



# Inspection Ready: Mastering CUPA Compliance for a Smooth Inspection

Session Code TH-J4

03/27/2025

Marissa Lopez, Director EHS Services



27th California Unified Program  
Annual Training Conference  
March 24-27, 2025

# Introduction



Full-Time MBA Candidate

## Marissa Lopez

- Started with USTs in San Diego
- EHS Services Director at ACTenviro
- Certified Safety Professional (CSP)
- MBA Candidate



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# Agenda

- Key Definitions & Terminology
- Background
- Overview
- What to Expect During an Inspection
- Get Ahead – Proactive vs. Reactive
- Tips, Tricks, & Best Practices
- Bonus! Top 10 Violations in Biotech/R&D

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# Definitions



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# Definitions

**A Certified Unified Program Agency (CUPA)** is a local agency certified by CalEPA to administer and enforce the “Unified Program”.



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# Definitions

A **hazardous material** is defined as any material that, because of its quantity, concentration, or physical or chemical characteristics, **poses a significant present or potential hazard to human health and safety or to the environment if released** into the workplace or the environment.

<https://calepa.ca.gov/hazardous-materials-business-plan-program/hazardous-materials-business-plan-faq/>

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# Definitions

**Hazardous waste** is a waste with properties that make it potentially dangerous or harmful to human health or the environment. **The generator of the waste must determine if the waste meets the criteria of hazardous waste.** Includes:

- Acutely Hazardous Waste,
- Extremely Hazardous Waste,
- Non-RCRA Hazardous Waste,
- RCRA Hazardous Waste,
- Universal Waste

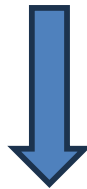


<https://dtsc.ca.gov/defining-hazardous-waste/>

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# Definitions

A **Hazardous Materials Business Plan (HMBP)** is a plan that is used to protect public health and safety and the environment. The information is **used to assist with emergency responses** to a release or threatened release of a hazardous material.



**California Environmental Reporting System (CERS)**

<https://calepa.ca.gov/hazardous-materials-business-plan-program/hazardous-materials-business-plan-faq/>

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# Definitions

- UST (Underground Storage Tank): **Systems storing hazardous substances underground**, regulated to prevent leaks and contamination.
- APSA (Aboveground Petroleum Storage Act): Program regulating **petroleum storage in aboveground tanks** to prevent spills.

<https://calepa.ca.gov/hazardous-materials-business-plan-program/hazardous-materials-business-plan-faq/>

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# Definitions

- Tiered Permitting: A system that categorizes **hazardous waste treatment** activities based on risk, providing appropriate regulatory oversight.
- CalARP (California Accidental Release Prevention): Program focused on **preventing accidental releases of hazardous substances.**

<https://calepa.ca.gov/hazardous-materials-business-plan-program/hazardous-materials-business-plan-faq/>

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# Background



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# Think Back to the Early 90s...

- Hazardous materials regulations were fragmented and inconsistent...
- Over 1,300 agencies handling various aspects of regulation...
- Lack of coordination, redundancy, and confusion...
- Businesses faced duplicative inspections and unclear requirements...



**NOW**  
THAT'S WHAT I CALL A  
**DECADE**  
**1990s**

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# Senate Bill 1082

California Legislature passed Senate Bill 1082 in 1993. This legislation aimed to **consolidate, coordinate, and make consistent** the administrative requirements, permits, inspections, and enforcement activities known as the "**Unified Program**". Established **Certified Unified Program Agencies (CUPAs)** to enforce and coordinate the six core regulatory programs under one framework.



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# What SB 1082 Accomplished (1993):

- Consolidated regulatory programs under one framework.
- Local agencies with statewide consistency.
- Enhanced coordination and accountability.
- Reduced redundancy.



# Overview



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<https://calepa.ca.gov/about/>

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# Relationship Between CalEPA, DTSC, & CUPAs



Governs & Ensures

Certification & Oversight

Oversight & Guidance



Enforces & Implements

Haz Waste Mgt. Guidance & Oversight



Guides & Regulates

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**Slide 17**

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**KMO**

**Awesome!!!**

Kyle Mcmanus, 2025-03-26T17:12:18.545

# CUPA Areas

The screenshot shows the 'CUPA Profiles' page on the California CUPA Forum website. The page features a dark green header with navigation links: HOME, ABOUT, PROGRAMS, TRAINING, OTHER PROJECTS, and MEMBERS. Below the header, the title 'CUPA Profiles' is displayed in a light grey bar. A breadcrumb trail reads 'About > CUPA Profiles'. A search bar indicates 'Search found 32 results'. The main content area is a grid of profile cards, each with a logo and text:

<p>Alameda County Department of Environmental Health Alameda County Department of Environmental Health</p>	<p>Bakersfield City Fire Department</p>	<p>Butte County PUBLIC HEALTH Butte County CUPA/Hazardous Materials Program</p>	<p>Calaveras County CUPA</p>
<p>Colusa County has those Amber Waves of Grain</p>	<p>CONTRA COSTA HEALTH SERVICES Contra Costa County Health Services Department</p>	<p>Del Norte County CUPA</p>	<p>COUNTY OF EL DORADO ENVIRONMENTAL MANAGEMENT DEPARTMENT El Dorado County CUPA</p>

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# Roles and Responsibilities of CUPAs

- Permitting
- Inspections
- Enforcement
- Emergency Response Coordination
- Public Information



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# What to Expect During the CUPA Inspection



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# Picture This: It's Like Any Ordinary Day...

**You get a call from the front desk, CUPA is here.**

**What is your initial feeling? Thought?**



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# COUNTY OF SAN DIEGO

## COMPLIANCE INSPECTION REPORT

INSPEC	AGE 1 OF 13
RECOR	
TIME ST	5 PM
SPECIAL	
INSPEC	
TITLE:	
PHONE	
E-MAIL:	

FACILITY NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY/ZIP: \_\_\_\_\_ /92121

On the above date, the County inspected your facility under the authority of the California Health and Safety Code (H&SC), to determine compliance with applicable provisions of the H&SC, the California Code of Regulations (CCR), and the San Diego County Code of Regulatory Ordinances (SDCC). **This report serves as a Notice to Comply (H&SC 25187.8 & 25404.1.2) for any minor violations as defined in H&SC 25404 and 25117.6.** This report may contain both minor and more significant (Class II) violations. Minor violations do not include repeat violations or violations remaining uncorrected for more than 30 days (or as specified below). Minor violations do not include knowing, willful, intentional, or chronic violations; nor do they include violations showing a pattern of neglect or disregard. The remarks below are intended to provide guidance to correct any violations indicated on the attached violation report. You must submit a written response to this report within 30 days (or as specified below) demonstrating that all violations have been corrected or include a written notice of disagreement that clearly states the reason for any disputed violations. Prompt correction can protect you from penalties for a "minor violation". Penalties can be imposed for each day in violation for all other violations even if they are corrected promptly. However, correction within 30 days (or as specified below) will make a penalty less likely.

**NOTE: Reinspection fees will be charged if additional inspections are required to determine compliance.**

Yes N/A	Yes N/A
Unified Program Facility Permit Current	Contingency Plan Available <input type="checkbox"/> LQG <input type="checkbox"/> SQG
Hazardous Materials Business Plan Available	Employee Training Records Available
Employee Training is Adequate	Universal Waste Managed Properly
Waste Disposal Records Available for Review	Waste Containers <input type="checkbox"/> Closed <input type="checkbox"/> Labeled
Emergency Contacts Current <input type="checkbox"/> Updated today	Waste Containers in Good Condition
Chemical Inventory/Map Current <input type="checkbox"/> Updated today	Permit Expires On _____

# Be Aware...

CUPA inspectors are expected to visually inspect the exterior to identify any immediate hazards (e.g., improper discharge to a storm drain, unsafe storage, etc.) prior to entering.



**Slide 23**

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**KMO**

I would say "most likely" your CUPA inspector

Kyle Mcmanus, 2025-03-26T15:55:28.474

## CUPA Inspector Should...(1 of 3)

- Provide a Photo ID and business card to the facility representative.
- Explain the scope of inspection and purpose of visit.
- Request a facility representative to accompany them during the inspection.

## Slide 24

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- KM0** Can we change the title of these slides. Example: What to think about during a CUPA audit or what to do  
Kyle Mcmanus, 2025-03-26T17:06:38.816
- KM0 0** Maybe “what to do during a CUPA audit”  
Kyle Mcmanus, 2025-03-26T17:07:20.336
- ML0 1** So this is in the field guide of what CUPA inspector is supposed to do  
Marissa Lopez, 2025-03-26T17:25:51.021
- ML0 2** I can just say “CUPA inspector will...” and change syntax  
Marissa Lopez, 2025-03-26T17:26:41.262
- KM0 3** Sounds good. More common procedure just sounds weird to me.  
Kyle Mcmanus, 2025-03-26T18:39:59.687

# CUPA Inspector Should...(2 of 3)

- Perform a facility walk-through.
- Review required site-specific environmental permits or documents.
- Record observations on UPA inspection report.



# CUPA Inspector Should...(3 of 3)

- Review the inspection report and discuss it with you.
- Ask you to sign the inspection report.
- Provide a copy of the report including violations and return to compliance (RTC) date(s).
- Give guidance/educational materials as appropriate.

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# CERS: The “True North” of Inspections (1 of 3)



## Guides the Inspector’s Focus

- Inspectors reference CERS submissions during inspections, using it as their roadmap.
- Their goal is to physically verify what’s reported in CERS.

## Slide 27

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**KM0**

I would Bold "Inspectors" and unbold the rest

Kyle Mcmanus, 2025-03-26T16:03:19.842

**KM0 0**

Also, on some slides the all the words are bold and others are not. I would make it consistent

Kyle Mcmanus, 2025-03-26T16:08:49.758

**MLO 1**

Thanks, my formatting got messed up! Fixing it today to match their template

Marissa Lopez, 2025-03-26T17:31:54.728

# CERS: The “True North” of Inspections (2 of 3)



## CERS Elements: What Inspectors Are Verifying

- Facility Information and Business Activities
- Site Map: Accurate representations of hazardous materials locations and storage areas.
- Inventory: Completeness and accuracy of hazardous materials
- Emergency Response Plans and Procedures
- Employee Training Program
- AND any CUPA-specific requirements!



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# CERS: The “True North” of Inspections (3 of 3)



- Provides a standardized approach to ensure nothing is overlooked.
- Makes compliance verification clear and consistent.
- Contains history and status of your submittals.

- Think about your own CERS preparation practices. How frequently do you update your entries?
- Turn to a neighbor and discuss what your biggest CERS-related challenge is.



# BREAK TIME!



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# Get Ahead – Proactive vs. Reactive



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# Proactive Approach - Strategic Planning

- Using CERS as a living document rather than waiting until right before an inspection.
- Identify and understand all processes that involve hazardous materials and hazardous waste generation onsite.
- Perform a mock-inspection (dress rehearsal) to identify and resolve potential issues.
- Have a robust training program for employees.
- Establish clear documentation practices.
- Take photos of what the inspector takes photos of (continual improvement).

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# Reactive Approach - Scrambling

- Waiting until you get notified of an inspection to start preparation.
- Trying to fix issues at the last minute.
- Relying solely on inspector feedback instead of continuous improvement.
- Unproductive time and potential for reinspection (and associated fees)

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# Why Being Proactive Works

- Reduces the stress of scrambling
- Reduced risk of violations and surprises.
- You control the narrative instead of being at the mercy of what the inspector finds.
- Confidence in your preparation leads to a more professional and calm interaction.
  - Not to mention, they will be impressed!

## Slide 35

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**KMO**

I like this slide!! Not sure if your going to say this but

"Your CUPA will know right away whether your facility takes pride in what you do or if you don't. Being prepared will give you a major advantage and will give the appearance that you care and are doing everything in your ability to comply with the regulations. If your CUPA feels this or see this, they tend to work with you vs against you

Kyle Mcmanus, 2025-03-26T17:18:47.025



- Think about your most recent CUPA inspection or one you've been involved with. Was your approach more Proactive or Reactive?
- Discuss with a neighbor and identify **one thing you could have done differently to be more proactive.**



# Tips, Tricks, Best Management Practices



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# Who is your CUPA?



**CUPA Directory**  
[UPA Directory](#)

**CERS Data Registry (CDR)**  
[CDR Home](#)  
[CDR Search](#)

**Other CERS Resources**  
[CERS Statistics](#)  
[CERS Central](#)  
[CERS Technical Support](#)

## Unified Program Regulator Directory

Use the Unified Program Regulator Directory to search for and view location/contact information for Certified Unified Program Agency (CUPAs) and other local regulators associated with the Unified Program.

**Regulator Search**

County:

ZIP Code:

Type:

**Facility Address Search**

Facility Street Address:

City:  State:  ZIP Code:



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# Who is your CUPA?



CA.GOV logo on the left. CERS California Environmental Reporting System logo in the center, with California Environmental Protection Agency text below it. A dark blue navigation bar at the bottom contains a home icon, 'CUPA Directory', 'CERS Data Registry (CDR)', and 'Other CERS Resources'.

CUPA Directory  
[UPA Directory](#)

CERS Data Registry (CDR)  
[CDR Home](#)  
[CDR Search](#)

## Unified Program Regulator Directory

Use the Unified Program Regulator Directory to search for and view location/contact information for Certified Unified Program Agency (CUPAs) and other local regulators associated with the Unified Program.

Regulator Search

Facility Address Search

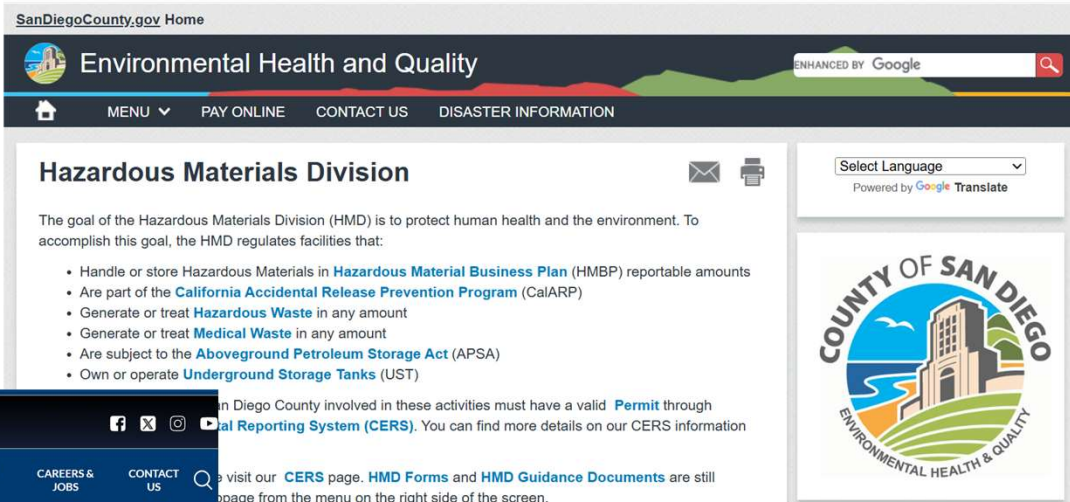
Name	Type	Street	Contacts
Santa Clara County Environmental Health	CUPA	1555 Berger Drive, Suite 300 San Jose, CA 95112-2716	<a href="#">Details</a>

Navigation: [Previous] [1] [Next]



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# Know Your CUPA-Specific Resources



SanDiegoCounty.gov Home

Environmental Health and Quality

ENHANCED BY Google

MENU PAY ONLINE CONTACT US DISASTER INFORMATION

### Hazardous Materials Division

The goal of the Hazardous Materials Division (HMD) is to protect human health and the environment. To accomplish this goal, the HMD regulates facilities that:

- Handle or store Hazardous Materials in [Hazardous Material Business Plan](#) (HMBP) reportable amounts
- Are part of the [California Accidental Release Prevention Program](#) (CalARP)
- Generate or treat [Hazardous Waste](#) in any amount
- Generate or treat [Medical Waste](#) in any amount
- Are subject to the [Aboveground Petroleum Storage Act](#) (APSA)
- Own or operate [Underground Storage Tanks](#) (UST)

Select Language  
Powered by Google Translate

COUNTY OF SAN DIEGO  
ENVIRONMENTAL HEALTH & QUALITY



OCgov.com

OChealth CARE AGENCY

ABOUT US HOW DO I? SERVICES & PROGRAMS FOR PROVIDERS & PARTNERS NEWS & DATA CAREERS & JOBS CONTACT US



### Hazardous Materials—The Basics

NEW!

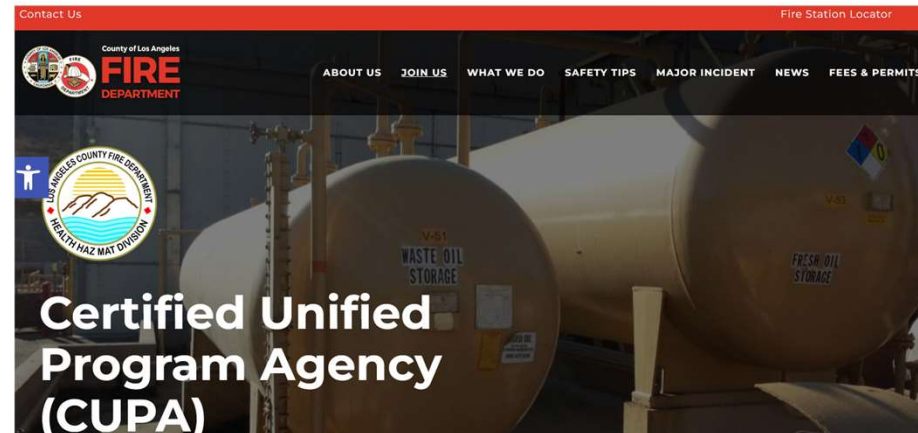
A resource for small and medium-sized businesses in Orange County

The purpose of this manual is to provide the reader with a quick and simple reference regarding hazardous material. It covers basic concepts that businesses using, storing or reporting hazardous material need to know.



### Hazardous Waste—The Basics

UPDATED!



Contact Us Fire Station Locator

County of Los Angeles  
**FIRE DEPARTMENT**

ABOUT US JOIN US WHAT WE DO SAFETY TIPS MAJOR INCIDENT NEWS FEES & PERMITS

LOS ANGELES COUNTY FIRE DEPARTMENT  
HEALTH HAZ MAT DIVISION

## Certified Unified Program Agency (CUPA)

WASTE OIL STORAGE FRESH OIL STORAGE



# Maintain a Binder for the Inspector

- Make it easy for them – all in one place
  - If not a physical binder, an easily accessible “virtual” binder
- Quick access for staff if you are not there
- Find a nice, quiet space that they can use







# COUNTY OF SAN DIEGO

## COMPLIANCE INSPECTION REPORT

INSPEC	AGE 1 OF 13
RECOR	
TIME ST	5 PM
SPECIAL	
INSPEC	
TITLE:	
PHONE	
E-MAIL:	

FACILITY NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY/ZIP: \_\_\_\_\_ /92121

On the above date, the County inspected your facility under the authority of the California Health and Safety Code (H&SC), to determine compliance with applicable provisions of the H&SC, the California Code of Regulations (CCR), and the San Diego County Code of Regulatory Ordinances (SDCC). **This report serves as a Notice to Comply (H&SC 25187.8 & 25404.1.2) for any minor violations as defined in H&SC 25404 and 25117.6.** This report may contain both minor and more significant (Class II) violations. Minor violations do not include repeat violations or violations remaining uncorrected for more than 30 days (or as specified below). Minor violations do not include knowing, willful, intentional, or chronic violations; nor do they include violations showing a pattern of neglect or disregard. The remarks below are intended to provide guidance to correct any violations indicated on the attached violation report. You must submit a written response to this report within 30 days (or as specified below) demonstrating that all violations have been corrected or include a written notice of disagreement that clearly states the reason for any disputed violations. Prompt correction can protect you from penalties for a "minor violation". Penalties can be imposed for each day in violation for all other violations even if they are corrected promptly. However, correction within 30 days (or as specified below) will make a penalty less likely.

**NOTE: Reinspection fees will be charged if additional inspections are required to determine compliance.**

- Yes N/A
- Unified Program Facility Permit Current
  - Hazardous Materials Business Plan Available
  - Employee Training is Adequate
  - Waste Disposal Records Available for Review
  - Emergency Contacts Current  Updated today
  - Chemical Inventory/Map Current  Updated today

- Yes N/A
- Contingency Plan Available  LQG  SQG
  - Employee Training Records Available
  - Universal Waste Managed Properly
  - Waste Containers  Closed  Labeled
  - Waste Containers in Good Condition
  - Permit Expires On \_\_\_\_\_

# Waste Document Retention

- 3 years of Uniform Hazardous Waste Manifests
  - Utilize RCRAInfo!
  - As of Jan 22, TSDFs stopped mailing back to you
- 2 years of medical waste tracking documents (if applicable)



# Verify Your Generator Status

After Every Calendar Month if Trying to Maintain SQG

Requirement	SQG	LQG
<b>Monthly Generator Category Determination</b>	< 1,000 kg/month of non-acute HW and ≤ 1 kg of acutely/extremely HW. <i>See table in 22 CCR §66262.13</i>	≥ 1,000 kg/month of non-acute HW or > 1 kg of acutely/extremely HW. <i>See table in 22 CCR §66262.13</i>

<https://dtsc.ca.gov/hazardous-waste-generator-summary-chart/>



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# EPA ID-Correct & Active?

## Federal (EPA) ID Number

Generating more than 220 pounds (100 kg) of RCRA hazardous waste and/or 2.2 pounds (1 kg) of acutely hazardous waste per calendar month.

## State ID Number

Generating less than 220 pounds (100 kg) of RCRA hazardous waste and/or 2.2 pounds (1 kg) of RCRA acutely hazardous waste per month, and any amount of a non-RCRA hazardous waste.

<https://dtsc.ca.gov/apply-for-hazardous-waste-epa-id-number/>



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DTSC offices will be closed on Monday, March 31st in observance of Cesar Chavez Day.



Settings



Log In



Forgot Password?



Register



Contact Us



Log In



Forgot Password?



Register



ID Number Status

**The 2025 eVQ report cycle is open.**

<https://evq.dtsc.ca.gov/Home.aspx>



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# Understand CERS

- CERS submittal statuses
  - They cannot see Drafts (back in my day)
- **Your** deadlines, submittal frequencies
- They may approve remotely but still need to verify onsite
- The inventory prints out by location-keep spelling, capitalization consistent

# Understand CERS

- CERS submittal statuses

**See site map**  
**SEE SITE MAP**  
**See Site Map**  
**See site Map**  
**Etc...**

# Reduce Your Permit Fees

- Make sure the hazardous materials and waste reported in CERS is accurate, up to date, and required by law to be reported.
- Reduce the type and amount of hazardous materials and wastes on CERS.
- Outdated inventory information in CERS can contribute to permitting fees that are higher than expected.

[https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hmd\\_fees.html](https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hmd_fees.html)



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# Permitting Fees (Not a Complete List)

Fee Code	General UPFP Fees	65.107(k)	Fee
6HBASE	Base Fee Required for all permits (other than flat rate UPFPs listed below)	65.107(k)(1)	\$432
6HMAT	HM Fees per hazardous material (HM) as reported in CERS inventory (Max \$3,440)	65.107(k)(4)	\$91/item
6HWASTE	HW/MW Fees per medical and/or hazardous waste item as reported in CERS	65.107(k)(2)(b)	\$91/item
6HLQGMW	LQG MW Fee per business generating 200 lbs. or more of medical waste in a month	65.107(k)(8)	\$825
6HUST	UST Fees per Underground Storage Tank	65.107(k)(5)	\$521/tank
6HAPSA1	APSA I Fee per facility with APSA shell capacity of 1,320 - 9,999 gal	65.107(k)(18)	\$317
6HAPSA2	APSA II Fee per facility with APSA shell capacity of 10,000 - 100,000 gal	65.107(k)(18)	\$385
6HAPSA3	APSA III Fee per facility with APSA shell capacity of 100,001 - 1 million gal	65.107(k)(18)	\$502

[https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hmd\\_fees/upfp-fees.html](https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hmd_fees/upfp-fees.html)

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# Leverage CERS

- CERS can be your roadmap, too
- Leave a comment in CERS for your inspector after changes
- A way to show the inspector you are well-prepared and organized (exudes confidence)
- Prepare responses ahead of time based on what is/is not in your CERS





# Physical Inspection Prep

- Who's taking the lead & answering questions?
- Labeling
  - Accumulation times
- Signage
- Hazardous waste handling practices

**Use your CUPA's inspection report as your template  
(Like the SD Example)!**



# Terminology Matters

Storage  $\neq$  Accumulation (Generation)

Consolidation  $\neq$  Blending

Be careful what you say – it can lead to misinformation or misunderstanding!



# Prepare Your Own, Tailored Checklist

- ✓ CERS
- ✓ Roles and responsibilities
- ✓ Waste management records - RCRAInfo
- ✓ Inspection and maintenance logs (USTs, spill prevention, etc.)
- ✓ Training records for employees
  - ✓ 3<sup>rd</sup>-party waste techs, transporters too!
- ✓ Written programs



# Stay Updated with Regulatory Changes

- Monitoring changes in local, state, and federal regulations
  - Sign up for e-mail lists & newsletters
- Stay informed and adapt to new requirements
  - Join local sessions, keep attending CUPA Conference!



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# Key Takeaways & Final Thoughts

- Use CERS as your Blueprint for compliance and preparation.
- Keeping CERS accurate and up-to-date reduces stress and builds credibility.
- Proactive preparation ensures smoother inspections, stronger compliance, and greater control.
- Regular self-audits keep you ahead of potential issues.
- Align processes with CERS submissions. Train your team. Keep documentation accessible and organized.

## Takeaway Message:

By adopting a proactive mindset and using CERS as your guide, you can turn inspections from a stressful experience into a straightforward, successful process.



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# Top 10 Violations in SD Biotech/R&D

1. Chemical inventory incomplete or not submitted in CERS. HSC 25505(a)(1); 25507(a); 25508.1(a-b); 19 CCR 26
2. Initial &/or annual employee training not conducted &/or employee training records not available or not maintained for 3 years. HSC 25505(a)(4); 19 CCR 2659(b)
3. Failed to Obtain &/Or Maintain an Active EPA ID Number. 22 CCR 66262.12(a)
4. Failed to submit or report in CERS chemical inventory information for hazardous waste and/or medical waste, and keep up to date. SDCC 68.904(a)(2)
5. HMBP not certified as complete and accurate in CERS by the required due date. HSC 25508.2, 19 CCR 2654(b)
6. Failed to report &/or update the required inventory information for hazardous waste(s) generated at the facility in CERS. SDCC 68.904(a)(2)
7. Biohazard bag waste stored more than 7 days at >0°C (for generators of 20 or more pounds a month). HSC 118280(e)(1)(A)
8. Site map not submitted in CERS or not sufficient. HSC 25505(a)(2); 25508.1(f); 19 CCR 2652(a)(3)
9. Primary containers accumulating MW not labeled with an electronic tracking system label or a label with generator's name, address and phone number. SDCC 68.1205
10. Manifest signed by the TSDF not available for inspection. 22 CCR 66262.40(a); HSC 25185(a)(4)

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March 24-27, 2025



10.

Manifest signed by the TSDF not available for inspection. 22 CCR 66262.40(a); HSC 25185(a)(4)

March 24-27, 2025



# Any Questions?

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