



CERS Reporting and Exemptions for all Industries

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TU-H1
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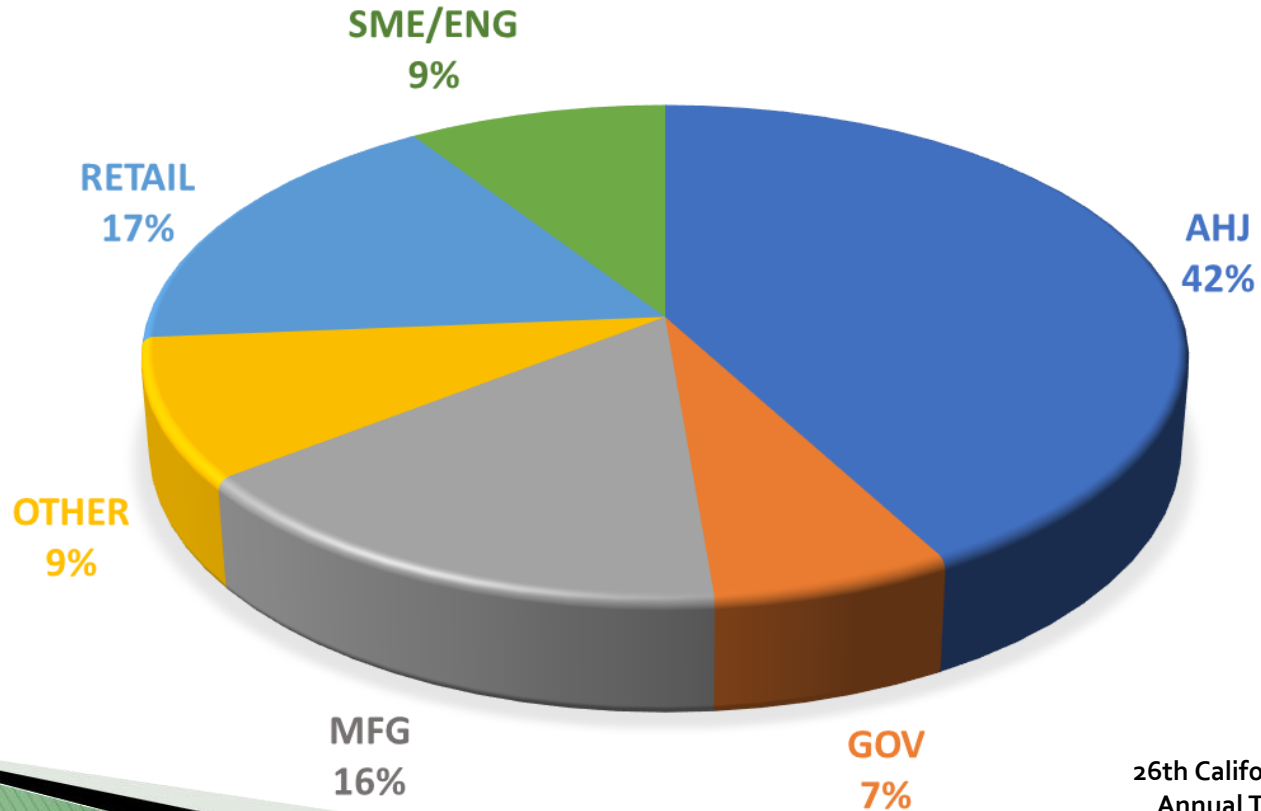


**26th California Unified Program
Annual Training Conference**
February 26-29, 2024

Agenda:

- Topic Introduction
- Walkthrough of Exemptions
- Scenarios Walkthroughs
- Conclusion

Our Group



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Scope

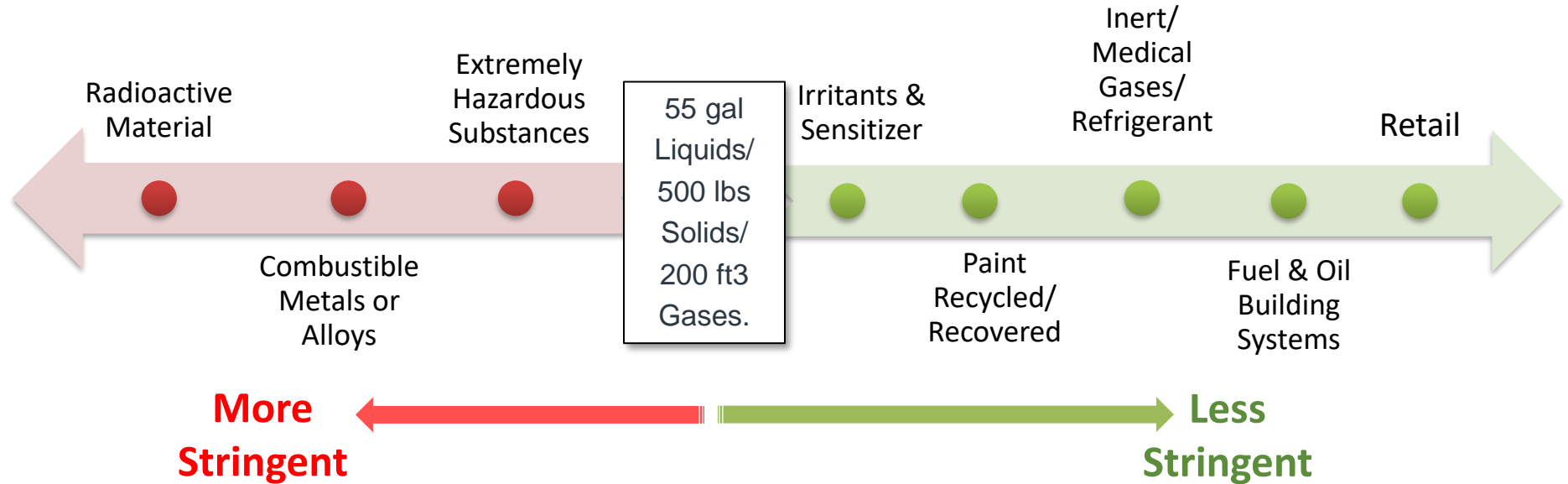
State law requires changes or updates to a facility's reportable inventory be submitted in CERS within 30 days (HSC §25508.1).

1. Hazardous Material Business Plan (HMBP)
2. California Accidental Release Prevention Program (CalARP)
3. Generate or treat Hazardous Waste in any amount
4. Generate or treat Medical Waste in any amount
5. Aboveground Petroleum Storage Act (APSA)
6. Underground Storage Tanks (UST)

What is reportable in CERS HMBP?

A hazardous material or a mixture containing a hazardous material that has a quantity at any one time during the reporting year that is equal to, or greater than, **55 gallons for materials that are liquids, 500 pounds for solids, or 200 cubic feet for gases.**

Exemptions & Exceptions



Why?

- Lower probability
 - Building systems related
 - Lower failure rated/more confinement
- Lower Risk
 - Materials inherently lower hazard
 - Located in areas less likely to pose a threat when released

Extremely Hazardous Substances

	CERS HMBP	CFC HMIS/HMMP
Extremely Hazardous Substances	≥ The threshold planning quantity for that extremely hazardous substance listed in Appendices A and B of Part 355 of Subchapter J of Chapter I of CFR Title 40 of is less than 500 pounds	Everything is to be reported on the HMIS.

Combustible Metals or Metal Alloy

	CERS HMBP	CFC HMIS/HMMP
Pyrophoric or Water-reactive material	Any quantity	Any quantity
Combustible dust, Flammable solid, or Magnesium	≥ 100 pounds	≥ 100 pounds Magnesium – 10 lbs
Explosive potential when in molten form	≥ 500 pounds	No analogous class but generally any amount

Radioactive Material

	CERS HMBP	CFC HMIS/HMMP
Radioactive Material	Quantities for which an emergency plan is required pursuant to Schedule C* of Part 30, Part 40 or Part 70 of Chapter 1 of Title 10 of the CFR.	Out of Scope

**Schedule C—Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release.*

Gases with Special Thresholds

	CERS HMBP	CFC HMIS
Carbon Dioxide	Liquefied or compressed gas $\geq 1,000$ ft ³	875 ft ³ (100 lbs)
Inert Gases	Liquefied or compressed gas $\geq 1,000$ ft ³ <i>(See exceptions for Medical Gases)</i>	6,000 ft ³
Medical Gases	Report if ≥ 200 cubic feet <u>OR</u> ≥ 1000 cubic feet for O ₂ , N ₂ , & NO maintained by medical/dental professional	Inert gas – 6,000 ft ³ NO/ O ₂ – 504 ft ³
Closed Fire Suppression System	Required when $\geq 1,000$ cubic feet.	Inert gas – 6,000 ft ³
Refrigerants	<i>See next slide</i>	

Refrigerants

	CERS HMBP	CFC HMIS
A1 Refrigeration systems	≥ 1,000 cubic feet	Permit required; Exempt from HMIS, Consult your AHJ
A1 Comfort Cooling systems or space cooling for IT	Fully exempt (closed cooling systems)	
Flammable Refrigerants (A2, A2L, A3)	≥ 200 cubic feet (Default)	
R717 Ammonia (B2L)	500 lbs	

Fuel & Oils

	CERS HMBP	CFC HMIS
Hydraulic System Fluid	Combined storage capacity of oils $\geq 1,320$ gal and SPCC is not required.	Include
Oil filled equipment	Aggregate capacity of oil is $\geq 1,320$ gal and SPCC is not required.	Include
Lubricating oil	Volume of each type exceeds 55 gallons OR total volume of all types exceeds 275 gallons. NOTE: Does not apply to used oil which is reportable at >55 gallons.	Include
Propane	Exempt if < 500 gallons is stored on site and is used for the sole purpose of cooking, cooling/heating the employee work areas, and heating water.	Any quantity; with same exemption only for Group R-3 occupancies.
Cooking Oil	No specific exemption	Exempt – Consult your AHJ



Other

	CERS HMBP	CFC HMIS
Paint care	>55 gallons or >500 pounds. Except: authorized Paint Care recovery or recycled business handles at any one time during the reporting year a total weight of 10,000 lbs of solid or a total volume of 1,000 gal of liquid	Above permit amounts
Irritants and sensitizers	Reporting quantity is >5,000 pounds for solids or >550 gallons for liquids.	Out of Scope

Fully Exempt

	CERS HMBP	CFC HMIS
Refrigerants	When used in closed cooling system for comfort cooling for occupancy or space cooling for computer rooms (excluding flammables or Ammonia).	Permit required; Exempt from HMIS, Consult your AHJ
Compressed Air	When used by FD/EMS/Public safety	Non-reportable
Fuel in vehicles	Fuel tanks on vehicles or motorized equipment.	Exempt

Facility-Specific Exemptions

Only Industry Specific Exemptions

1. Retail
2. Unstaffed Remote Facilities
3. Farms

Retail

- Intended for direct sale and no dispensing.
- Manufacturing or storage areas on the same site do not apply.

	CERS HMBP	CFC HMIS
Consumer Products/ Retail	Exempt if full “retail” definition is met. Exception: NFPA Rating “3” or “4” materials with quantities \geq 165 gal for liquids, 600 ft ³ for gas, 1,500 lbs for solids	Exception limited to 5 L (1.3 gal) or less containers for flammables/ Corrosives not limited for personal/household products. Other hazard classes have other quantity limits (CFC Table 5003.11.1).

Unstaffed remote facilities

May be exempt from the annual resubmission of HMBP and triennial inspections.

Conditions of Unstaffed remote facilities:

1. Located at least one-half mile from the nearest occupied structure
2. The facility is secured and not accessible to the public
3. Warning signs are posted and maintained for hazardous materials pursuant to the CFC
4. Subject to verification by CUPA
5. Facility submits required changes within 30 days in CERS

Unstaffed remote facilities

Types and quantities of hazardous materials are limited to the following:

- 1,000 SCF of compressed inert gases (asphyxiation and pressure hazards only)
- 500 gallons of combustible liquid used as a fuel source
- Corrosive liquids not to exceed 500 pounds of EHS, used as electrolytes, and in closed containers
- 500 gallons of lubricating and hydraulic fluids
- 1,200 gallons of hydrocarbon gas used as a fuel source
- Any quantity of mineral oil within electrical equipment if SPCC plan is prepared for quantities that are $\geq 1,320$ gallons

Farms

1. All HMBP requirements applicable.
2. Exempt from emergency response plans and procedures if:

Each building in which hazardous materials subject to this article are stored is posted with signs, in accordance with regulations that the secretary shall adopt, that provide notice of the storage of any of the following:

- (A) Pesticides.
- (B) Petroleum fuels and oil.
- (C) Types of fertilizers

Temporary Generators

1. Mobility/urgency of generator.
2. Temporary – Not defined, timeframes for the should be approved/discussed with the local CUPA/PA.
3. HMBP exemption does not relieve any requirements for APSA.
4. **Tanks still need to meet:**
 1. *NFPA 30 siting requirements*
 2. *Vehicle impact protection*
 3. *Secondary containment/ Venting*
 4. *Electrical requirements*
 5. *Security*
 6. *Signage*



Quick Exercise

	CERS	HMIS
Refrigerant Reclamation Plant – A1 (20,000 lbs)	✓	✓
Hydraulic press system using of 1,000 gal	✗	✓
A1 Refrigeration system for IT Room	✗	✓
Alcoholic beverage packaging facility (16%)	✓	✗
3 Med O2 H-cylinders, in vet clinic, ~750 ft3	✗	✓
Compressed air used in university lab	✓	✗

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Facility Site Map – Addressing Exemptions



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HMBP VS. HMMP – Defined the same

CERS HMBP

1. North orientation, loading areas, internal roads, adjacent streets, storm and sewer drains
2. Hazardous material handling and storage areas
3. Exit and Access points
4. Evacuation staging areas
5. Emergency response equipment/ emergency shutoffs
6. Emergency response plans and procedures in the event of a reportable or threatened release.
7. Employee training in the event of releases.

CFC HMMP

1. Access to each storage and use area.
2. Emergency exits.
3. Location where liaison will meet emergency responders.
4. Evacuation meeting point locations.
5. Location of emergency equipment.
6. The general purpose of other areas within the building.
7. Location of all above-ground and underground tanks and their appurtenances/containment etc.
8. Locations of all control areas & Group H occupancies/the hazard classes in each area.

HMBP Site Maps - CERS vs. CFC

- ❖ Defined the same but the scope of the reporting could be different.
- ❖ Application of similar exceptions on different plans might be confusing to businesses.
- ❖ CFC HMMP must show locations of all control areas & Group H occupancies.

HMBP Site Maps - CERS vs. CFC

Do we show exempted hazardous materials on a facility map?

Can we over-report on an HMBP for consolidation?

Do we need two site plans?

Best to consult with local AHJ.

Hazard Communication?

Needs to be reflected on site map.



Exempt categories or quantities should still be captured on placard and signage.

Fire code generally requires NFPA 704 placards even for exemptions.














Does it depend on whether the Fire Department is CUPA/PA?

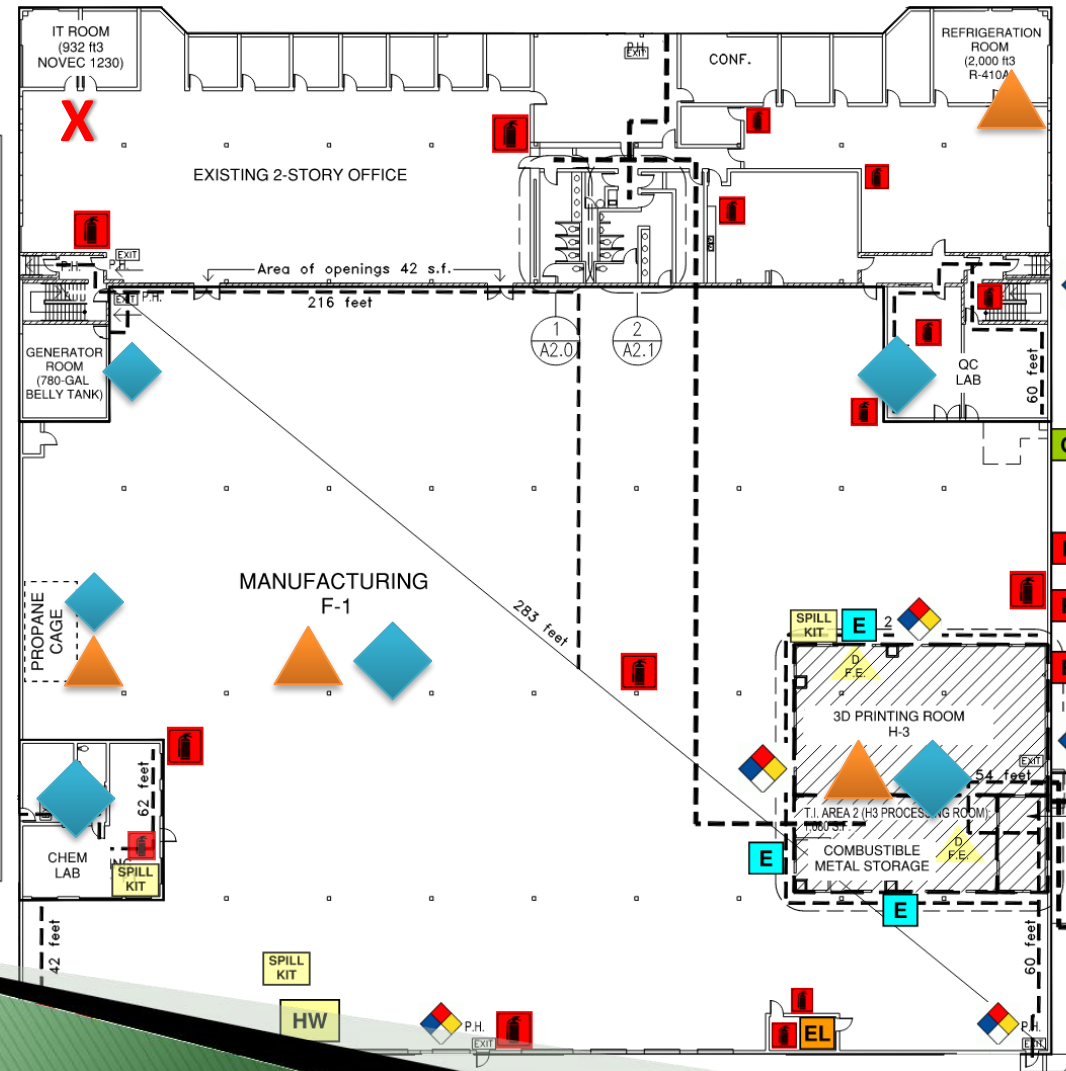
Scenarios






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HMBP

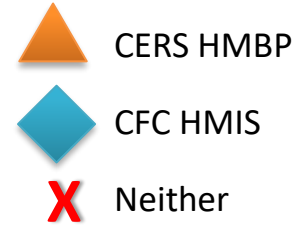
LEGEND	
	EVACUATION AREA
	SPILL CLEAN-UP KIT
	FIRE EXTINGUISHERS - CLASS ABC
	FIRE EXTINGUISHERS - CLASS D
	EMERGENCY PULL STATIONS - ADDITIVE PRINTING
	NFPA 704 PLACARDS AND HAZARDOUS MATERIALS
	HAZARDOUS WASTE COLLECTION CONTAINERS
	WATER SHUTOFF
	ELECTRICAL SHUTOFF
	MAIN PIV
	GAS SHUTOFF
	RISER SHUTOFF
	STORM DRAIN



-  CERS HMBP
-  CFC HMIS
-  Neither



Scenario 2



CFC Exception 5001.1 exceptions:
(10) - The storage of beer, distilled spirits and wines in barrels and casks.
(15) Storage and use of flammable or combustible liquids that do not have a fire point when tested in accordance with ASTM D92.

Takeaways

- ❖ Exemptions apply to scope of use not an entire business/industry.
- ❖ Exemption of HMBP reporting does not translate to exemptions from other CUPA programs.
- ❖ Consult your AHJ of consolidation of site maps – killing two birds with one stone.
- ❖ Overreporting on some aspects of the business plan might be acceptable to your AHJ and reduce confusion.

Thank you!

AbbVie
ACCO Engineered Systems
Alameda County DEH
Amazon
Arcadis
AutoZone
Bath & Body Works
Berkeley Toxics Management
Cal State Fullerton
CalEPA
Calpine
Climate Pros
Corbion Biotech
Delicato Family Vineyards
Downey Fire Dept
DTSC Imperial CUPA

DWR
Geosyntec Consultants
Grocery Outlet
Haley & Aldrich
Huntington Beach Fire Dept
JSR Micro
Keenan & Associates
Kohl's Department Stores
Lawrence Berkeley Nat'l Lab
Leprino Foods
Los Angeles City
Los Angeles County Fire
Macy's
Montrose Environmental
Nevada County EH
Northern CA Power Agency
NV5
Olam SVI

OMS Group LLC
Orange County EH
Oxnard Fire Dept
Pacific Gas & Electric
Petaluma Fire Dept
Pilot Flying J
PPG Aerospace
Raley's
Riverside Fire Dept
Sacramento County EMD
San Bernardino County Fire
San Diego County DEHQ
San Jose State Univ
San Mateo County EH
Santa Clara City Fire Dept
Santa Clara County DEH
Santa Clara County Fire
Shasta County EH

Smart & Final
Sonoma Fire Prev/HazMat
Div
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Superstores Industries
Thatcher Company of CA
The TJX Companies Inc
U-Haul International
US Navy
Varda Space Industries
Ventura County EHD
Ventura Transfer Company
Walmart
Whole Foods Market
Wonderful Company

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Questions?

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