



MULTI-TENANT LABORATORY AND COMMERCIAL OFFICE REGULATORY GUIDANCE

INTRODUCTION

Multi-tenant properties and businesses are located throughout San Mateo County. These businesses are located within separate floors, office units, or a shared work space, and may be subject to one or more regulatory programs implemented by San Mateo County Environmental Health Services (EHS) due to hazardous materials storage, hazardous waste generation, and/or medical waste generation.

Responsibility for compliance resides with the business storing regulated chemicals or conducting activities that generate regulated waste as described in the laws and regulations for each respective program. Although the property management company can assist tenants with some aspects of regulatory compliance, each business storing regulated chemicals or generating a regulated waste must obtain a separate permit and comply with applicable regulatory program requirements.

The main objective of this guidance document is to provide information and resources to help new and existing businesses understand their compliance responsibility in a multi-tenant business setting.

BACKGROUND

In recent years, EHS has observed an increase in small start-up businesses operating on a common property in separate units or within a shared space, sometimes referred to as “incubators.” In addition to leasing commercial work space, property management companies may provide other infrastructure including, but not limited to lab benches and cabinets, lab fume hoods and equipment, chemical products such as compressed gases and liquified gases, uninterrupted power supply from standby emergency generators, and storage areas for hazardous materials, hazardous waste, and medical waste.

The three hazardous materials programs that may be applicable to each business in a multi-tenant complex used primarily by biotechnology and other start-ups are the Hazardous Materials Business Plan (HMBP) and Hazardous Waste Generator Program under EHS’s Certified Unified Program Agency (CUPA) and the Medical Waste Program. To better understand which of the three regulatory programs apply to your business, how to obtain a new CUPA or Medical Waste Program permit, and how to properly close your business, each of the above referenced programs is described further in the following sections.



PERMITTING

To apply for a CUPA permit, submit a [New Facility Permit Registration Form](#) to EHS's CUPA. If you are unsure if you need a permit, continue reading to determine which, if any programs may apply to your business. Additional information regarding the HMBP or Hazardous Waste Generator Program can be found [here](#).

HAZARDOUS MATERIALS BUSINESS PLAN PROGRAM

Each business located at a multi-tenant property or building is required to obtain a CUPA permit and submit a HMBP if their hazardous materials storage for each product or waste is at or above 55 gallons, 500 pounds, or 200 cubic feet (1,000 cubic feet for inert gases and other specified gases) at any time during the year. The business is required to submit a HMBP to the [San Mateo County Portal](#) or the [California Environmental Reporting System \(CERS\)](#) within 30 days of storing a hazardous material at or above one or more of the reporting thresholds referenced in the California Health and Safety Code Division 20 Chapter 6.95 Section 25507.

Commonly used hazardous materials such as compressed gases (e.g., nitrogen, carbon dioxide) and other hazardous materials, may be provided by the property management company to businesses under terms of the lease agreement. If hazardous materials are provided by property management, and you are not storing regulated volumes of them within your leased space, check with your property management company to determine if they have obtained a CUPA permit for these items. If property management has a permit for these items, you do not need to obtain a permit or submit a HMBP. However, you do need obtain a permit and submit a HMBP for any additional items stored above threshold amounts.

The HMBP contains an emergency response plan and an employee training plan. All employees working on site must be trained in hazardous materials safety and emergency procedures upon hire, and annually thereafter. Employee training records must be maintained for a minimum of three years. It is the responsibility of the permitted business, whether it is the property management company or the tenant, to provide basic hazardous materials safety and emergency procedures information to all employees based on site-specific hazardous materials and emergency procedures. While the property management company is not required to train the tenants' employees, property management is responsible for ensuring that all hazardous materials under their permit are properly handled and any emergencies are responded to appropriately. It is therefore recommended that the property management company provide guidance or training to all tenants.



HAZARDOUS WASTE GENERATOR PROGRAM

A hazardous waste generator is any person whose act or process produces hazardous waste identified or listed in Chapter 11 of Division 4.5 of the California Code of Regulations. In a multi-tenant property or building, each business generating hazardous waste is responsible for compliance with federal and state hazardous waste laws and regulations.

The generator is required to obtain a CUPA Permit. In cases where the property owner or management company has a financial interest with one or more of the business tenants, the property owner or management company may obtain a CUPA Permit on behalf of the affiliated businesses provided they assume **all** responsibility for compliance as the generator of the hazardous waste.

Basic generator requirements include but are not limited to:

- **Obtaining a federal or state Environmental Protection Agency (EPA) identification number.** Each business that routinely generates hazardous waste is required to obtain a [permanent EPA identification number](#). If the property management company can act on behalf of affiliated businesses, one EPA identification number can be obtained.
- **Container management:** hazardous waste must be accumulated in tanks or containers that are in good condition, closed when not adding or removing hazardous waste, labeled with a completed hazardous waste label, inspected during the accumulation period, and disposed of within the allowable time limit.
- **Employee training:** the generator must ensure all hazardous waste handlers are familiar with hazardous waste management requirements and emergency response procedures.

MEDICAL WASTE PROGRAM

In many cases, multi-tenant property management companies provide services to manage all medical waste generated by the small quantity medical waste generator businesses on site. This is an acceptable practice based on the medical waste regulations. The property owner or management company must obtain a Medical Waste Permit as a common storage facility. In addition, each business must register as a small quantity generator (SQG) to obtain a permit to generate medical waste.

To register and obtain a Medical Waste Permit you must submit the following two documents:

1. [Medical Waste Registration Form](#)



2. [Medical Waste Management Plan](#)
3. Copies of these forms, a detailed explanation of the registration process, and other useful program resources are available [here](#).

The Medical Waste Program is managed by Darrell Cullen. For more information, call (650) 464-3825, email dacullen@smcgov.org, or visit smchealth.org/medwaste.

INSPECTIONS

San Mateo County EHS CUPA inspectors will conduct initial and periodic inspections of your business to evaluate compliance with the HMBP and/or Hazardous Waste Generator Program requirements. The CUPA inspector typically conducts an unannounced inspection at the facility to observe hazardous materials storage and handling activities and/or hazardous waste generation activities and storage locations, container management, emergency equipment and response procedures, hazardous waste disposal records, and employee training plans and records.

Businesses subject to the Medical Waste Program will receive an initial inspection shortly after registration and account set up. During the initial inspection, medical waste generation activities are observed, and compliance requirements are discussed. At this time, the Medical Waste Program generator status is finalized (e.g., Small Quantity Generator). The Medical Waste Program Permit is issued after the initial inspection.

Medical waste generation may begin after you submit your Medical Waste Registration Form and Management Plan and before the initial inspection and receipt of your permit.

FACILITY CLOSURE

When a permitted facility is closing or relocating, EHS will conduct oversight of the closure process and conduct one or more facility closure inspections to ensure all hazardous materials, hazardous waste, and/or medical waste is properly managed and disposed of, and the facility has been adequately cleaned and decontaminated.

If your business is subject to the HMBP Program, the CUPA permit will be inactivated after the inspector verifies that no hazardous materials are present above the HMBP reporting thresholds. In this case, contact your CUPA inspector to discuss the closure and to schedule a final closure inspection.

If your business is a small or large quantity hazardous waste generator, the CUPA permit will be inactivated after appropriate hazardous waste generator closure requirements are met. The hazardous waste generator closure requirements differ for a small quantity versus a large



quantity hazardous waste generator, and the CUPA must be notified in advance of the closure to provide adequate time to complete all required closure activities. [The Hazardous Waste Generator Closure Notification and Procedures Form](#) must be completed and submitted to the CUPA for review and approval in the beginning of the closure process.

Contact your CUPA inspector if you have any questions or need to discuss the closure process for the HMBP and/or Hazardous Waste Generator Program. Following completion of the CUPA closure process, you will receive a final closure inspection report and the CUPA permit will be closed out.

The Medical Waste Program has specific closure guidelines for businesses that are closing based upon the program category associated with the Medical Waste Permit. The Medical Waste Program guidelines can be found [here](#).

In summary, biotechnology, medical, laboratory, and other businesses located at a multi-tenant property may be required to obtain one or more permits from EHS. Initial and periodic compliance inspections will be conducted to document program compliance while in operation. Prior to closure, businesses must notify EHS and complete program-specific closure activities to complete the closure process and obtain final closure documentation from the CUPA and/or Medical Waste Program.

EHS staff are available to assist you with questions. For more information, visit smchealth.org/eh or call (650) 372-6200.