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POLICY TITLE	POLICY NUMBER	SUPERSEDES NO.
Quarantine Authority	DTSC-OP-0008	DTSC-OP-0008 (07/15/2016)
ISSUING PROGRAM	EFFECTIVE DATE	PAGES
Hazardous Waste Management	07/01/2024	1 of 24
TARGET AUDIENCE	APPROVED BY	
All Staff	<i>Maria Soria</i> Maria Soria HWMP/EERD Division Chief	

Statutory References:

Health and Safety Code (HSC) sections 25001, et seq., and HSC section 25187.6, 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
CUPA	Certified Unified Program Agency
DTSC	Department of Toxic Substances Control
EERD	Enforcement and Emergency Response Division
HSC	Health and Safety Code
HWMP	Hazardous Waste Management Program
OCI	Office of Criminal Investigations
OLC	Office of Legal Counsel
PRA	Public Records Act
RCRA	Resource Conservation and Recovery Act

TABLE OF CONTENTS

I.	PURPOSE.....	4
II.	BACKGROUND	4
III.	STATUTORY AUTHORITY	4
IV.	POLICY STATEMENT	4
V.	ORGANIZATIONAL STRUCTURE	4
VI.	RESPONSIBILITIES	5
VII.	ENVIRONMENTAL JUSTICE	6
VIII.	RELATIONSHIP TO OTHER DOCUMENTS	7
IX.	CONFIDENTIALITY.....	7
X.	QUARANTINE AUTHORITY POLICY	8

ATTACHMENTS

ATTACHMENT A:	Health and Safety Code section 25187.6	10
ATTACHMENT B:	Notice of Quarantine	12
ATTACHMENT C:	Roles and Responsibilities	13
ATTACHMENT D:	Field Procedures.....	16
ATTACHMENT E:	Sample Quarantine Label	20
ATTACHMENT F:	Log of Materials Quarantined.....	21
ATTACHMENT G:	Hearing Procedures.....	22
ATTACHMENT H:	Template Letter on Validity of Quarantine Order.....	23
ATTACHMENT I:	Criteria for Removal/Reissuing Quarantine Orders	24

I. PURPOSE

This document sets forth the Department of Toxic Substances Control's (DTSC) policy for implementing its quarantine authority for hazardous waste pursuant to Health and Safety Code (HSC) section 25187.6 (Attachment A).

II. BACKGROUND

This policy supersedes DTSC-OP-0008 (07/15/2016).

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, and/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 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 DOCUMENTS

This document should be used in conjunction with other United States Environmental Protection Agency, 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.
- Conducting Inspections Policy DTSC-OP-0005.
- Enforcement Response Policy DTSC-OP-0006.
- Records Retention DTSC-14-018.
- 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. QUARANTINE AUTHORITY POLICY

DTSC's quarantine authority will be implemented when it protects public health and safety or the environment and when the situation meets the following statutory requirements, as specified in the HSC section 25187.6:

1. The authorized agent reasonably believes that the material in question is a hazardous waste.
2. The authorized agent reasonably believes that the waste is stored, transported, disposed of, or otherwise handled in violation of chapter 6.5, division 20, HSC.
3. The alleged violation(s) may threaten public health and safety or the environment.

All three of these conditions must be met for DTSC to exercise its quarantine authority in accordance with the procedures set forth in this document. DTSC's authorized agent shall confirm with their supervisor that all requisite elements exist before issuing a Quarantine Order ((Notice of Quarantine) Attachment B).

If requisite conditions are met and a Notice of Quarantine is issued, DTSC staff must adhere to specified Roles and Responsibilities and Field Procedures (Attachments C and D). DTSC's authorized agent(s) must use Quarantine Labels (Attachment E) and the Log of Materials Quarantined Form (Attachment F), as appropriate.

HSC section 25187.6(b)(3) specifies:

“The person so notified may request, and shall be granted, an immediate hearing before a person designated by the director to review the validity of the authorized agent's order.”

If a hearing is requested, DTSC staff must follow the specified Hearing Procedures (Attachment G). DTSC's decision on the Validity of the Quarantine Order must be documented as specified in Attachment H.

Quarantine Orders may be removed or reissued if specific criteria are met, as specified in Attachment I.

Attachment A

Health and Safety Code section 25187.6

- (a)** If an authorized agent of the department has probable cause to believe that any hazardous waste, or any material which the authorized agent reasonably believes to be a hazardous waste, is stored, transported, disposed of, or handled in violation of this chapter or in a manner that will constitute a violation of this chapter, and that the violation may threaten public health and safety, or the environment, the agent may issue an order of quarantine by affixing a tag or other appropriate marking to the container containing, or to the vehicle transporting, the hazardous waste.
- (b)** Upon issuing an order of quarantine pursuant to subdivision (a), the authorized agent shall notify the person who owns the hazardous waste, or the owner or lessee of the vehicle in which the wastes are transported, of all the following:

 - (1)** The hazardous waste has been subject to a quarantine order because the hazardous waste is, or is suspected of being, stored, transported, disposed of, or handled in violation of this chapter.
 - (2)** No person shall remove, transfer, or dispose of the hazardous waste until permission for removal, transfer, or disposal is given by an authorized agent of the department or by a court.
 - (3)** The person so notified may request, and shall be granted, an immediate hearing before a person designated by the director to review the validity of the authorized agent's order. For purposes of this section, an immediate hearing shall be held within 24 hours after a hearing is requested by the person subject to the order.
- (c)** Any order of quarantine issued pursuant to subdivision (a) shall take effect upon issuance and shall remain effective for 30 days thereafter, until an authorized agent removes the quarantine order pursuant to subdivision (d), or until the quarantine order is revoked pursuant to a hearing conducted in accordance with paragraph (3) of subdivision (b), whichever event occurs first.
- (d)** If an authorized agent of the department determines that a hazardous waste subject to a quarantine order is not being stored, handled, transported, or disposed of in violation of this chapter, or does not threaten public health and safety or the environment, the authorized agent shall revoke the order of quarantine.
- (e)** If an authorized agent of the department has probable cause to believe that a hazardous waste subject to a quarantine order will, or is likely to, be removed,

transferred, or disposed of in violation of this section, the authorized agent may remove the hazardous waste to a place of safekeeping.

- (f)** A hazardous waste in transit for which a quarantine order has been issued pursuant to subdivision (a) shall be stored or held at one of the following locations, which the authorized agent determines will represent the least risk to the public health and safety or the environment:

 - (1)** The facility owned or operated by the producer of the waste, except when the producer is located outside the state.
 - (2)** The transporter's yard, facility, or terminal.
 - (3)** The treatment, storage, or disposal facility to which the hazardous waste is to be transported.
 - (4)** Any other site designated by the authorized agent.
- (g)** All fees for storage and any other expenses incurred in carrying out subdivision (e) or (f) shall be a charge against the person who owns the hazardous waste or the owner or lessee of the vehicle in which the wastes are transported.
- (h)** For purposes of this section, "authorized agent of the department" includes any representative of a local officer or agency authorized to enforce this chapter pursuant to subdivision (a) of Section 25180.

Attachment B

Notice of Quarantine

RESPONDENT: _____)
_____)
_____)
_____)
_____)

NOTICE OF QUARANTINE

Health and Safety Code
Section 25187.6

1. NO PERSON SHALL REMOVE, TRANSFER, OR DISPOSE OF THE HAZARDOUS WASTES SUBJECT TO THE AFFIXED ORDER TAGS (YELLOW AND RED QUARANTINE LABELS) OR AS OTHERWISE MARKED UNTIL PERMISSION FOR REMOVAL, TRANSFER OR DISPOSAL IS GIVEN BY AN AUTHORIZED AGENT OF THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (hereinafter the Department) OR BY A COURT OF COMPETENT JURISDICTION.
2. This quarantine takes effect upon issuance and remains effective for 30 days, until an authorized agent of the Department removes the quarantine or until the quarantine is revoked pursuant to a hearing as further explained below.
3. The Department finds that hazardous waste or material believed to be hazardous waste located at:

is, or is suspected of being stored, transported, disposed of, or handled in violation of chapter 6.5 of division 20 of the Health and Safety Code or in a manner that will constitute a violation of this chapter in that:

4. There is a threat to the environment, because: _____

5. The owner of the quarantined waste or the owner or lessee of the vehicle in which the waste is located may request an immediate hearing, which will be held within 24 hours, before a person designated by the department to review the validity of the quarantine. Contact: _____
6. (Optional) The hazardous waste that is the subject of the Quarantine shall immediately be transported to and held at the following location which the authorized agent has determined will represent the least risk to public health and safety or the environment:

All fees for removal, storage and any other expenses incurred in carrying out activities pursuant to this quarantine shall be paid by the person who owns the waste or the owner or lessee of the vehicle in which the waste is located.

Signature of Issuing Agent	Printed Name	Date
I hereby acknowledge receipt of this Notice of Quarantine	Printed name	Date

DTSC 1103 (06/27/2016)

Attachment C

Roles and Responsibilities

A. Inspector

1. Determine the identity of the Respondent(s). The Respondent is the person or entity who owns, leases or is an authorized representative for the handling of hazardous waste, which is inclusive of, but not limited to that in a court action or settlement agreement. Questions about who the Respondent(s) is/are should be directed to the inspector's supervisor and/or Office of Legal Counsel (OLC).
2. Ensure the situation meets the statutory requirements specified in Health and Safety Code (HSC) section 25187.6 for issuing a Notice of Quarantine and confirm with supervisor that all necessary (or prerequisite) conditions exist before issuing a Notice of Quarantine (DTSC 1103) (Attachment B).
3. Complete the Quarantine Label (Attachment E) and affix it to the container(s), tank(s), and/or vehicle(s) that hold the hazardous waste.
4. Document all circumstances and activities relevant to issuing the Notice of Quarantine, such as:
 - a. Facility inspection report
 - b. Notice of Quarantine
 - c. Log of Materials Quarantined (DTSC 1104) (Attachment F)
 - d. Photographs of the quarantined material, sampling data, and any other relevant information

Documentation is required for filing and may be presented at a hearing.

5. Issue a completed Notice of Quarantine to each Respondent or authorized representative.
6. Immediately notify supervisor of the issuance of the Notice of Quarantine and whether the Respondent or the Respondent's representative requests a Quarantine Order Hearing. Hearing requests may be made verbally or in writing. If the supervisor is not available, the environmental program manager (branch chief) should be notified.

- a. Document the date and time of the hearing request and the name, work telephone number, address, and position/title of the person who made the request. The hearing must be held within 24 hours of the request.
- 7. Ensure the violation is corrected and the threat is mitigated within 30 days of issuing the Notice of Quarantine. Proper resolution will generally consist of abating the potential threat to public health and safety or the environment.
 - a. Such actions may include having the Respondent(s) repackage leaking containers, repair leaking valves or piping, properly segregate incompatible materials, properly identify previously unidentified materials or ensure that wastes will be properly transported to an approved facility.
 - b. Proper resolution of the situation must be reached with the concurrence of the supervisor, other units within the Department of Toxic Substances Control (DTSC) or other regulatory agencies, as appropriate.
- 8. Ensure the Notice of Quarantine data is entered into EnviroStor upon returning to the office or no later than two days after being issued.
- 9. Assist the supervisor and branch chief with hearing preparation and attend the hearing with all evidence and documents in hand.

B. Supervisor

- 1. Confirm that all necessary (or prerequisite) conditions exist before issuing a Notice of Quarantine.
- 2. Ensure a quarantine hearing is held within 24 hours of receiving the Respondent's request for a hearing.
- 3. Schedule the hearing.
 - a. Coordinate with the branch chief to inform DTSC's director that a hearing officer needs to be designated to conduct the hearing. The hearing officer must be designated by the director and must be a neutral party branch chief, supervising criminal investigator, division chief, or deputy director and they must not have participated in discussions or decisions leading up to the issuance of the Notice of Quarantine.
 - b. Arrange for adequate facilities and all equipment needed to conduct the hearing.
 - c. Notify the Respondent(s) by telephone, courier or in person, of the time and location of the hearing.

4. Submit a work request for legal assistance from OLC, if circumstances warrant.

C. Hearing Officer

1. Conduct a hearing on the validity of the Notice of Quarantine pursuant to HSC section 25187.6(b)(3) (Attachment A).
 - a. The hearing officer must be designated by the director and may be a DTSC branch chief, supervising criminal investigator, division chief, or deputy director. The hearing officer must not be the inspector's branch chief. The hearing officer must not have participated in discussions or decisions leading up to the issuance of the Notice of Quarantine.
2. Conduct the hearing according to the hearing procedures set forth in Attachment G.
3. Document the hearing proceedings in writing.
4. Prepare the written determination confirming the Validity of the Notice of Quarantine(Attachment H) and mail a copy to the Respondent(s) via certified mail within five working days of the hearing.

Attachment D

Field Procedures

A. General

A Quarantine Label will be properly completed and attached to each container or vehicle transporting hazardous waste that is quarantined. If the peel and stick label does not adhere properly, it is acceptable to place the label on a tag and affix it to the container or vehicle that will be quarantined. Affixing the completed Quarantine Label to a container or vehicle constitutes issuance of the Notice of Quarantine. It is not imperative to use preprinted stick-on labels. Paper copies or any document may be used that includes the same information as the Sample Quarantine Label (Attachment E).

B. Quarantine Labels

The Quarantine Label must be completed as follows:

Date: Enter the date the Notice of Quarantine was issued.

Number: Assign a unique number to a specific container or vehicle (each label). A numbering system like that used for samples taken will suffice. Samples taken from a container or vehicle should be assigned the same number as the Notice of Quarantine, with additional and sequential digits for multiple samples.

Material: Briefly describe the nature of the material. If a more detailed description is needed, include that detail in the Log of Materials Quarantined (Attachment F).

Amount: Enter the estimated amount of material in the container or vehicle. This information may come from available documents (e.g., manifests, bills of lading, tank logs) or be an estimate by the inspector or Respondent(s). Include units of measure (gallons, cubic yards, drums, etc.), as appropriate.

Location: Enter the location of the quarantined material. For materials in transit, the inspector may select the location where the waste will be stored or held and enter that location on the Notice of Quarantine. The inspector must ensure the material reaches the specified location by calling the specified facility or following the vehicle to the specified location.

Authorized agent: Enter the inspector's name and work telephone number (direct line or the section office's general number). Quarantined materials will be separated from other non-quarantined materials, if feasible. The inspector will attempt to seal containers with evidence tape or utilize other measures that identify tampering (e.g., evidence tape may be placed across the edges of lids and/or bungs of drums).

C. Quarantine Log

After the Quarantine Labels have been attached to all containers and/or vehicles, the inspector must complete the Log of Materials Quarantined or otherwise document pertinent information. This will include listing the number on the Quarantine Label for each container and/or vehicle and documenting a description of each. The license number or other prominent markings or numbers, and name and address of the registered owner should be obtained. For vehicles, the information and description will be detailed enough to easily identify each container or vehicle (use additional pages as needed).

Photograph all quarantined materials (showing the labels) and record the photos in a photo log. The inspector must sample the quarantined material to be certain of its composition, as appropriate.

D. Notice of Quarantine (Quarantine Order)

The inspector must complete a Notice of Quarantine form (Attachment B) and issue it to the Respondent(s).

The inspector will obtain the name, position/title, and any other identifying information from the person to whom the Notice is delivered. Information about a driver, such as name, address, and driver's license number should be obtained.

The Notice must be completed with the required information, as specified below:

Respondent(s): The Respondent is the owner of the waste or the owner or lessee of the vehicle in which the waste is being transported or stored. Enter the name, address, and identification number (if applicable) of each Respondent.

Items 1 and 2: No additional information needed.

Item 3: Insert the location where the waste is being handled. Explain why the waste is a hazardous waste and how the waste is being handled in violation of Chapter 6.5 of Division 20 of the Health and Safety Code.

Item 4: Explain the nature of the threat to public health and safety or the environment.

Item 5: Insert the name, address, and work telephone number of the inspector.

Item 6: This section is optional. The inspector may direct that the waste be transported to another location (see below) if the waste is in transit at the time of quarantine or there is reason to believe that the Notice of Quarantine will be violated or the waste in its present location poses a threat to public health and safety or the environment. Insert the location where the waste will be transported, including any special storage and/or safety instructions. The inspector must determine where the waste will be stored by considering the least risk to public health and safety or the environment. The hazardous waste should be stored or held at one of the following locations:

1. A facility owned or operated by the generator of the waste, except when the generator is located outside the state;
2. The transporter's yard, facility, or terminal, except when located outside the state;
3. The treatment, storage, or disposal facility to which the hazardous waste is being transported, except when located outside the state; or
4. Any other appropriate site designated by the inspector.

Signatures: The inspector must sign and date the form and obtain the signature of the person to whom the Notice of Quarantine is issued. This should be the owner of the waste, the owner or lessee of the vehicle in which the waste is being transported, or a representative of one of the above. If the person to whom the Notice of Quarantine is issued refuses to sign the Notice of Quarantine, the inspector must document the refusal in notes and/or in the Notice of Quarantine.

If the Notice of Quarantine is issued to a representative of a company or facility, that representative should be the highest-ranking facility representative available or the driver of the vehicle. The signature of the Respondent only acknowledges receipt of the Notice of Quarantine and is not an admission of guilt or liability.

After the Notice of Quarantine is completed and signed by the Respondent or their representative, copies should be dispensed as follows:

- First copy containing the original signatures is attached to the DTSC inspection or investigation report.
- Second copy is given to the inspector's supervisor.
- Third copy is left with the Respondent or their representative.

The inspector shall accompany the waste to the location where it will be stored or held or take other actions to ensure the waste arrives at the selected location.

DTSC may move the waste if a supervisor and/or branch chief concurs that the situation constitutes an emergency and emergency funds will be utilized. A supervisor or branch chief must authorize contacting Enforcement and Emergency Response Division 's Emergency Response in the Sacramento Regional Office at (916) 255-6504.

DTSC may use funds other than emergency funds to move the waste if it is determined that it poses a threat to public health and safety or the environment.

Attachment E
Sample Quarantine Label

State of California – California Environmental Protection Agency Department of Toxic Substances Control

QUARANTINED

*Under Authority of Division 20, Chapter 6.5, Section 25187.6 of the
CALIFORNIA HEALTH AND SAFETY CODE*

Warning: This material may not be removed or
disposed of until permission is given by an
authorized agent of the Department of Toxic
Substances Control or by a court.

**Department of Toxic
Substances Control 1001 I
Street
P.O. Box 806
Sacramento, California 95812-0806**

(Note: Use Regional Office Address When Applicable)

Date _____ **No.** _____
Material _____ **Amount** _____
Located at _____
Authorized Agent _____

If this item is found at a location other than the address listed above,
please notify the Department of Toxic Substances Control at 1-800-
698-6942.

DTSC 1102 (06/27/2016)

Attachment F
Log of Materials Quarantined

Date _____ Authorized Agent _____

Site _____ Owner of Waste _____

Quarantine Tag #	Description of Material Quarantined
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Attachment G

Hearing Procedures

The hearing is informal and conducted in the following manner:

1. The hearing officer opens the hearing by explaining the purpose of the hearing. The purpose of the hearing is to determine the validity of the Notice of Quarantine; other matters will not be discussed.
2. Each party must identify themselves for the hearing record. Anyone interested in the Notice of Quarantine hearing may attend. The inspector and their supervisor should always attend.
3. The inspector presents the rationale for the Notice of Quarantine and provides all available supporting information.
4. The Respondent may provide whatever information they wish and may be represented by an attorney. If the Respondent is represented by an attorney, then Office of Legal Counsel must be present.
5. At any time during the proceeding, the hearing officer may question any participant in the hearing.
6. After considering the information presented, the hearing officer will determine the validity of the Notice of Quarantine. This determination must be made on the day of the hearing. The hearing is adjourned once the determination is made.
7. The hearing officer will prepare a written summary (Attachment H) of the Notice of Quarantine hearing findings and validate or revoke the Notice of Quarantine; mail a copy to the Respondent by certified mail within five working days of the hearing; and provide a courtesy copy to the inspector and the inspector's supervisor.
8. The inspector must collect the complete record of the hearing, including the statement of determination, digital recording (if any), copy all documents presented and all other information related to the hearing. The complete record must be placed in the Respondent's enforcement case file.

If the Notice of Quarantine is determined to be valid, the order shall stand, and the Department of Toxic Substances Control will pursue appropriate resolution. If the order is determined to be invalid, the hearing officer's letter must revoke it immediately.

Attachment H

Template Letter on Validity of Quarantine Order

(Note: Use Regional Office Address When Applicable)

DATE: [Current Date]
[Respondent Name] [Company Name] [Address]
[City, State Zip code]
Dear Mr./Ms. [Respondent Name]:
CERTIFIED MAIL NO: [Number]

The purpose of this letter is to inform you of my decision as to the validity of a Notice of Quarantine. On [Date] at [Time], I served as the hearing officer at a hearing that you requested at approximately [Time] on [Date]. You requested this hearing to determine the validity of a Notice of Quarantine that was issued on [Date] to [Respondent Name, Company Name, and address]. The items quarantined were in a truck rented from [Company Name and license number] and its contents of [number of items] of [name of waste material] and a [vehicle type], [license number]. The quarantine notice stated that the transporter lacked registration as a hazardous waste hauler.

I uphold the validity of the quarantine because [Company Name] violated California Health and Safety Code section 25163 (a) (1) in that [Respondent Name and Company Name] transported hazardous waste in a vehicle without holding a valid registration issued by the Department of Toxic Substances Control to transport hazardous waste. This is a threat to the public health and safety or the environment because there would be no assurance that the waste could be safely shipped to an authorized facility.

Sincerely,

[Signature and Title of Authorized DTSC Agent]

Attachment I

Criteria for Removal/Reissuing Quarantine Orders

Quarantine Orders may be removed in one of four ways

1. The order is automatically removed 30 days after issuance.
2. The order may be revoked by the hearing officer. This should be documented as noted in Hearing Procedures (Attachment G) to this document.
3. The order may be removed by any inspector upon proper resolution of the original situation, or if the situation does not meet, or no longer meets, the statutory requirements for issuing the order.
 - a. The inspector must document, in a memorandum to the inspection file, the reasons and/or actions leading to removal of the order. If the Department of Toxic Substances Control staff member removing the order is not the inspector who issued the order, supervisor approval is required. The inspector must be notified of the order removal, as soon as possible.
4. The order may be removed by a court. Questions regarding this type of order removal should be directed to the Office of Legal Counsel.

Reissuing Quarantine Orders

The Quarantine Order may be reissued if the concerns related to the waste have not been resolved within 30 days.