



Top 10 HMBP Violations

March 23, 2023

Presented by:

Max Wagner, Stanislaus County Department of Environmental Resources
Elizabeth Brega, California Environmental Protection Agency



25th California Unified Program
Annual Training Conference
March 20 – 23, 2023

Overview

- Welcome
- Overview of the hazardous materials business plan
- The purpose of the business plan program
- Top 10 Violations
 - Overview of each top violation
 - Perspectives and discussion on each violation
- Other compliance concerns
- Questions

Disclaimer

Please note that the hazardous materials business plan (HMBP) reporting requirements information discussed in this presentation may not address all the information specifically applicable to your facility. Please refer to and review the statutory citations to best determine how requirements apply to your facility

Common Terms

- HMBP
- Business
- Handler
- Hazardous Material
- Reporting Threshold

Common Terms

- Tier II
- Electronic Submittal
- UPA or CUPA
- Health and Safety Code (HSC), California Code of Regulations (CCR)

What is an HMBP?

- Inventory of hazardous materials stored in reportable quantities at a facility
- Emergency response plans and procedures in the event of a release or threatened release of a hazardous material

What is an HMBP?

- Training for all new employees and annual training, including refresher courses
- Annotated site map

Top 10 Violations Overview

- Reviewed and analyzed statewide data from the California Environmental Report System (CERS)
 - Reviewed data for a 6-month period
 - Over 30,000 violations cited
- Reviewed and analyzed data from Stanislaus County Department of Environmental Resources local database

What is the Purpose of the HMBP Program?

- Protect the health and safety of facility personnel
- Ensure businesses establish and implement procedures and training programs to prepare for and mitigate emergencies (i.e. chemical releases, earthquakes, etc.)

What is the Purpose of the HMBP Program?

- Satisfy federal and state Community Right-to-Know laws (Tier II Reporting)
- Provide information necessary for use by first responders in order to prevent or mitigate damage to public health, safety and/or the environment from a release or threatened release of a hazardous material

#1 Violation

Failed to provide initial and annual training and maintain training records for a minimum of three years

Citation: HSC Section 25505(a)(4), 19 CCR Section 2659

Failed to provide initial and annual training and maintain training records for a minimum of three years

- Record training appropriately
- Include all required content
- Keep it on a schedule

Record training appropriately

**HAZARDOUS MATERIALS BUSINESS PLAN
FACILITY EMPLOYEE TRAINING RECORD**

For use by Unidocs Member Agencies or where approved by your Local Jurisdiction
Authority Cited: California Health and Safety Code Chapter 6.93 (HSC); Title 19 California Code of Regulations (CCR)

Facility Name:

Site Address: City:

California Health and Safety Code §25507(a) and Title 19 California Code of Regulations §2651(a) require that a Hazardous Materials Business Plan (HMBP) facility implement its HMBP, including the training plan specified in HSC §25505(a)(4) and 19 CCR §2659(a)(4). Taking into account the position of each employee, training for new employees must be provided in safety procedures in the event of a release or threatened release of a hazardous material. Annual refresher training is required. This training must be documented electronically or by hard copy records. Training records for the past three years must be kept available for inspection.

HMBP training must include, but is not limited to, the following:

- Methods for safe handling of hazardous materials;
- Identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of their vulnerability to earthquake related ground motion;
- Evacuation plans and procedures, including immediate notification, for the facility;
- Identification of local emergency medical assistance appropriate for potential accident scenarios;
- Notification of local emergency response personnel, the Unified Program Agency, the California Emergency Management Agency, and persons within the facility who are necessary to respond to an incident;
- Emergency response and safety procedures for the mitigation, prevention, and abatement of a release or threatened release to minimize harm or damage to persons, property, or the environment;
- Use of the facility's emergency response equipment and supplies;
- Procedures for coordination with local emergency response organizations.

The following employees have been trained as required by HSC §25507(a) and 19 CCR §2651(a):

Employee Name	Training Date	Trainer Name

(Continued on reverse)

UN-100 www.unidoc.org 1/7 - Rev. 06/20/17

Unidocs template is convenient and appropriate for small businesses

Training may be documented electronically or by hard copy



Include required content

HMBP training must include, but is not limited to, the following:

- Methods for safe handling of hazardous materials;
- Identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of their vulnerability to earthquake related ground motion;
- Evacuation plans and procedures, including immediate notification, for the facility;
- Identification of local emergency medical assistance appropriate for potential accident scenarios;
- Notification of local emergency response personnel, the Unified Program Agency, the California Emergency Management Agency, and persons within the facility who are necessary to respond to an incident;
- Emergency response and safety procedures for the mitigation, prevention, and abatement of a release or threatened release to minimize harm or damage to persons, property, or the environment;
- Use of the facility's emergency response equipment and supplies;
- Procedures for coordination with local emergency response organizations.

Note: Training programs may take into consideration the position of each employee, (ex. Office Staff)

Keep it on a schedule

Training should be provided to new hires as soon and possible and must be refreshed annually

Set enough time to ensure training is provided at the required frequency (ex. Outlook Reminder)

22

10:00am Conduct HMBP Training

#2 Violation

**Failed to electronically submit
complete and accurate Hazardous
Materials Inventory information**

Citation: HSC Sections 25505(a)(1), 25506, 25508(a)(1),
25508(a)(3)

Failed to electronically submit complete and accurate Hazardous Materials Inventory information

- Familiarity with the inventory element on CERS
- Report every material handled above the reportable thresholds

Hazardous Material Inventory Element

[Return to Submittal Inventory](#)

Chemical Identification and Physical Properties

Chemical Name Ethylene Glycol	CERS Chemical Library ID -
Common Name Ethylene Glycol Antifreeze 107-21-1	US EPA SRS ID -
Physical State Liquid	Hazardous Material Type # Mixture
	Toxic Secret No

Chemical Hazard Classification

EHIS # No	Fire Code Hazard Classes (by priority) Combustible Liquid, Class III B	DOT Hazard Class # -
Radiactive No		State Waste Code # -
Carries -		Locking Code

Federal Hazard Categories

No Fire (Obsolete)	No PHYSICAL: Flammable
No Reactive (Obsolete)	No PHYSICAL: Gas Under Pressure
No Pressure Release (Obsolete)	No PHYSICAL: Explosive
No Acute Health (Obsolete)	No PHYSICAL: Self-heating
No Chronic Health (Obsolete)	No PHYSICAL: Pyrophoric
	No PHYSICAL: Oxidizer
	No PHYSICAL: Organic Peroxide
	No PHYSICAL: Self-reactive
	No PHYSICAL: Pyrophoric Gas
	No PHYSICAL: Corrosive to Metal
	No PHYSICAL: In Contact with Water Emits Flammable Gas
	No PHYSICAL: Combustible Dust
	No PHYSICAL: Hazard Not Otherwise Classified (HNOC)
	No HEALTH: Carcinogenicity
	No HEALTH: Acute Toxicity
	No HEALTH: Reproductive Toxicity
	No HEALTH: Skin Corrosion or Irritation
	No HEALTH: Respiratory or Skin Sensitization
	No HEALTH: Serious Eye Damage or Eye Irritation
	No HEALTH: Specific Target Organ Toxicity
	No HEALTH: Aspiration Hazard
	No HEALTH: Germ Cell Mutagenicity
	No HEALTH: Simple Asphyxiant
	No HEALTH: Hazard Not Otherwise Classified (HNOC)

Inventory Location and Quantity

Chemical Location Parts Room-northwest Corner	Average Daily Amount # 30	Maximum Daily Amount # 110	Units # gallons
Chemical Location Confidential EPCRA -	Largest Container 55	Annual Waste Amount # -	
Map # (Optional) Grid # (Optional) -	Days on Site 365		

Inventory Storage Information

No Aboveground Tank	No Can	No Box	No Tank Truck, Tank Wagon
No Underground Tank	No Carboy	No Cylinder	No Tank Car, Rail Car
No Tank Inside Building	No Silo	No Glass bottle	Yes Other
No Steel Drum	No Fiber Drum	No Plastic Bottle	
No Plastic/Non-Metallic Drum	No Bag	No Tote Bin	

Storage Pressure: Ambient Storage Temperature: Ambient

Mixture Components

Hazardous Component Name	CAS Number	% by Weight	EHIS	Additional Mixture Components #
Ethylene Glycol	-	95.00	No	
Diethylene Glycol	-	-	No	
-	-	-	No	
-	-	-	No	

Additional Chemical/Material Description

Additional Chemical Description Information #
-



[Return to Submittal Inventory](#)

Chemical Identification and Physical Properties

Chemical Name	Ethylene Glycol	CERS Chemical Library ID	-
Common Name	Ethylene Glycol Antifreeze	US EPA SRS ID	-
	CAS Number 107-21-1		
Physical State	Liquid	Hazardous Material Type	Trade Secret
		Mixture	No

Inventory Location and Quantity

Chemical Location Parts Room-northwest Corner	Average Daily Amount	Maximum Daily Amount	Units
	30	110	gallons
Chemical Location Confidential EPCRA	Largest Container	Annual Waste Amount	
-	55	-	
Map # (Optional) Grid # (Optional)	Days on Site		
-	365		


—Chemical Hazard Classification

EHS 

No

Fire Code Hazard Classes (by priority)

Combustible Liquid, Class III-B

DOT Hazard Class 

-

Radioactive

-

No


-

Curies

-

-

-

State Waste Code 

-

[Lookup Code](#)

Federal Hazard Categories

No Fire (Obsolete)

No Reactive (Obsolete)

No Pressure Release (Obsolete)

No Acute Health (Obsolete)

No Chronic Health (Obsolete)

No PHYSICAL: Flammable

No PHYSICAL: Gas Under Pressure

No PHYSICAL: Explosive

No PHYSICAL: Self-heating

No PHYSICAL: Pyrophoric

No PHYSICAL: Oxidizer

No PHYSICAL: Organic Peroxide

No PHYSICAL: Self-reactive

No PHYSICAL: Pyrophoric Gas

No PHYSICAL: Corrosive to Metal

No PHYSICAL: In Contact with Water Emits Flammable Gas

No PHYSICAL: Combustible Dust

No PHYSICAL: Hazard Not Otherwise Classified (HNOC)

No HEALTH: Carcinogenicity

No HEALTH: Acute Toxicity

No HEALTH: Reproductive Toxicity

No HEALTH: Skin Corrosion or Irritation

No HEALTH: Respiratory or Skin Sensitization

No HEALTH: Serious Eye Damage or Eye Irritation

No HEALTH: Specific Target Organ Toxicity

No HEALTH: Aspiration Hazard

No HEALTH: Germ Cell Mutagenicity

No HEALTH: Simple Asphyxiant

No HEALTH: Hazard Not Otherwise Classified (HNOC)

Inventory Storage Information

No Aboveground Tank No Can No Box No Tank Truck, Tank Wagon
No Underground Tank No Carboy No Cylinder No Tank Car, Rail Car
No Tank Inside Building No Silo No Glass Bottle Yes Other
No Steel Drum No Fiber Drum No Plastic Bottle -
No Plastic/Non-Metallic Drum No Bag No Tote Bin

Storage Pressure
Ambient

Storage Temperature
Ambient

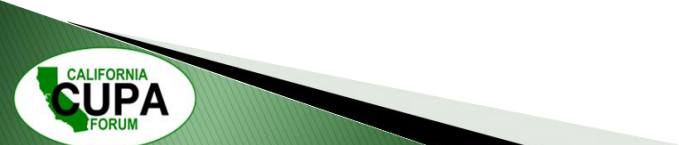
Mixture Components

Hazardous Component Name	CAS Number	% by Weight	EHS
Ethylene Glycol	-	95.00	No
Diethylene Glycol	-	-	No
-	-	-	No
-	-	-	No
-	-	-	No

Additional Mixture Components
-

Additional Chemical/Material Description

Additional Chemical Description Information
-



Include every material over the reportable thresholds

All materials over reportable thresholds must be included in the inventory element. The typical hazardous material threshold is equal to, or greater than ,500 pounds for solids, 55 gallons for liquids, or 200 cubic feet for compressed gas

Note: There are exceptions to the above thresholds

#3 Violation

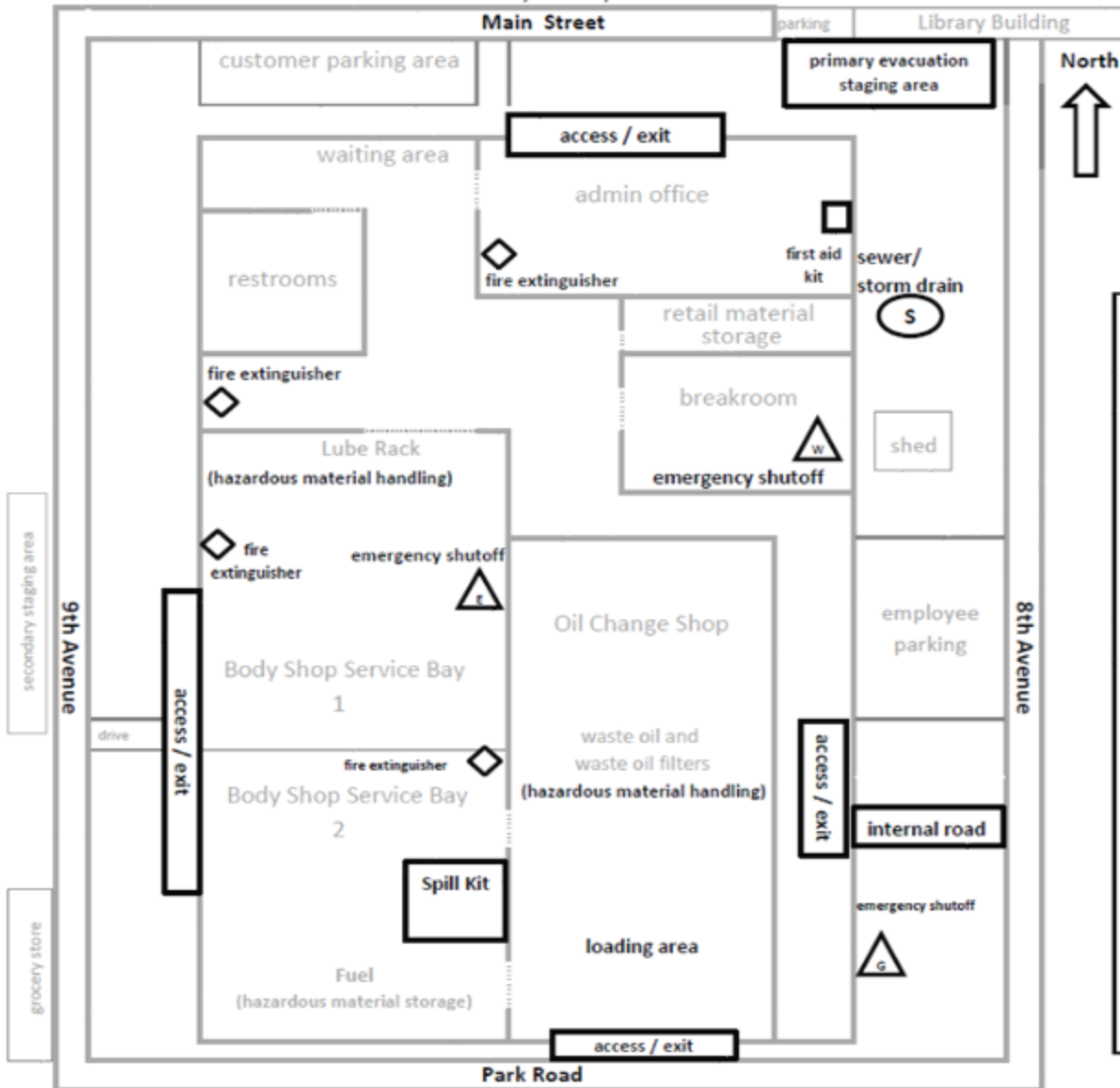
Failed to electronically submit a site map with all required content

Citation: HSC Sections 25505(a)(2), 25508(a)(1), 25508(a)(3)

Failed to electronically submit a site map with all required content

- Include all required site map content
- Keep the site map up to date

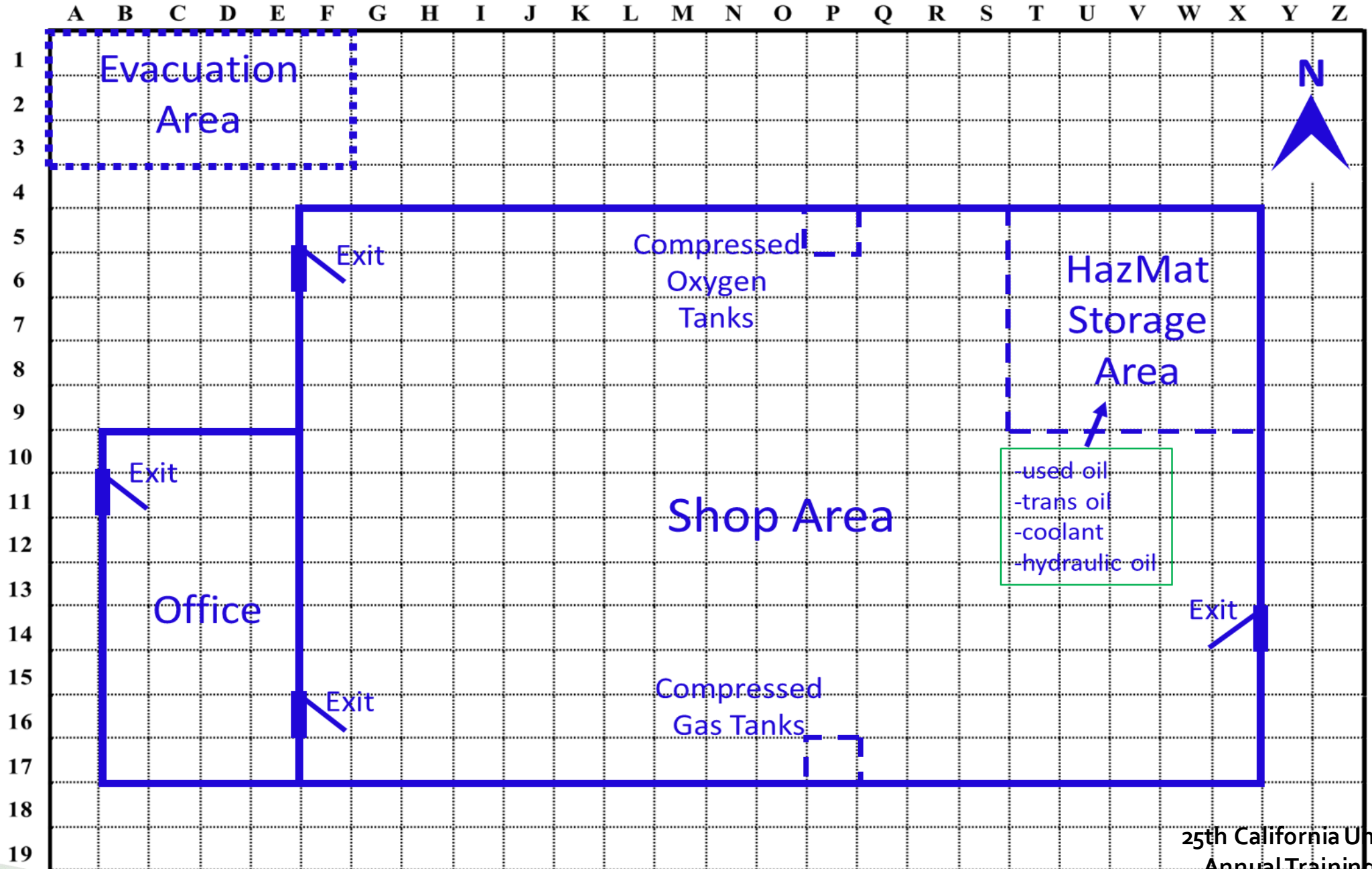
Sample Hazardous Materials Business Plan Site Map - Automotive Repair Shop 10/8/2014
 3456 Main Street., Eureka, CA 95501

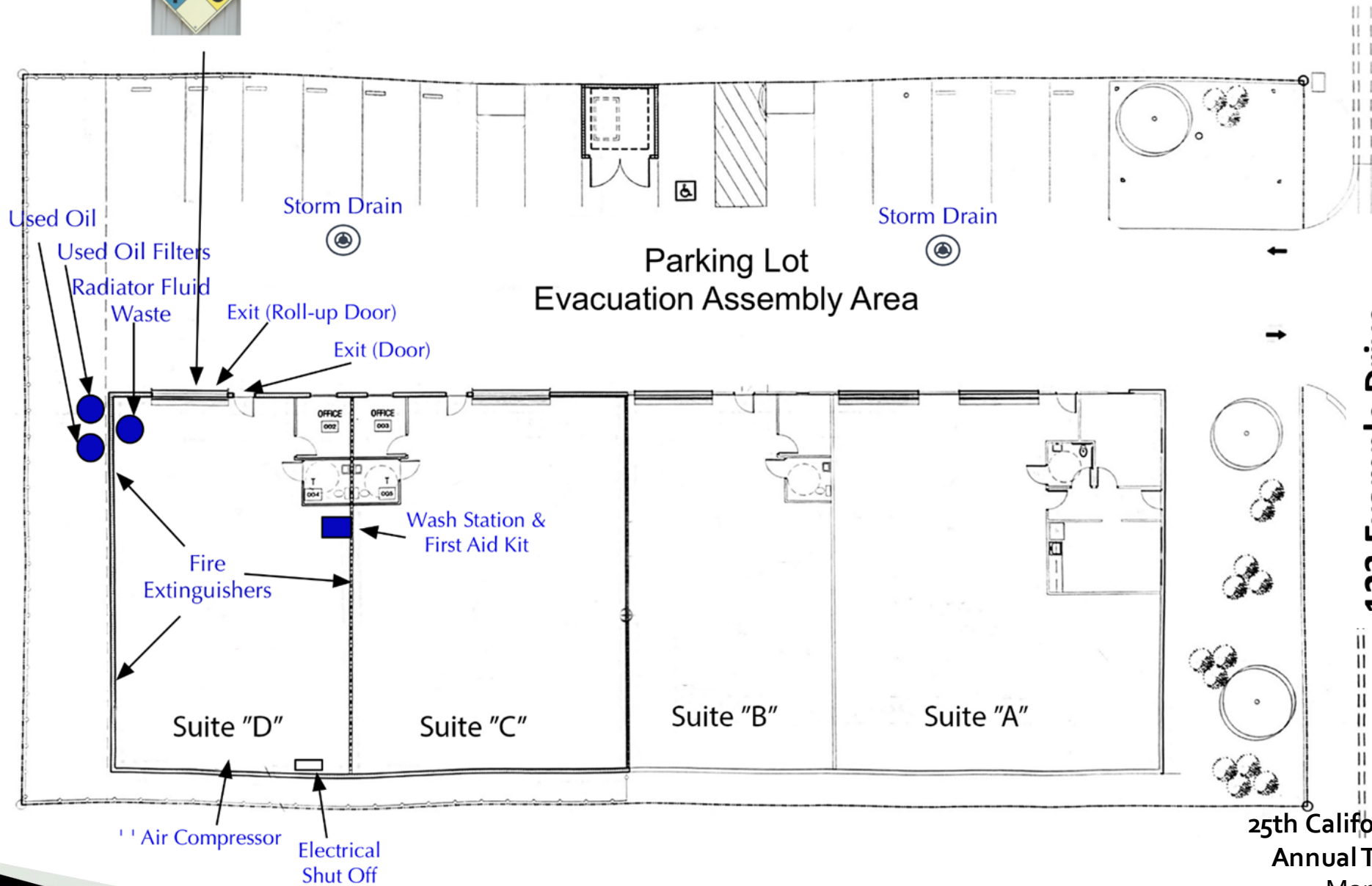


HMBP Site Map
Minimum Requirements:
 As per Health and Safety Code
 25505(a)2

- north orientation
- loading areas
- internal roads
- adjacent streets
- storm and sewer drains
- access and exit points
- emergency shutoffs
- evacuation staging areas
- hazardous material handling and storage areas
- emergency response equipment {fire extinguisher, spill kit, etc.}





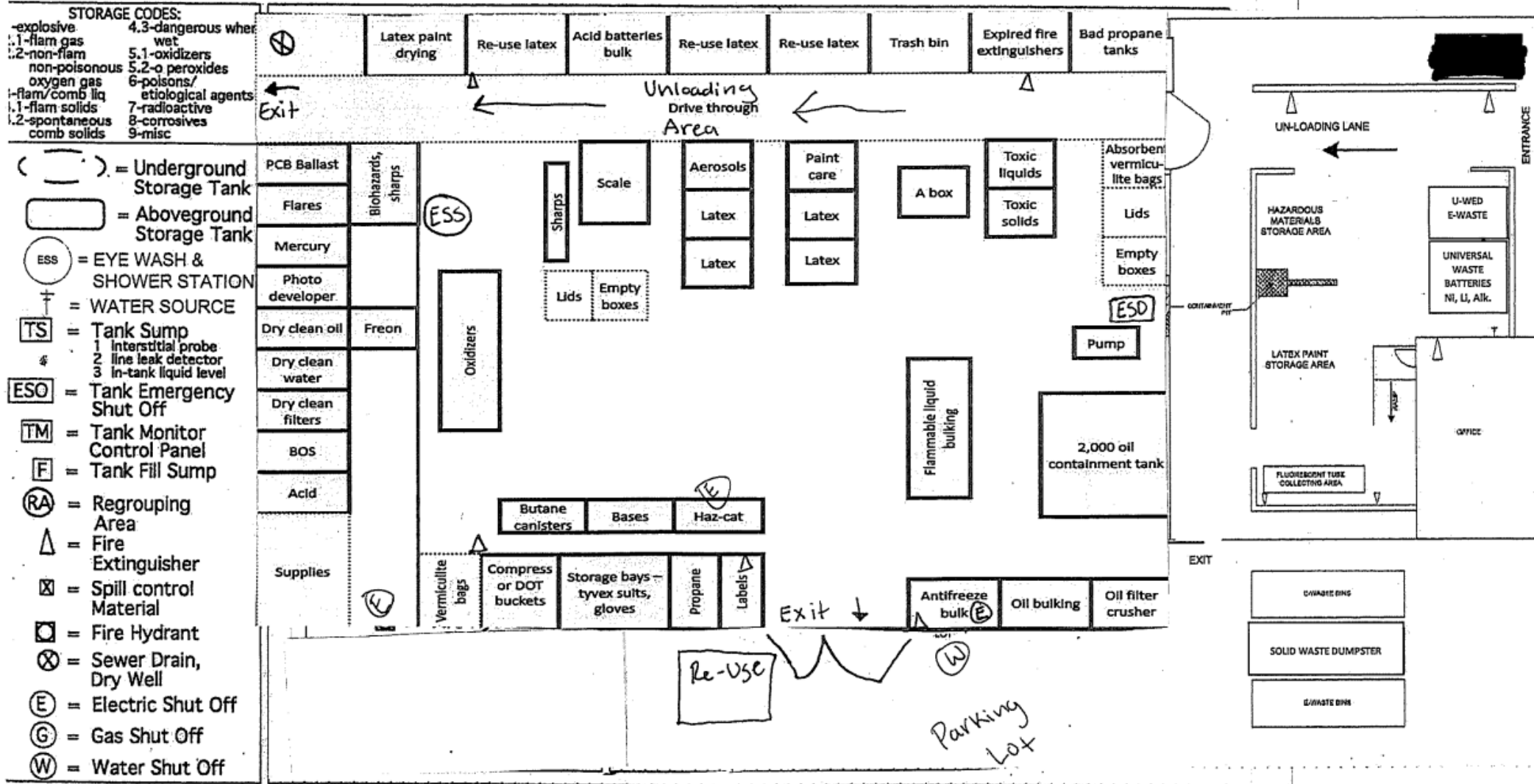


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Date drawn [redacted]

OPERATIONS HOUSEHOLD HAZARDOUS WASTE AND E-WASTE FACILITY SITE MAP



- STORAGE CODES:**
- explosive
 - 1-1-flam gas
 - 2-2-non-flam non-poisonous oxygen gas
 - 1-1-flam/comb liq
 - 1-1-flam solids
 - 2-2-spontaneous comb solids
 - 4-3-dangerous when wet
 - 5-1-oxidizers
 - 5-2-o peroxides
 - 6-poisons/etiological agents
 - 7-radioactive
 - 8-corrosives
 - 9-misc

- () = Underground Storage Tank
- [] = Aboveground Storage Tank
- ESS = EYE WASH & SHOWER STATION
- † = WATER SOURCE
- TS = Tank Sump
 - 1 Interstitial probe
 - 2 line leak detector
 - 3 In-tank liquid level
- ESO = Tank Emergency Shut Off
- TM = Tank Monitor Control Panel
- F = Tank Fill Sump
- RA = Regrouping Area
- △ = Fire Extinguisher
- ⊠ = Spill control Material
- ⊞ = Fire Hydrant
- ⊗ = Sewer Drain, Dry Well
- ⓔ = Electric Shut Off
- ⓖ = Gas Shut Off
- Ⓦ = Water Shut Off

North

Scale N/A

Business Name: HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY & E-WASTE FACILITY

Business Address: 1710 MORGAN RD, MODESTO, CA, 95358

Re-Use

Parking Lot

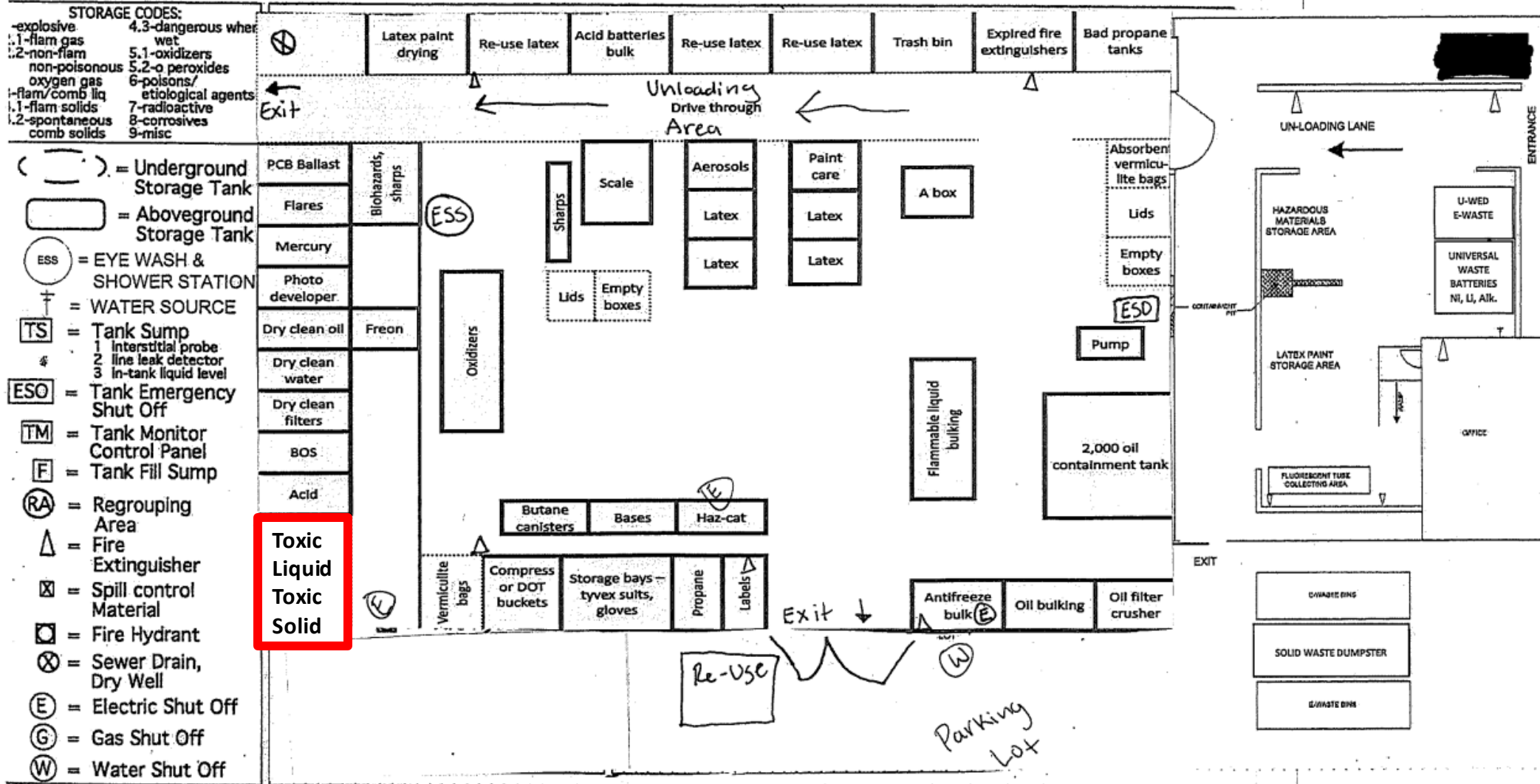
DRAW BY: MARIO ARREOLA



Keep the site map up to date!!

Date drawn [REDACTED]

OPERATIONS HOUSEHOLD HAZARDOUS WASTE AND E-WASTE FACILITY SITE MAP



North

Scale N/A

Business Name: HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY & E-WASTE FACILITY

Business Address: 1710 MORGAN RD, MODESTO, CA, 95358

DRAW BY: MARIO ARREOLA

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#4 Violation

Failed to update the business plan within 30 days of a:

- 100 percent or more increase in the quantity of a previously disclosed material.
- Any handling of a previously undisclosed hazardous material subject to the inventory requirements of this article.
- Change of business or facility address.
- Change of business ownership.
- Change of business name.
- A substantial change in the handler's operations occurs that requires modification to any portion of the business plan.

Citation: HSC 6.95 25508.1(a)-(f)

Failed to update within 30 days of 100% increase or new haz; change of address/owner/name; or change in ops

- Keep track of inventory fluctuations
- Designate update responsibility appropriately

Keep track of inventory fluctuations

Natural inventory fluctuations may result in this violation.

In many cases it may be practical to slightly over report the maximum daily amount.

Designate update responsibility appropriately

Responsibility should be designated to an individual who is familiar with the inventory and forms uploaded to CERS.



BREAK TIME!

#5 Violation

Failed to review and electronically certify the business plan as complete and accurate on or before the due date

Citation: HSC Section 25508.2

Failed to review and electronically certify the business plan as complete/accurate on or before the due date

- Understand AB1429
- Certify at the required frequency

Understand AB1429

Assembly Bill 1429 of 2019 changed the HMBP reporting period from annually to once every three years for businesses not subject to EPCRA Tier II reporting requirements or the Aboveground Petroleum Storage Act

However; facilities are required to certify at least annually

EPCRA Tier II reporting requirements

EPCRA Applicability Criteria

EPCRA Tier II Reporting Chemicals	EPCRA Reportable Thresholds
Extremely Hazardous Substances (EHSs, EPCRA Section 302)	500 pounds or the threshold planning quantity, whichever is lower (40 CFR Part 355, Appendices A and B, or "List of Lists")
Gasoline in underground storage tanks at retail gas stations	75,000 gallons (all grades combined)*
Diesel fuel in underground storage tanks at retail gas stations	100,000 gallons (all grades combined)*
All other hazardous chemicals for which Safety Data Sheets are required	10,000 pounds

Aboveground Petroleum Storage Act

Your facility is not subject to APSA if:

- It does not have an aggregate petroleum product storage of 1320 gallons or more
- It does not have a petroleum storage tank in an underground area

Certifying at the required frequency

Certification is required annually, there is no built-in reminder system, it is up to a facility to ensure that certification is complete

Many facilities designate this task to a staff member who is has familiarity with each CERS element and site operations

#6 Violation

Failed to electronically submit an adequate response plan/procedures for release/threatened release of hazmat

Citation: HSC Sections 25505(a)(3), 25508(a)(1), 25508(a)(3); 19 CCR Section 2658

Failed to electronically submit an adequate response plan/procedures for release/threatened release of hazmat

- Know when a submittal is required
- Include the required content

Understand when a facility is required to submit



Understand when a facility is required to submit

Facilities that meet agricultural handler exemption are not required to submit an emergency response plan

Remote unstaffed facilities are not required to submit an emergency response plan provided they meet the requirements of HSC Section 25507.2

Include the required content

Emergency response plan must address:

- HSC Section 25505(a)(3)
- 19 CCR Section 2658

HSC Section 25505(a)(3)

(3) Emergency response plans and procedures in the event of a release or threatened release of a hazardous material, including, but not limited to, all of the following:

(A) Immediate notification contacts to the appropriate local emergency response personnel and to the unified program agency.

(B) Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.

(C) Evacuation plans and procedures, including immediate notice, for the business site.

19 CCR Section 2658

(a) immediate notification of:

(1) local emergency response personnel;

(2) the administering agency and the California Governor's Office of Emergency Services pursuant to article 2 of this subchapter;

(3) persons within the facility who are necessary to respond to an incident;

(b) identification of local emergency medical assistance appropriate for potential accident scenarios;

(c) mitigation, prevention, or abatement of hazards to persons, property, or the environment;

(d) immediate notification and evacuation of the facility; and

(e) identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.

Emergency Response Plan Template

CALIFORNIA ENVIRONMENTAL REPORTING SYSTEM (CERS) CONSOLIDATED EMERGENCY RESPONSE / CONTINGENCY PLAN <i>Prior to completing this Plan, please refer to the INSTRUCTIONS FOR COMPLETING A CONSOLIDATED CONTINGENCY PLAN</i>			
A. FACILITY IDENTIFICATION AND OPERATIONS OVERVIEW			
FACILITY ID #	CERS ID #	DATE OF PLAN PREPARATION REVISION (MM/DD/YYYY)	
BUSINESS NAME (Same as Facility Name or DBA - Do not Business At)			
BUSINESS SITE ADDRESS			
BUSINESS SITE CITY		CA	ZIP CODE
TYPE OF BUSINESS (e.g. Printing Contractor)		INCIDENTAL OPERATIONS (e.g. Fleet Maintenance)	
THIS PLAN COVERS CHEMICAL SPILLS, FIRES, AND EARTHQUAKES INVOLVING (Check all that apply):			
<input type="checkbox"/> 1. HAZARDOUS MATERIALS; <input type="checkbox"/> 2. HAZARDOUS WASTES			
B. INTERNAL RESPONSE			
INTERNAL FACILITY EMERGENCY RESPONSE WILL OCCUR BY (Check all that apply):			
<input type="checkbox"/> 1. CALLING PUBLIC EMERGENCY RESPONDERS (e.g., 9-1-1) <input type="checkbox"/> 2. CALLING HAZARDOUS WASTE CONTRACTOR <input type="checkbox"/> 3. ACTIVATING IN-HOUSE EMERGENCY RESPONSE TEAM			
C. EMERGENCY COMMUNICATIONS, PHONE NUMBERS AND NOTIFICATIONS			
<p>In the event of an emergency involving hazardous materials and/or hazardous waste, all facilities must IMMEDIATELY:</p> <ol style="list-style-type: none"> Notify facility personnel and evacuate if necessary in accordance with the Emergency Action Plan (Title 8 California Code of Regulations [3220]; Notify local emergency responders by calling 9-1-1; Notify the local Unified Program Agency (UPA) at the phone number below; and Notify the State Warning Center at (800) 852-7550. <p>Facilities that generate, treat, store or dispose of hazardous waste have additional responsibilities to notify and coordinate with other response agencies. Whenever there is an imminent or actual emergency situation such as an explosion, fire, or release, the Emergency Coordinator must follow the appropriate requirements for the category of facility and type of release involved:</p> <ol style="list-style-type: none"> Title 22 California Code of Regulations [66265.56] Emergency Procedures for generators of 1,000 kilograms or more of hazardous waste in any calendar month. Title 22 California Code of Regulations [66265.196] Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems. Title 40 Code of Federal Regulations [302.6] Notification requirements for a release of a hazardous substance equal to or greater than the reportable quantity. Title 22 California Code of Regulations [66262.34(d)(2)] and Title 40 Code of Federal Regulations [302.34(d)(5)(ii)] for generators of less than 1000 kilograms of hazardous waste in any calendar month. <p>Following notification and before facility operations are resumed in areas of the facility affected by the incident, the Emergency Coordinator shall notify the local UPA and the local fire department's hazardous materials program, if necessary, that the facility is in compliance with requirements to:</p> <ol style="list-style-type: none"> Provide for proper storage and disposal of recovered waste, contaminated soil or surface water, or any other material that results from an explosion, fire, or release at the facility; and Ensure that no material that is incompatible with the released material is transferred, stored, or disposed of in areas of the facility affected by the incident until cleanup procedures are completed. 			
EMERGENCY RESPONSE PHONE NUMBERS:	AMBULANCE, FIRE, POLICE AND CHP	9-1-1	
	CALIFORNIA STATE WARNING CENTER (CSWC)/CAL OES	(800) 852-7550	
	NATIONAL RESPONSE CENTER (NRC)	(800) 424-8802	
	POISON CONTROL CENTER	(800) 222-1222	
	LOCAL UNIFIED PROGRAM AGENCY (UPA)		
	OTHER (Specify):		
NEAREST MEDICAL FACILITY / HOSPITAL NAME:			
AGENCY NOTIFICATION PHONE NUMBERS:	CALIFORNIA DEPT. OF TOXIC SUBSTANCES CONTROL (DTSC)	(916) 255-3545	
	REGIONAL WATER QUALITY CONTROL BOARD (RWQCB)		
	U.S. ENVIRONMENTAL PROTECTION AGENCY (US EPA)	(800) 300-2193	
	CALIFORNIA DEPT. OF FISH AND WILDLIFE (CDFW)	(916) 358-2900	
	U.S. COAST GUARD (USCG)	(202) 267-2180	
	CAL OSHA	(916) 263-2800	
	CAL FIRE OFFICE OF THE STATE FIRE MARSHAL (OSFM)	(916) 323-7390	
	OTHER (Specify):		
	OTHER (Specify):		



#7 Violation

Failed to electronically submit the business plan initially, annually, or triennially

Citation: HSC Sections 25505, 25508(a)(1)

Failed to electronically submit the business plan initially, annually, or triennially

- Know the required submittal frequency
- Cross train on CERS

Know their required submittal frequency

Businesses that are eligible to certify must submit triennially, otherwise submittals are required annually

Cross train on CERS

What happens when the environmental contact leaves?

Recommend cross training, and internally discussing the regulatory requirement

#8 Violation

**Failed to electronically submit accurate
business Owner/Operator ID and
Business Activities pages**

Citation: 19 CCR Section 2652(a)(1); HSC Sections
25508(a)(1), 25508(a)(3)

Failed to electronically submit accurate business Owner/Operator ID and Business Activities pages

- Select the applicable business activities
- Keep track of personnel changes and ensure CERS is accurate

Select the applicable business activities

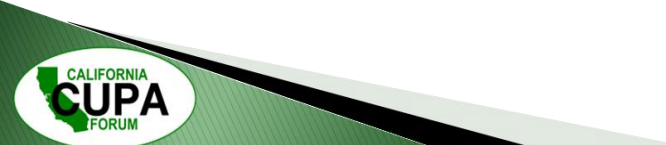
Hazardous Materials

Does your facility have on site (for any purpose) at any one time, hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases (include liquids in ASTs and USTs); or is regulated under more restrictive local inventory reporting requirements (shown below if present); or the applicable Federal threshold quantity for an extremely hazardous substance specified in 40 CFR Part 355, Appendix A or B; or handle radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70? Yes

Underground Storage Tank(s) (UST)

Does your facility own or operate underground storage tanks? No

If you are unsure about which activities apply to your facility, click the blue question marks or reach out to your regulator



Keep track of personnel changes and ensure CERS is accurate

The business owner operator ID form should record the following personnel:

- Owner
- Facility Emergency Contacts
- Billing Contact
- Environmental Contact
- Property Owner

#9 Violation

Failed to establish and implement a business plan when handling hazardous materials in reportable quantities

Citation: HSC Section 25507

Failed to establish and implement a business plan when handling hazardous materials in reportable quantities

- Familiarity with the reportable thresholds and exemptions
- Know the definition of hazardous material

Exemptions & Exceptions



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Consumer Product Exemption

Consumer products handled at a retail establishment intended for direct sale are exempted, the exemption does not apply to:

- Material that is manufactured on site or dispensed on retail premises
- Material with an NFPA or HIMS rating of 3 or 4 that is stored in quantities that exceed 165 gallons, 600 cubic feet or 1,500 pounds

Note: CUPA may determine if a consumer product should be reported

Reportable thresholds and exemptions

Criteria	Threshold
Mixtures consisting of less than 1% of a hazardous material or 0.1% for carcinogens	All amounts exempt
Compressed air used for emergency response and safety	All amounts exempt
Extremely hazardous substances, as defined by the 40 CFR, §355.61	Threshold planning quantity (Appendix A , Appendix B of Part 355) or 500 pounds, whichever is less
Refrigerants in a closed cooling system (not including ammonia or flammable gases) that is used for comfort cooling or to cool computer rooms	All amounts exempt
Radioactive materials	If listed or required by Nuclear Regulatory Commission (NRC), requiring emergency plan.

Reportable thresholds and exemptions

Criteria	Threshold
Simple asphyxiants (nitrogen, helium, argon, neon, krypton, xenon) and mixtures of these gases containing 21% or less of oxygen	1,000 cubic feet
Carbon dioxide	1,000 cubic feet
Oxygen, nitrogen, and nitrous oxide used at a health service facility (medical, veterinary, etc.)	1,000 cubic feet
Nonflammable refrigerant gases used in a refrigeration system	1,000 cubic feet
Gases in closed fire suppression systems	1,000 cubic feet
Propane used for cooking, heating employee work areas, or heating water at a business	>500 gal

Reportable thresholds and exemptions

Criteria	Threshold
Fluid in a closed hydraulic system	All amounts exempt, if aggregate storage of oil at the facility is less than 1,320 gal
Irritants and sensitizers	550 gal if liquid, or 5,000 lbs if solid
Lubricating oil	>55 gal of each type or >275 gal aggregate
Oil-filled electrical equipment not contiguous to an electric facility	All amounts exempt, if aggregate storage of oil at the facility is less than 1,320 gal
Recyclable paint	10,000 lbs solid or 1,000 gal liquid
Combustible metal or metal alloy defined as a combustible dust, flammable solid, or magnesium	100 pounds

Alcohol Based Sanitizers

During the pandemic many facilities started handling more sanitizer

CalEPA has/or will publish an advisory addressing sanitizers



Hazardous Material

Any material that, because of its quantity, concentration, 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

#10 Violation

Failed to ensure the business plan was readily available to site personnel responsible for emergency response or training

Citation: HSC Section 25505(c)

Failed to ensure the business plan was readily available to site personnel responsible for emergency response or training

- Print it out or ensure it can be provided electronically

Other Compliance Concerns

- Federal Hazard Categories
- AB 2059 Compliance



Any Questions?

Max Wagner: mwagner@envres.org

Elizabeth Brega: elizabethbrega@calepa.ca.gov

CalEPA Hazardous Materials Business Plan Unit: HMBP@calepa.ca.gov

Please refer to the [Unified Program Regulator Directory](https://cersapps.calepa.ca.gov/public/directory/) to search for and view contact information for your local UPA for any questions and assistance.

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