

ASSP Conference  
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# Hazardous Materials, CUPA Requirements

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# UNIFIED PROGRAM

- The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs.
  - Underground Storage Tank Program
  - *Hazardous Materials Release Response Plans and Inventories (HMBP or Business Plans)*
  - Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs
  - California Accidental Release Prevention (CalARP) Program
  - Aboveground Petroleum Storage Act (APSA) Program
  - *California International Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements*
- The Secretary of the California Environmental Protection Agency (CalEPA) is directly responsible for coordinating the administration of the Unified Program.

# HMBP HISTORY

- Hazmat incidents in the 1980's drew attention to the need for better emergency planning and awareness
- **Bhopal, India 1984:** Methyl Isocyanate Gas Leak
- **Pesticide warehouse fires**
  - Coachella Valley, CA 1985
  - Anaheim, CA 1985



# HAZMAT INCIDENTS

## Texas Fertilizer Plant Explosion

- Ammonium nitrate was the trigger for the explosion, but the cause of the initial fire is still unknown
- At least 14 killed, >160 injured, and >150 buildings were damaged or destroyed





# Regulatory Authority

- In **1985**, CA adopted the Hazardous Materials Release Response Plan and Inventory legislation (AB 2185 )
  - Contained in **Chapter 6.95** of the Health & Safety Code (HSC).
  - Supported in **Title 19** of the California Code of Regulations (CCR)
    - **Title 19 CCR, Division 2, Chapter 4, Article 4** = Hazardous Materials Release Reporting, Inventory, and Response Plans
- In **1986**, Congress passed the Superfund Amendment and Reauthorization Act (SARA) Title III, otherwise known as the **Emergency Planning and Community Right to Know Act (EPCRA)**
  - Encourage and support emergency planning for responding to chemical incidents
  - Provides local governments and the public with information about possible chemical hazards
- In **2013**, all handlers were required to electronically submit business plans to the statewide information system (aka CERS)

# Federal Reporting Requirements - EPCRA Tier II

- EPCRA requires businesses to report to state and local agencies the quantities and type of toxic chemicals stored at their facilities and releases of chemicals into the environment. The notification for certain chemicals is then published in the Toxic Release Inventory.
- EPCRA has four provisions that are important to businesses:
  - Emergency planning (Sections 301 – 303)
  - Emergency release notification (Section 304)
  - Hazardous chemical storage reporting requirements (Sections 311 – 312)
  - Toxic release inventory reporting (Section 313)

***Most of these may be addressed through proper submittal of an HMBP to the CUPA in CERS.***

# EPCRA Tier II Reporting

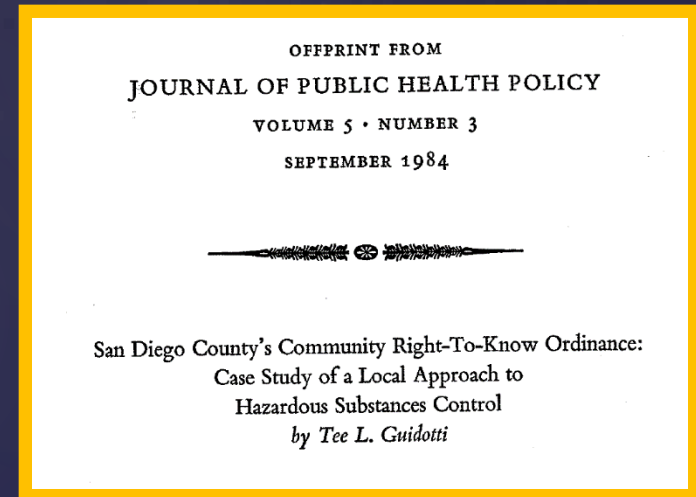
## How do I know if a facility is subject to EPCRA?

- For Extremely Hazardous Substances (EHSs) the reporting threshold is 500 pounds or the threshold planning quantity (TPQ), whichever is lower.
- For gasoline (all grades combined) at a retail gas station, in general, the threshold level is 75,000 gallons.
- For diesel fuel (all grades combined) at a retail gas station, in general, the threshold level is 100,000 gallons.
- For all other hazardous chemicals for which facilities are required to have or prepare an MSDS (SDS), the minimum reporting threshold is 10,000 pounds

# Trivia

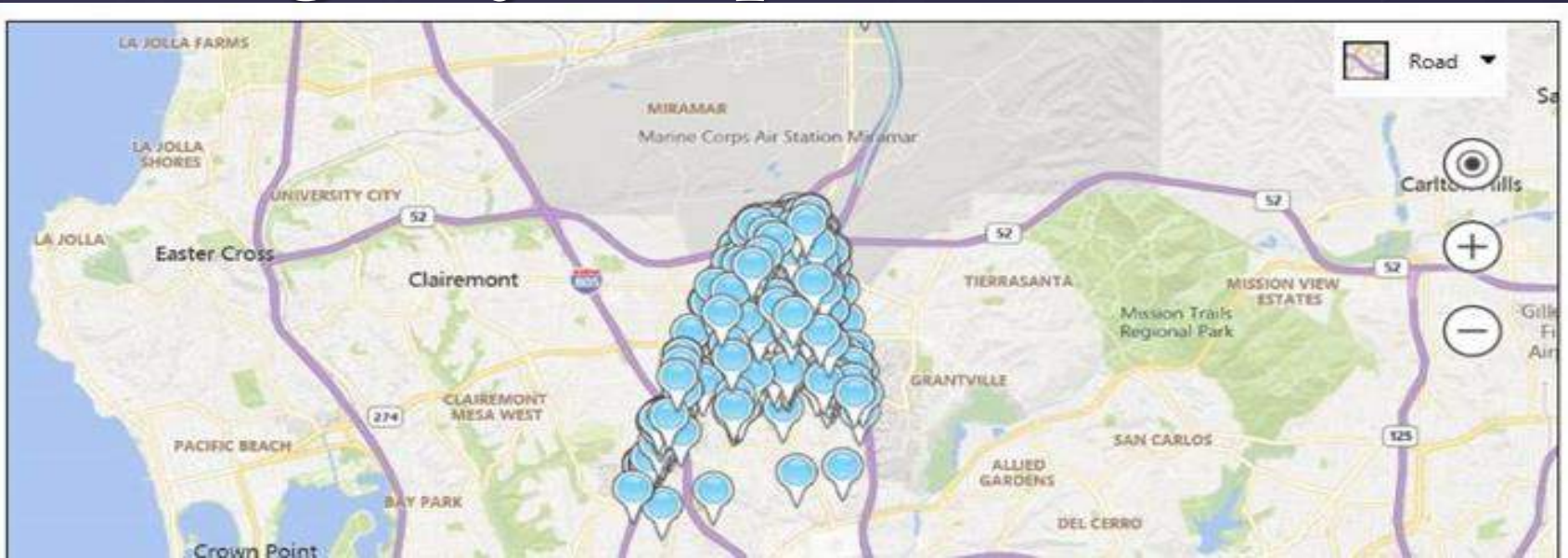
## ➤ **1984:** San Diego County's Community Right to Know Ordinance

- Requires the disclosure of hazardous materials in commercial establishments
- Basic Concept: The public has the right to know what chemical exposures they may experience in their neighborhood as a result of chemical-related accidents/releases from work practices





# Emergency Response and



## Community Right to Know

<https://siteportal.calepa.ca.gov/nsite/map/help>

A screenshot of the CalEPA Regulated Site Portal. The header shows the CalEPA logo and the text 'CalEPA Regulated Site Portal'. The main content area displays search results for the query 'sd cnty 5500 overland'. It indicates that 2,696 sites were found. Below this, a search suggestion 'Did you mean: 5500 Overland Ave, San Diego, CA 92123' is shown. The first search result is for 'Rancho Del Campo CS' at '5500 OVERLAND 315, SAN DIEGO CA 92123'. A second result for 'SD CNTY MEDICAL EXAMINER'S OFFICE' at '5570 OVERLAND AV #101, SAN DIEGO CA 92123' is partially visible. To the right of the search results, there is a map view showing the location of the selected site. The map shows a street view of Overland Ave with a red pin marking the site location. Below the map, there is a section for 'Regulatory Programs'. On the far right, there is a map of California with various counties highlighted in pink and labeled with numbers.

# Regulatory Authority

- **Office of Emergency Services (OES)**
  - Responsible for providing technical assistance and evaluation of the HMBP Program and the California Accidental Release Prevention (CalARP) Programs.
- **Office of the State Fire Marshal (OSFM)**
  - Responsible for ensuring the implementation of the Hazardous Material Management Plans and the Hazardous Material Inventory Statement Programs.
  - **These programs tie in closely with the Business Plan Program.**



# Authority to Inspect

## HSC, Chapter 6.95, Article 1, Section 25511(a):

- In order to carry out the purposes of Articles 1 and 2...an employee or authorized representative of a unified program agency has the authority specified in Section 25185 (Chapter 6.5/Hazardous Waste Control)...except that this authority shall include conducting inspections concerning hazardous material, in addition to hazardous waste.

# San Diego County Ordinance – Chapter 11

## Hazardous Materials Inventory and Response Plans

### SEC. 68.904. CERS REPORTING.

(a) Any business, person, owner or operator that operates a unified program facility shall submit and shall keep up to date, through CERS, all of the following:

(1) The facility information and program elements as defined in section 68.904.5 required to be reported under State law.

(2) The waste generator shall provide information for each **hazardous waste** and **medical waste** generated at the facility. Wastes that are less than 55 gallons, 500 pounds, and for compressed gases less than 200 cubic feet, are required to be reported as inventory. At a minimum the following information shall be reported on inventory:

- The common name of the waste,
- Maximum amount in storage at any one time,
- Annual waste amount,
- Physical state of the waste,
- Unit of measure,
- Federal Hazard Categories for hazardous waste.

(3) Where applicable, the additional locally required information specified in 68.1113



# **San Diego County Ordinance – Chapter 11 Hazardous Materials Inventory and Response Plans**

## **SEC. 68.904. CERS REPORTING.**

(b) Any business which handles hazardous material in quantities subject to the requirements of Chapter 6.95, and which has not been designated as a notification-only low risk unified program facility, shall in addition provide and keep up to date in CERS the hazardous waste and the non-waste hazardous materials inventory information and business plan for emergency response required to be provided pursuant to that Chapter.

**55 gallons for liquids**

**500 pounds for solids**

**200 cubic feet of a compressed gas**



# HMBP PURPOSE

- Contains basic information about the hazardous materials handled, stored, or disposed of in California.
- Designed to minimize hazards to human health and the environment.
- This information is provided to emergency response personnel
- Provides responders with information on:
  - The type of hazardous materials
  - The location of hazardous materials
  - The quantity of hazardous materials
  - The health risks associated with them

# WHAT IS A HAZARDOUS MATERIAL?

## *HSC Section 25501(n)*

**(n) (1) “Hazardous Material”** means a material listed in paragraph (2) that, because of its quantity, concentration, or 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...

**(2)** Hazardous materials include all of the following:

**(A)** A substance or product for which the manufacturer or producer is **required** to prepare a **safety data sheet** pursuant to the Hazardous Substances Information and Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.

**(B)** A substance listed as a **radioactive material** in Appendix B of Part 30 (commencing with Section 30.1) of Title 10 of the Code of Federal Regulations, as maintained and updated by the Nuclear Regulatory Commission.

# WHAT IS A HAZARDOUS MATERIAL?

## *HSC Section 25501(n) continued*

**(C)** A substance listed pursuant to **49 CFR**

= List of Hazardous Substances and Reportable Quantities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

*Reference: LIST OF LISTS (2015 version)*

**(D)** A substance listed in **Section 339 of 8 CCR**

= Part of Cal/OSHA's Hazard Communication Regulations and commonly referred to as the "Director's List of Hazardous Substances"

**(E)** A material listed as a **hazardous waste**, as defined by **Sections 25115 (Extremely Hazardous Waste), Section 25117 (Hazardous Waste), and Section 25316 (Hazardous Substance)**.

# LIST OF LISTS

[https://www.epa.gov/sites/production/files/2015-03/documents/list of lists.  
pdf](https://www.epa.gov/sites/production/files/2015-03/documents/list_of_lists.pdf)

# HAZARDOUS MATERIALS

“**Hazardous Materials**” include, but are not limited to, hazardous substances, hazardous waste, specific types of universal waste, and radioactive materials.

**Medical Waste:** 49 CFR Part 173.2 includes “Infectious Substance (etiologic agent)” as a hazardous material.

## ➤ **What does it mean to “handle” a hazardous material?**

- To use, generate, process, produce, package, treat, store, emit, discharge, or dispose of a hazardous material in any fashion.



# HAZARDOUS MATERIALS HANDLERS



# 2019 HMBP Top 3 Violations

- Failure to provide initial and annual training to all employees in safety procedures in the event of a release or failure to document/maintain training records for 3 years.
- Failure to annually review and electronically certify business plan.
- Failure to complete and submit site map with required content.



# San Diego CUPA HMBP Resources



- Re-certification requirements- Annual
- Report significant changes- 30 days
- San Diego County CUPA HMBP Guidance
  - Reporting Chart- Reporting guidance and exemptions
    - <https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/Hazardous%20Materials%20Reporting%20Chart.pdf>
  - Toxic Compressed Gases (any amount)
    - <https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/hm-9243.pdf>
  - Combustible Metals-Pyrophoric, Combustible Dust, Flammable Solids, Water-Reactive
    - [https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/Combustible Metal HMBP Reporting.pdf](https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/Combustible%20Metal%20HMBP%20Reporting.pdf)
  - Lab Pack CERS Reporting Guidance
    - [https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/HMG-4020%20\(02-2020\)%20Lab%20Pack%20CERS%20Reporting%20Guidance.pdf](https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/HMG-4020%20(02-2020)%20Lab%20Pack%20CERS%20Reporting%20Guidance.pdf)
- Release Reporting Guidance
  - [https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hmd\\_hirt/spill\\_release.html#par\\_title](https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hmd_hirt/spill_release.html#par_title)
- CERS Helpdesk- 858-505-6990