

68400.13 Qualification Tiers

Except as provided in section 68400.11 of this chapter, a qualified UPA may implement and enforce only those parts of the environmental assessment and corrective action program that have been delegated by the Department pursuant to Health and Safety Code section 25404.1 , as described below:

(a)

A qualified UPA with a Tier 1 level of qualification, as defined in section 68400.14, shall be qualified to do the following at a facility within the jurisdiction of the UPA: (1) Review phase I environmental assessments, as defined in Health and Safety Code section 25200.14 (Phase I) for completeness and accuracy; (2) Inspect permit-by-rule facilities and facilities with conditional authorization for Phase I compliance; (3) Enforce compliance with Phase I requirements; (4) Review further investigation schedule, as defined in Health and Safety Code section 25200.14, to determine if a release from solid waste management unit or hazardous waste management unit requires corrective action; (5) Implement and enforce the corrective action program at applicable less complex sites, as defined in subsection 68400.12 of this chapter; (6) Issue an order specifying corrective action pursuant to Health and Safety Code section 25187 only for less complex sites to be conducted in accordance with applicable state laws and regulations and section 68400.16 of this chapter;

(1)

Review phase I environmental assessments, as defined in Health and Safety Code section 25200.14 (Phase I) for completeness and accuracy;

(2)

Inspect permit-by-rule facilities and facilities with conditional authorization for Phase I compliance;

(3)

Enforce compliance with Phase I requirements;

(4)

Review further investigation schedule, as defined in Health and Safety Code section 25200.14, to determine if a release from solid waste management unit or hazardous waste management unit requires corrective action;

(5)

Implement and enforce the corrective action program at applicable less complex sites, as defined in subsection 68400.12 of this chapter;

(6)

Issue an order specifying corrective action pursuant to Health and Safety Code section 25187 only for less complex sites to be conducted in accordance with applicable state laws and regulations and section 68400.16 of this chapter;

(b)

A qualified UPA with a Tier 2 level of qualification, as defined in section 68400.14, is qualified to conduct the following activities at a facility within the jurisdiction of the UPA: (1) All of Tier I activities; (2) Implement and enforce corrective action at applicable sites in addition to less complex sites, except as provided in subsection 68400.11(i); (3) Issue an order under Health and Safety Code section 25187 for corrective action in accordance with applicable state laws and regulations and section 68400.16 of this chapter.

(1)

All of Tier I activities;

(2)

Implement and enforce corrective action at applicable sites in addition to less complex sites, except as provided in subsection 68400.11(i);

(3)

Issue an order under Health and Safety Code section 25187 for corrective action in accordance with applicable state laws and regulations and section 68400.16 of this chapter.