



---

# **The Load Check / Illegal Dumping Challenge**

**Achieving Objectives Through  
Regulatory – Facility Cooperation**

**Dennis Green  
Chief, Hazardous Materials Division**

## Load Check Dilemma

- **Intervention at the gate (Success??)**
- **Intervention at the tipping pad (Success??)**
- **What happens next?**

## Regulatory Oversight...Who is in Charge?

- LEA regulates the Facility
- CUPA regulates the Hazardous Waste Generator

## Sacramento County

### LEA - CUPA Interface

- **Both programs within the same division under one Program Manager**
- **All enforcement / inspection actions coordinated between both programs**

## Sacramento County CUPA

- **Has 24/7 on call Incident Response person**
- **Very active AEO program**
- **Enforcement strategy**
  - **Multiple AEO's – Smaller penalties**
  - **Goals: cost recovery/compliance/rapid settlement**
  - **Four year annual average: 66 cases settled**

## CUPA Enforcement Tools

- **Varied; can be tailored to the situation.**
- **Administrative Enforcement (AEO)**
  - **Process straight forward; quick results possible**
- **Criminal Enforcement**
  - **Requires local DA commitment**
  - **Usually longer timeline for case resolution**

## Load Check Program Regulatory Intervention and Support

- **Supports operator's efforts to protect facility, employees and customers**
- **Discourages repeat offenders; provides for regional approach**
- **Reinforces the facility's efforts to educate customers**

## Facility Reaction

- **Overall: Very positive**
- **Welcomes effort to protect facility and employees**
- **Concerns about disrupting operations**
- **“Gets us out of the middle when encountering belligerent customer”**

## Proposed Protocol

- **Facility notifies EMD (CUPA) when load check personnel identifies suspected illegal load by a commercial or self haul customer that exceeds threshold levels**
  - >25 gal of paint/waste oil/antifreeze
  - >5 gal of unknown material
  - >50 lbs of suspected solid hazardous waste
  - medical waste (any amount)
- **EMD on-call IR personnel responds and investigates (interviews, pictures, sampling if required, etc.)**

## Proposed Protocol (Continued)

- **Alleged violator contacted and possible Administrative Enforcement Order (AEO) issued pursuant to CA Health & Safety Code, Chap 6.5, Section 25189(c). May stipulate one or more of the following:**
  - **Fines/Penalties**
  - **Proof of proper disposal**
  - **Training of personnel**
  - **Creation of written disposal plan**
- **If alleged violator is a commercial Haz Waste generator, follow-up inspections of the facility may be required**

## Proposed Protocol (Continued)

- **Residential violators typically not issued AEO's unless guilty of repeated illegal disposal acts**
- **Customer with Haz Waste in quantities less than thresholds will be documented and provided with instructions for proper disposal**
- **Information given to EMD for tracking purposes**

## CUPA Support Roles

- **Training of disposal facility staff (if requested)**
- **Forms**
  - **Illegal load report**
  - **Proper disposal information**
  - **Not intended to supersede facility forms**
- **Provide feedback / status reports to facilities**

## Summary

- **Program success will depend on facility involvement**
- **Regional approach should produce positive results**
- **Helps build better regulatory / business sector relationships**