

## PPM 484: Reporting Illegal Discharge of Hazardous Waste

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## I. POLICY SUMMARY

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## II. DEFINITIONS

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## III. POLICY TEXT

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### A. Legal Requirement

California Health & Safety Code, Section 25180.7, which was enacted by Proposition 65 in November 1986, contains the following requirements:

*“Any designated government employee who obtains information in the course of his official duties revealing the illegal discharge or threatened illegal discharge of a hazardous waste within the geographical area of his jurisdiction and who knows that such discharge or threatened discharge is likely to cause substantial injury to the public health or safety must, within seventy-two hours, disclose such information to the local Board of Supervisors and to the local health officer.”*

### B. Persons Required To Report

University of California (UC), Agriculture and Natural Resources (ANR) employees who are identified in UC’s Conflict of Interest Code as Designated Officials are required to report under the provisions of the law. ANR employees not specifically identified in Appendix A are not required to report.

### C. What Must Be Reported

Any illegal disposal or threat of disposal of a substance that is hazardous waste -- by discharge into the air, onto the ground, into any waterway, or to groundwater -- must be reported. In general, most chemical materials (including pesticides, solvents and oil) are considered hazardous waste. If you are uncertain as to whether a substance is hazardous waste, you may consult with the ANR Environmental Health and Safety Coordinator (contact information above).

Since the law requires only the reporting of hazardous waste that is "illegally" discharged, it is assumed that any discharge to the environment of a substance reasonably considered to be hazardous waste is illegal under Federal or State law and should be reported, unless it is clear the discharge is lawful (i.e., the discharge is allowable under a permit from the California Department of Toxic Substances Control). If there is any doubt as to whether the discharge is legal or illegal, a report should be filed.

### D. Exceptions

#### 1. Prohibited by Law

No disclosure of information is required when otherwise prohibited by law. At the present, there is no known law prohibiting the disclosure of hazardous waste discharges.

## 2. By Law Enforcement Personnel

No disclosure of information is required when law enforcement personnel have determined that such disclosure would adversely affect an ongoing criminal investigation. It is assumed that this exception would not be operative unless there is strong reason to suspect that such a disclosure would affect an ongoing criminal investigation. In such case, the Designated Official should contact the law enforcement personnel to determine the situation, and if the discharge should not be reported, this should be confirmed in writing with the law enforcement personnel.

## 3. General Public Knowledge

No disclosure of information is required when it is already general public knowledge within the locality affected by the discharge or threatened discharge. If there is any doubt as to general public knowledge, the matter should be reported.

### **E. Reporting**

1. The law specifies that any illegal discharge or threatened illegal discharge of hazardous waste must be reported within seventy-two hours (3 days) from the time the Designated Official obtains the knowledge.
2. The report is to be made to the County Board of Supervisors and the local (County) health officer.

### **F. Violations**

Any Designated Official who knowingly and intentionally fails to disclose information required to be disclosed under the provisions of the law shall, upon conviction, be punished by imprisonment in the county jail for not more than one year or by imprisonment in State prison for not more than three years. The court may also impose upon the person a fine of not less than \$5,000 or more than \$25,000. The felony conviction for violation of this law shall require forfeiture of UC employment within 30 days of conviction.

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## **IV. COMPLIANCE / RESPONSIBILITIES**

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## **V. PROCEDURES**

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## **VI. RELATED INFORMATION**

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- [University of California, Conflict of Interest Code](#)
- [California Health and Safety Code](#)

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## **VII. FREQUENTLY ASKED QUESTIONS**

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## **VIII. REVISION HISTORY**

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Format updated.