

## **Deficiency Progress Report – Update 1**

To complete the evaluation process, CUPAs submit Deficiency Progress Reports to Cal/EPA that explain their progress towards correcting the identified deficiencies. Deficiency Progress Reports are due every 90 days after the evaluation date until all deficiencies have been corrected.

**CUPA: Orange County Environmental Health**

**Evaluation Date: May 7 and 8, 2013**

**Evaluation Follow-Up Team:**

**Cal/EPA: Kareem Taylor**

**Cal OES: Jack Harrah**

**DTSC: Asha Arora**

**Date of Update 1: September 4, 2013**

**Update 2 is due: November 26, 2013**

- 1. Deficiency:** The CUPA has not fully developed and implemented the tiered permitting (TP) program. It appears that administrative reviews of the tiered permitting notifications are not done accurately. In addition technical reviews are not verified accurately during the inspections. The following are instances observed by DTSC where the TP program was not implemented accurately:

- Omni Metal Finishers inspected on 4/21/13 shows four different batch treatments listed as one unit. Hexavalent chrome treatment by dilution and subsequent treatment. Drum rinsing is inappropriately included within one of the permit-by-rule (PBR) units. (Each batch treatment must be under separate units, including drum rinsing. In addition hexavalent chrome treatment by dilution and subsequent treatment is not one of the treatment technologies for the treatment of hexavalent chrome.)
- Electronic Precision Spec Inc. inspected on 6/21/12 considered silver cyanide plating bath treatment by evaporation under PBR. Two of the four PBR units included drum rinsing. (Evaporation of cyanide waste is not eligible under PBR. Drum rinsing (a separate treatment activity) needs to be a separate treatment unit.
- Embee Inc. inspected on 6/12/12 revealed that the business' PBR notification was incomplete. The notification shows all waste streams treated are treated in one unit, i.e. hexavalent chrome cyanides, acids, caustics, metals, and drum rinsing. Cyanide and chrome treatment must be under separate units.

A PBR notification should be corrected during the administrative and technical review portion of an inspection.

The CUPA did not demonstrate that its staff had been adequately trained in the TP program involving cyanide, chrome, and multiple units involving hazardous waste. In addition, the CUPA did not demonstrate that its inspectors were familiar with conducting administrative and technical reviews of the TP program (i.e., types of waste treated, treatment technologies, TP eligibility, one unit vs. two units).

**Preliminary Corrective Action(s):** By August 23, 2013, the CUPA will review and come up with a plan to review its TP universe and identify similar deficiencies DTSC noted and submit documentation of corrections in a spread sheet format along with the first progress report.

By November 23, 2013, the CUPA will provide training to staff in implementing the TP program and provide documentation of trainings.

By November 23, 2013, the CUPA will start implementing its TP program accurately. The CUPA will follow-up with its facilities that treat aqueous waste containing cyanide, chrome, treatment facilities and provide an update along with the 1st progress report.

**CUPA Corrective Action, (Update 1):** CUPA manager issued a memo to staff on May 28, 2013 that addressed the Tiered Permitting UPCF deficiencies and required staff to verify the UPCFs during the onsite regulatory routine inspection. To insure that businesses submit accurate forms and that staff review them for accuracy, the OC CUPA will move forward with adding the TP forms on their local Portal (E-Submit) by November 23, 2013. This will ensure that the correct forms are used by businesses. The OC CUPA will then request all TP facilities to complete electronic TP form submittals by March 1, 2013. DTSC's Asha Arora will conduct TP training for the OC CUPA on November 5, 2013 to assist CUPA inspectors in reviewing the electronic forms.

**Status:** This deficiency is not corrected.

**Cal/EPA 1<sup>st</sup> Response:** Please refer to DTSC's response.

**DTSC's 1<sup>st</sup> Response:** It is encouraging to see CUPA's efforts in trying to correct this deficiency. On the next progress report, please update Cal/EPA with its TP universe and identify similar deficiencies DTSC noted and submit documentation of corrections in a spread sheet format along with the first progress report. In addition, please update Cal/EPA with the documentation of trainings.

**CUPA Corrective Action, (Update 2):** Enter Update Here

**2. Deficiency:** The CUPA did not conduct complete TP/hazardous waste generator (HWG) inspections.

- During the HWG oversight inspection of Brass Assets, Inc. dba Normandy Metal Finishers, located at 1603 Superior Avenue, Costa Mesa, CA 92627 on 4/21/13, the inspector missed the following violations related to SQG:
  - storing Resource Conservation and Recovery Act (RCRA) waste (F002) over 180 days (facility shipped RCRA listed waste after two years);
  - failure to check emergency equipment, such as fire extinguishers and eyewash/showers, and
  - failure to add included RCRA waste code D010 on the manifests containing selenium waste.

The inspector noted the following observations: failure to submit copies of manifests to DTSC, failure to conduct weekly inspections of hazardous waste containers, and illegal disposal of florescent lamps to trash but did not cite these as violations in the inspection report.

- During the HWG large quantity generator (LQG) PBR oversight inspection at Omni Metal Finishing, Inc. located at 11665 Coley River Circle, Fountain Valley, CA 92708 on April 4/22/13, the CUPA inspector missed the following violations:
  - the inspector did not notice that the cyanide treatment unit was missing on the PBR notification form (the CUPA used the old PBR notification form prior to August 2008, when cyanide regulations were implemented)
  - the inspector did not cite the facility for the batch treatment of various waste streams (hexavalent chrome, electroless nickel, general batch treatment, concentrated acid, concentrated caustic, spent cleaners, and cyanides);
  - the inspector did not cite the facility for the batch treatment of hexavalent chrome by dilution and treatment of unknown waste with urea; and
  - the inspector did not cite the facility for conducting treatment of empty containers (drum rinsing) as a separate treatment unit;
  - the inspector failed to inform the facility operator to close one, 55 gallon container and three (3) unlabeled hoppers (containers underneath the three filter presses) containing metal hydroxide with RCRA waste codes F006;
  - the inspector failed to ask the facility operator for a daily inspection schedule although daily inspection records were reviewed) for the tanks;

- the inspector failed to ask the facility operator for an inspection log for the emergency equipment and a weekly inspection schedule for the hazardous waste containers; and
- the inspector failed to check if emergency equipment, such as fire extinguishers and eyewash/showers were operational.

**Preliminary Corrective Action(s):** Immediately, the CUPA will ensure that inspections are conducted in a manner consistent with state statute or regulation for businesses subject to the TP program.

By August 23, 2013, the CUPA will provide HWG (LQG/SQGs), tiered permitting, and violation classification training to CUPA staff.

By November 23, 2013, or sooner, the CUPA will submit documentation for the training. The documentation will include: the date of the training, the training materials covered in the training, and an attendance sheet signed by all staff who participated in the training.

**Status: This deficiency is not corrected.**

**CUPA Corrective Action, (Update 1):** CUPA Manager issued a memo to staff on May 28, 2013, that addressed the citation of violations in hazardous waste and tiered permitting inspections. On August 22, 2013, the CUPA Manager conducted hazardous waste and tiered permitting violation classification training. A follow-up training in September will be conducted for those staff not in attendance on August 22.

**Cal/EPA 1<sup>st</sup> Response:** Please refer to DTSC's response.

**DTSC's 1<sup>st</sup> Response:** It is encouraging to see CUPA's efforts in trying to correct this deficiency. On the next progress report, please update Cal/EPA with the documentation of trainings.

**CUPA Corrective Action, (Update 2):** [Enter Update Here](#)

Please submit the report to Cal/EPA by e-mail. Fax or mail any supporting documentation that is too large to email.

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