inspector need only include the applicable section (i.e.: if referencing HSC section 25163(a)(1), the inspector can just cut and paste that portion rather than the entire statute). The purpose is to inform the facility of the law that was violated, while also providing the inspector with an outline of the elements it must prove in the Evidence section below. If additional subsections are needed for context, they must be included.

Repeat Violation

If it is not a repeat violation, select “No” and type “N/A” in the “Prior Violation Date” area. If the facility has committed this violation in the last 10 calendar years, select the “Yes” box and include the date(s) of each prior incidence.

Waste Type(s) and Quantification

List the waste type and quantity involved in the violation. If there are multiple wastes involved, list each waste type with the corresponding quantity identified in violation.

If there are documents or containers on site from which the inspectors can extrapolate volume, the inspector should determine the exact amount of waste. Otherwise, an estimate based upon information available to the inspector is acceptable and must be described in the Violation section.

If no wastes were specifically involved in the violation, fill this box with “N/A.”

Evidence

This is the most important section of the inspection report. Inspectors must address each element in the statute/regulation that was violated by the facility and specifically describe what evidence supports DTSC’s position that the violation occurred. Do not be brief and/or make conclusory statements. While this section can employ technical language, the reader may not be familiar with technical jargon, so ensure that the evidence description is easy to follow.

In the first evidence section, check the box for each type of evidence relied upon to prove the violation. The options are: Document, Statement, Observation, Photograph, Sample, and Other.

For each box checked, the inspector must complete a corresponding written explanation in the second Evidence section (ex: If you check the box for “Photo” evidence, complete the section entitled “Photographic Evidence.”). Inspectors must retain the bolded headings for each type of evidence relied upon, and then include a description of what the evidence was and how it related to DTSC’s violation determination. The prompts following each evidence type must be referenced and then deleted before the document is finalized.

It is suggested that each type of evidence be addressed correspondingly:

Document Evidence

Reference the Document Review section above and provide the name and date of the document. How does it support the violation?

Statement Evidence

What is your statement evidence? Who said what, when, and how does it support the violation? Note any witnesses to the statement.

Observation Evidence

What did you observe? How does it support the violation?

Photograph Evidence

Do not include the photo(s) here but provide a reference to the photo log. State the location of each photo and what is depicted in reference to this violation. State how the photo(s) support the violation.

Sample Evidence

Reference the Sampling section below. How does your sampling evidence support the violation?

Other Evidence

What other types of evidence exist? Explain how it supports the violation.

Corrective Actions

List the corrective actions needed to come into compliance.

Scheduled Compliance Date

When the facility is scheduled to complete compliance actions.

Return to Compliance Date

Specify the return to compliance date. If the inspection report is completed before the facility returns to compliance, the inspector must mark "In Progress" and submit a letter to file when the facility does return to compliance.

PHOTOGRAPH LOG

Photograph Log

Include all photographs pertaining to the inspection.

Caption

Provide a brief caption describing what is depicted in the photograph. Do not include any observations. If the photograph does not have a time stamp, include the date and location where the photograph was taken.

Name of the Area

Include the name of the facility where the photograph was captured.

Photo Taken By

Specify who took the photograph.

DISCUSSION WITH OPERATOR

Discussion with Operator

The inspector must document post-inspection SOV discussions with facility representatives (owner, operator, manager, etc.). The inspector must document that they reviewed the contents of the SOV with the facility representative. The inspector must summarize the operator's response to the SOV, alleged violations, and corrective action. The inspector must note the facility representative's negative and positive responses.

The inspector must also document any discussions with facility representatives that took place after the inspection. Post-inspection discussions should be organized by date and the communications summarized. If communications are done through mail or email, they must be included as attachments and referenced in this section.

ADDITIONAL OBSERVATIONS

List additional observations and any issues that remain unresolved. For each issue, the inspector must document the known facts, the questions, and (if any) the reason(s) why the issue is not resolved, and any appropriate follow-up actions.

SIGNATURES

Report Author

Type name of report author here.

Author's Signature

The author should sign the inspection report here after completing the inspection report to certify the completion.

Date Signed

Date that the author signed the inspection report.

INSPECTION REPORT ATTACHMENTS

This section is a reference log which indicates the attachment letter as it is referenced in the inspection report, and the title or description of the attachment.

Items attached to the inspection report can include anything the inspector deems relevant to the report, examples include: the SOV or Summary of Observations; Environmental Chemistry Lab Sampling Analysis Request; sample analysis reports and summaries; sample receipts; photos; logs; drawings; maps; diagrams; and copies of operating records/documents, etc.

Attachment E

Inspection Timeline Checklist

<u>Six weeks to one month before inspection</u>	
<input type="checkbox"/>	Schedule inspection date(s) with backup inspector(s). Work with your office's Data Manager to request site code on EnviroStor, if necessary.
<input type="checkbox"/>	Complete/update outlook calendar with the scheduled inspection date.
<input type="checkbox"/>	For permitted site: submit work request on EnviroStor inviting the Permit Project Manager to join the inspection.
<input type="checkbox"/>	Make hotel reservation, flight, or rental car through Concur. If reserving a state vehicle, request one through your regional admin office.
<input type="checkbox"/>	For permitted site: Check EnviroStor for a Financial Assurance Branch Chief Memo. <ul style="list-style-type: none">• If Branch Chief Memo not found, contact Permit Project Manager.
<u>Two to three weeks before inspection</u>	
<input type="checkbox"/>	Send invite to Certified Unified Program Agency (CUPA) and cc Department of Toxic Substances Control (DTSC) supervisor.
<input type="checkbox"/>	<p style="text-align: center;">For over-night stays:</p> Submit the following travel forms to your supervisor: <ul style="list-style-type: none">• 1106 – <u>only if requesting \$ travel advance.</u>• E-mail notify supervisor for authorization to travel and complete a 1474b.<ul style="list-style-type: none">○ Follow current travel process for Travel Allowance (TA) or Travel Expense Claim (TEC).• Submit a 255c to supervisor – <u>only if excess lodging justification is needed.</u>
<input type="checkbox"/>	To ensure timeliness of submitting your TEC upon your return, request SpeedChart Keys from the Travel Unit with the following information: <ul style="list-style-type: none">• Site Code• Activity ID• Reporting Structure (3960XXXX)• Current Fiscal Year

<u>Two weeks before inspection or earlier</u>	
<input type="checkbox"/>	Complete and submit a Hazard Appraisal and Recognition Plan (HARP) Pre-Site Visit Form to your unit's assigned Industrial Hygienist (IH) at least two days before your site visit.
<input type="checkbox"/>	E-mail notify DTSC supervisors listed on <u>SharePoint</u> . <ul style="list-style-type: none"> Add E-Waste Coordinator if an E-waste or U-waste inspection. Add Permit Project Manager if Permitted inspection.
<input type="checkbox"/>	When the IH returns the IH signed HARP – for review & signature <ul style="list-style-type: none"> Submit HARP to your supervisor Submit HARP to other regional supervisor(s) as necessary
<input type="checkbox"/>	If a permitted facility: review permitting EnviroStor site and/or permit <ul style="list-style-type: none"> Includes Permit, Part A, and Part B..
<input type="checkbox"/>	Review facility file for inspection and compliance history.
<input type="checkbox"/>	If a transporter facility: review Hazardous Waste Tracking System for manifest history and registration status.
<input type="checkbox"/>	If inspecting a transporter, request the last 3 years of hazardous waste transporter registrations and application packages from the Business Operations Unit https://app.smartsheet.com/b/form/2d4897186a224b0a911c40117f2c8a7f .
<input type="checkbox"/>	Review California Environmental Reporting System for tiered permit units and compliance history.
<input type="checkbox"/>	Review Universal Waste Electronic Devices for Universal Waste Electronic Recyclers/Universal Waste Electronic Collectors annual reports.
<input type="checkbox"/>	Review the California Secretary of State website to ensure the facility name is correct. <ul style="list-style-type: none"> If incorrect on EnviroStor, contact Branch Data Manager to change name
<input type="checkbox"/>	Review Resource Conservation and Recovery Act info online and Enforcement and Compliance History Online website for inspection information.
<input type="checkbox"/>	Review previous United States Environmental Protection Agency (U.S. EPA) inspection reports to identify violations and issues of concern that need to be included in the inspection. Must verify the facility remains in compliance. <ul style="list-style-type: none"> T:\USEPA Inspection Reports

<input type="checkbox"/>	Pre-brief with inspection partner(s), i.e.: assisting inspector(s), IH, Office of Criminal Investigations & supervisor, permit writer, CUPA, U.S.EPA, etc.
<input type="checkbox"/>	Print all Summary of Observations (SOO)/Summary of Violations (SOV) documents and checklists needed for inspection.
<u>When leaving the office to travel to the inspection site</u>	
<input type="checkbox"/>	<p>Gather:</p> <ul style="list-style-type: none"> <input type="checkbox"/> iPad. <input type="checkbox"/> All necessary Personal Protective Equipment as required by the HARP. <input type="checkbox"/> Extra face masks and gloves for change out. <input type="checkbox"/> Sampling supplies (e.g., jars, labels, scoops, evidence tape, ice chests, trip blanks, permanent marker, camera, chain of custody document, etc.). <input type="checkbox"/> Clipboard, whiteboard, markers, and inspection materials. <input type="checkbox"/> Field bag. <input type="checkbox"/> Credentials/business cards. <input type="checkbox"/> Vehicle Disinfecting Kit. <input type="checkbox"/> Field Hand-Washing Kit.
<input type="checkbox"/>	Set auto response notification function on your work computer and voicemail stating that you'll be away from the office and provide the dates you expect to be away/return.
<input type="checkbox"/>	Sign out on the attendance board.
<input type="checkbox"/>	Enter initial leaving mileage in state vehicle auto log.
<input type="checkbox"/>	Note the model number, calibration date and serial number of all monitoring equipment that will be used during the inspection. Ensure that the batteries are charged and will last the duration of the inspection.
Day 1-3 of the inspection	
<input type="checkbox"/>	Perform the inspection.
<input type="checkbox"/>	Brief supervisor about the inspection.
<input type="checkbox"/>	If enforcement will be pursued: Submit an Enforcement Site Code Request if one does not exist already.

<input type="checkbox"/>	<p>If a Class I Violation is discovered or enforcement will be pursued: Submit a work request to the Office of Legal Counsel for an attorney to be assigned to the case. When assigned an attorney, the inspector should schedule a Penalty Determination Team meeting with their attorney, supervisor, penalty specialist(s), and branch chief, as necessary, before the 60th day.</p> <ul style="list-style-type: none"> • Include information about facility type and that the request is for a Penalty Determination Team and documentation will follow as it is completed.
<input type="checkbox"/>	Submit a work request on EnviroStor to the Financial Responsibility Unit requesting a financial assurance review be done on the dollar amount you've inputted on the work request. Only enter the dollar amount provided on the Permit Branch Chief Memo.
Within 5 days after the inspection	
<input type="checkbox"/>	Input actual inspection date on EnviroStor and enter violation information.
<input type="checkbox"/>	Complete post-HARP and give to IH.
<input type="checkbox"/>	Send copy of SOO/SOV/Checklist to Data Manager for EnviroStor upload.
<input type="checkbox"/>	Begin writing draft inspection report.
<input type="checkbox"/>	Complete and submit travel expense claim if necessary.
14-25 days after inspection begin date or earlier	
<input type="checkbox"/>	The draft inspection report, including attachments, should be completed in 14 days. In an email, inform your supervisor that the draft inspection report is ready for review and provide them with the location.
<input type="checkbox"/>	Supervisor will review within five days and e-mail the inspector to notify the staff member the report is ready to be finalized.
<input type="checkbox"/>	One week before deadline (25 days at latest) finalize the inspection report.
30 days after inspection or earlier	
<input type="checkbox"/>	For permitted sites: Finalize the inspection report and attachments. Email to Violation Scoring Procedure (VSP) scoring team: VSP@dtsc.ca.gov then await further instruction from the VSP Scoring Team.
<input type="checkbox"/>	For all non-permitted sites: Finalize the inspection report, cover letter, and attachments. The inspection report must be submitted to the facility within <u>30 days</u> after the first date of inspection.

<input type="checkbox"/>	An extension letter will only be considered for extenuating circumstances. When this occurs, the staff member, supervisor, and branch chief will discuss beforehand.
<input type="checkbox"/>	Ensure all documents are uploaded to EnviroStor and hard file copies are filed. <ul style="list-style-type: none">• i.e.: cover letter, inspection report, checklist, attachments, corrective action response documents, return to compliance letters, etc.

Attachment F

Administrative Goal Timeline

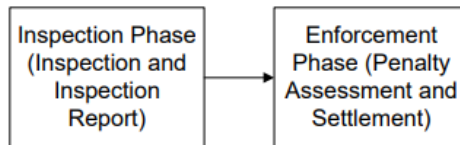
Policy Goal Milestones	Activity	Days to Complete
-	Inspection Phase: Inspection, Inspection Report and Summary of Observations (SOO)/Summary of Violations (SOV)	-
-	<ul style="list-style-type: none"> - Debrief with Management - Decide if Enforcement will be pursued - Update EnviroStor (Inspection date, Violations section, SOO/SOV date) - Submit Work Request as appropriate 	5
-	- Draft Inspection Report (Initial draft)	15
Day 30	<ul style="list-style-type: none"> - Finalize Inspection Report - For Permitted Facility inspections: the finalized inspection report must be submitted for Violation Scoring Procedure (VSP) scoring prior to sending the report and cover letter to the facility - Complete Cover Letter - Send Cover Letter and Inspection Report to the Facility - Update EnviroStor and upload documents - Code for File Room and file original hardcopies 	10
-	Enforcement Phase: Penalty Assessment	-
-	<ul style="list-style-type: none"> - Draft Penalty Matrix - Distribute Penalty Matrix to Penalty Determination Team (PDT) upon Supervisor review and approval 	15
Day 60	<ul style="list-style-type: none"> - Assess penalty with PDT - If penalty is administrative, continue to Settlement Phase - If penalty is civil, coordinate with Attorney General's Office once penalty is finalized 	15
Day 65	- Required to Provide Inspection Report to Facility (HSC section 25185)	-
Day 70	- Notification of Exception to Day 65 requirement (HSC section 25185)	-
-	Enforcement Phase: Settlement	-
-	<ul style="list-style-type: none"> - Draft, review and finalize Enforcement Order or Consent Order - Draft, review, and finalize Settlement Letter 	30
-	<ul style="list-style-type: none"> - Send out Settlement Letter inviting facility to meet and settle - Start Negotiations/Settlement meeting(s) - Present Finalized Enforcement Order Draft, as necessary 	30
-	- Negotiations and Settlement Meetings	45
Day 180	- Issue Enforcement Order or Settle with Consent Order	15
-	Settlement with Consent Order and Update EnviroStor OR Enforcement Phase: Administrative Case	-
Day 240	<ul style="list-style-type: none"> - Work with Office of Legal Counsel to comply with Office of Administrative Hearings Procedure if unable to settle via Consent Order - Hearings - Settle with Stipulation and Order or - Notice of Final Order 	60

Policy Goal Milestones	Activity	Days to Complete
-	Post Settlement and Update EnviroStor	-
	<ul style="list-style-type: none"> -Update EnviroStor -Coordinate with Accounting to track Payments -Coordinate with Public Relations for media blast, as necessary -Share case details to Technical Enforcement Forum 	

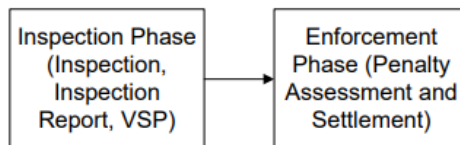
Attachment G

Inspection Process Maps

Non-Permitted Facilities

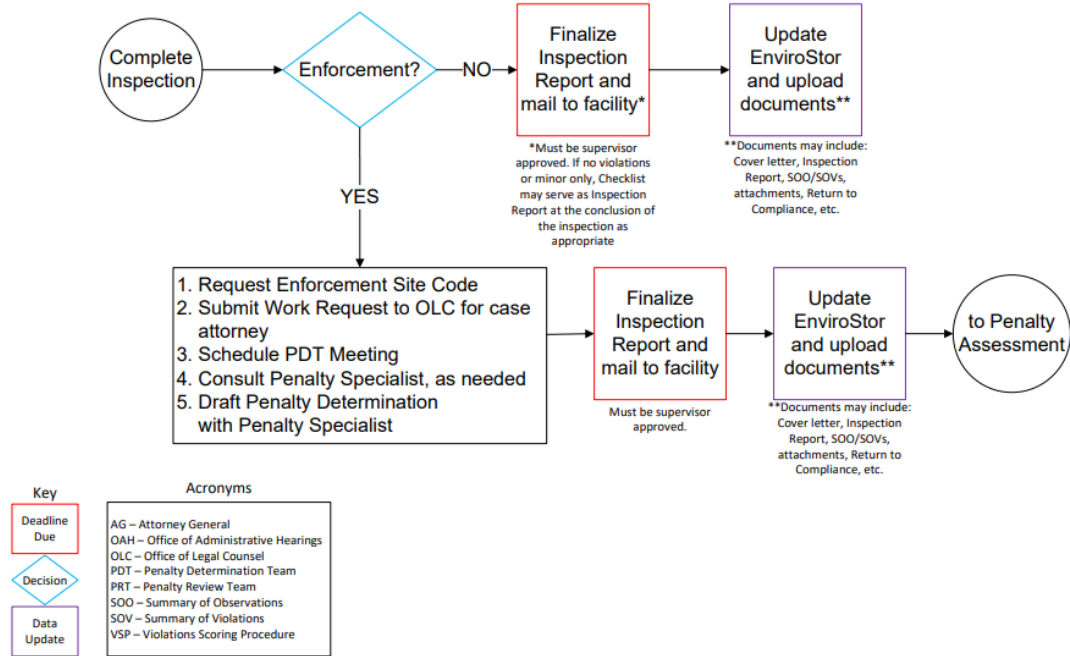


Permitted Facilities



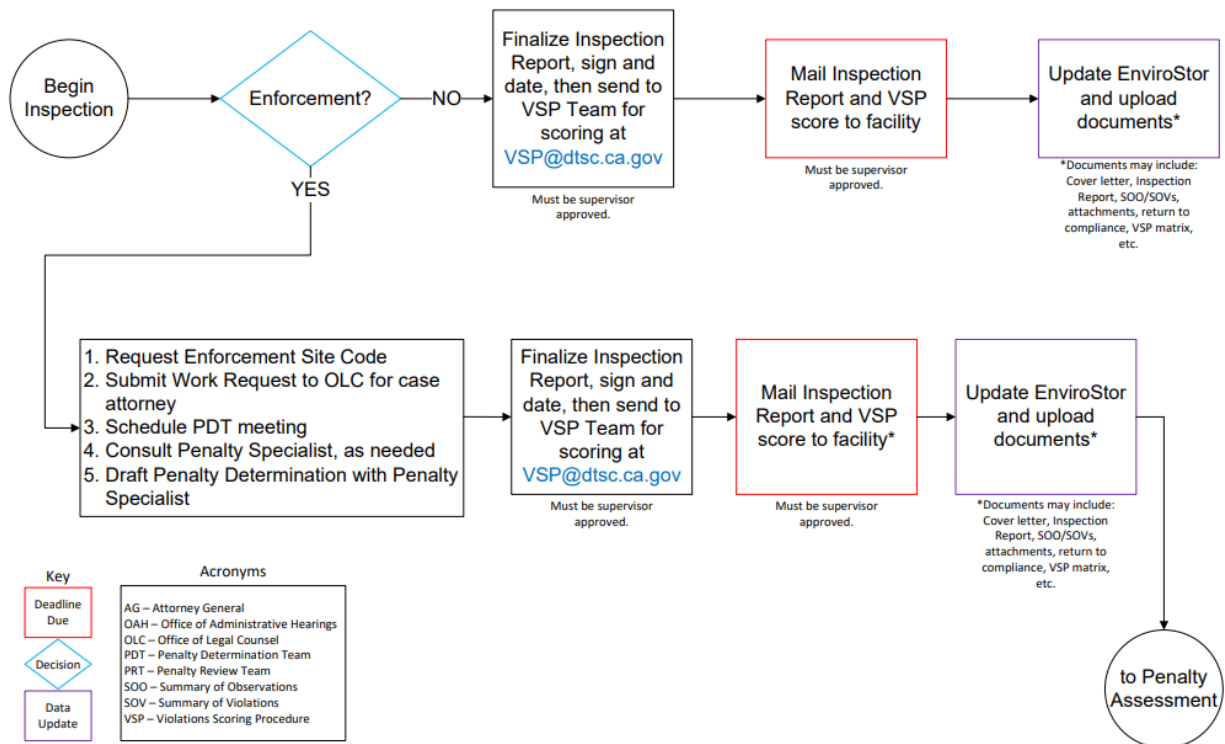
Non-permitted facility inspection

Day 0 - 30



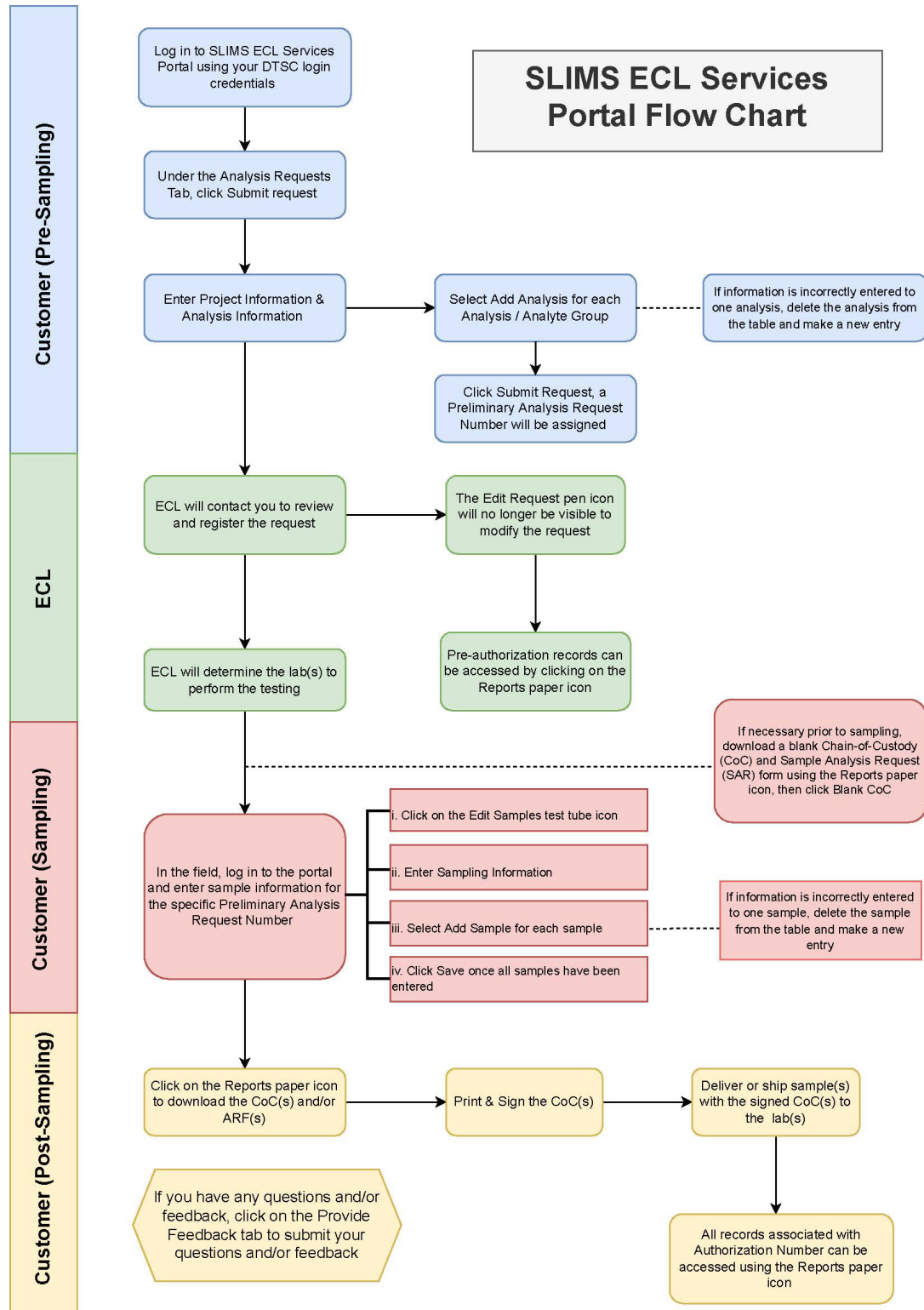
Permitted facility inspection

Day 0 - 30



Attachment H

SLIMS ECL Services Process Map



Attachment I

References

Authorization Request Form
California Compliance School
California Environmental Reporting System
Categorizing Hazardous Waste Generators
Certified Unified Program Agency
Enforcement Response Policy DTSC-OP-0006
Environmental Chemistry Lab Quick Reference Guide
Environmental Chemistry Laboratory
EnviroStor
EPA Process Based Inspection Guide
Evidence Code section 954
Evidence Code section 1280
Evidence Code section 1237
Government Code sections 6254(b) and (f)
Hazard Appraisal and Recognition Plan
Hazardous Waste Administrative Complaints Policy DTSC-OP-0003
Hazardous Waste Tracking System database
Quarantine Authority DTSC-OP-0008
Inspection Report Cover Letter
Office of Criminal Investigations
Pollution Prevention
Post-Hazard Appraisal and Recognition Plan
RCRA Operation and Maintenance Inspection
Referrals to California Compliance School, DTSC-OP-0002
Regional Water Quality Control Board

Retention of Evidence

Sampling Analysis Request

Senate Bill 14

Summary of Violations

Summary of Observations

Transporter Quarterly Report System

U.S. Environmental Protection Agency Hazardous Waste Civil Enforcement Response Policy