Solano County CUPA Training

Hazardous Materials Business Plan

Provided by Accent Communications, LLC on Behalf of
Solano County Department of Resource Management,
Environmental Health Services
May 6, 2016
Acknowledgements

- Instructor: Paula Dueweke

- Additional information provided by:
  - California Environmental Protection Agency
  - Governor’s Office of Emergency Services
  - California Office of the State Fire Marshal
Topics

- Unified Program Overview
- Laws and Regulations
- Common Violations
- Hazardous Materials Business Plan (HMBP) Basics
- Electronic Reporting
Solano County is your CUPA
What is a CUPA?

- CUPA: Certified Unified Program Agency
- Authorized by CalEPA to implement six Unified Programs within the CUPA’s jurisdiction
- Regulations apply to all businesses that store, handle, use or generate hazardous materials and hazardous waste.
What are the CUPA Programs?

- Hazardous Materials Business Plan
- California Fire Code Hazardous Materials Management Plan (HMMP)
- Hazardous Waste Generator
- Underground Storage Tanks
- Aboveground Petroleum Storage Act
- Calif Accidental Release Program
Hazardous Materials Business Plan (HMBP)

AKA

Hazardous Materials Management Plan (HMMP)
Where Are the Rules?

- Reporting required by Federal and State Law

- California’s regulations meet or exceed the federal regulations
  - California Health and Safety Code (HSC) Chapter 6.95
  - California Fire Code Chapter 50
Violation Consequences

- Administrative Enforcement Order (AEO)
- Civil Actions – Fines and legal restrictions
- Criminal Actions – Fines, imprisonment
Possible Penalties

- A business who violates these reporting requirements may be civilly liable up to $2,000 per day.

- A business who knowingly violates these reporting requirements may be civilly liable up to $5,000 per day.

- Both include failure to electronically report.
Possible Penalties

- A person or business who fails to report a release or threatened release may be liable up to $25,000 per day and up to a year in jail.

- A second conviction may result in a penalty of up to $50,000 per day and up to two years in jail.
Typical Violations in Solano County
The ‘Top’ Three Violations

- 3 Types of violations!
  - More than 50% of total violations
- #3 - Failure to complete and/or submit an annotated site map
- #2 - Failure to submit a complete Hazardous Materials Inventory
- #1 - Failure to submit a Hazardous Materials Business Plan
Other ‘Top’ Violations

- #7- Failure to update the HMBP within 30 days of a significant change
- #6- Failure to report a hazardous materials release or threatened release

And these are HMBP submittal related:

- #5- Failure to have or submit a Training Plan
- #4- Failure to have or submit an Emergency Response Plan
Hazardous Materials
Business Plan
-the basics
What is the Reporting threshold?

- In general:
  - 55 gallons or more of liquids
  - 200 cubic feet or more of gases
  - 500 pounds or more of solids

- BUT—There are exceptions....
Lower Reporting Exceptions

- Lower thresholds for some extremely hazardous substances listed in:
  - 40 CFR Appendix A to Part 355 - The List of Extremely Hazardous Substances and Their Threshold Planning Quantities

- Fire Code Official may require reporting at the Fire Code Permit amount (check with your CUPA or Fire Department)
Higher Reporting threshold

- 1000 cubic feet for cryogenic, refrigerated or compressed gas:
  - A simple asphyxiant
  - Oxygen, Nitrogen, Nitrous Oxide (Medical Gas), Carbon dioxide
  - Nonflammable refrigerant gases, as defined in the California Fire Code, that are used in refrigeration systems
  - Gases used in closed fire suppression systems.
Exemptions...

- Refrigerant gases used for HVAC
  - Exception: ammonia or flammable gas
- Compressed air in cylinders, bottles, and tanks
  - Fire Dept. and emergency response use
...Exemptions...

- Lubricating oil: 275 gallons, provided:
  - Each type of lubricating oil does not exceed 55 gallons
  - “Lubricating oil” means oil intended for use in:
    - an automobile, bus, truck, vessel, airplane, heavy equipment, or other machinery
...Exemptions...

- Fluid in a hydraulic system: 1,320 gallons

- Oil-filled electrical equipment that is not contiguous to an electric facility: 1,320 gallons
...Exemptions...

- Hazardous material contained solely in a consumer product, handled at, and found in, a retail establishment and intended for sale to, and for the use by, the public.
  - Does not apply to a consumer product handled at the facility which manufactures that product, or a separate warehouse or distribution center of that facility, or where a product is dispensed on the retail premises.
...Exemptions

- Propane: Up to 500 gallons
  - For on-premises use and/or storage, and
  - For the sole purpose of cooking, heating employee work areas, and heating water within that facility

- Note: The CUPA may require a business plan
  - Based on special conditions
Reporting Spills

You must immediately report any release or threatened release to the CUPA and to OES

For emergencies, call 911

Then call the CUPA at 707-784-6765
Then call OES at 800-852-7550

For non emergencies call 707-784-6765
Reporting

- You must electronically submit your HMBP annually on or before your anniversary date.

- Anniversary date is set by the CUPA.
  - Under certain circumstances the CUPA may agree to change your reporting anniversary date.
Additional Reporting

- You must electronically submit your HMBP within 30 days of:
  - ≥100 percent increase in existing material
  - Addition of new hazardous material
  - Change of business or facility address
  - Change of business ownership
  - Change of business name
  - Any other substantial change to your operation
Electronic Reporting:

Using CERS

The California Environmental Reporting System
Guidance Letters, FAQs, Help

- Guidance Letters-posted to CalEPA web site
- FAQs for Business and Regulator on CERS Central
- Help guides on CERS Central
- Training Portal (Requires a CERS Security Account)
- Your CUPA or PA
- CERS@calepa.ca.gov
ANNUAL ‘NO CHANGE’ SUBMITTALS TO CERS
Step 1: Find CERS...

- **Type ‘cers.calepa.ca.gov’ in the URL field:**

- **Type ‘CERS’ in a search field:**

  ![Google search for CERS](image-url)
Step 2: Sign in...

- Full reporting for a first-time entry
- Updating existing records
- Adding people/facilities
Sign in (cont’d)...

CERS Business Sign-In

Your Username

[ ] Next

Forgot your Username or Password?

CERS Business Sign-In

Your Password Protection Phrase
Enter password only if the phrase below matches what you provided in account registration.
Wish I were flyfishing

Your Password

[ ] Next  [ ] Cancel

Forgot your password?
Step 3 Making the Submittal: Start...
Step 3 Making the Submittal: ...Create...

If there has been NO CHANGE in the HMBP submittal elements (Facility Information, Hazardous Material Inventory, and Emergency Response/Training Plans) since the last submittal, you may select the following button to prepare them.

Create All HMBP Submittal Elements

Facility Information

HMBP Submittal Elements Creation Confirmation

By selecting the Confirm button, you are certifying that:

- The information contained in the HMBP most recently submitted is complete, accurate, and up-to-date; and
- There has been no change since the last submitted HMBP Submittal Elements

Confirm Cancel
NO Changes

Final Submittal Checklist

- **Does your Submittal include a Facility Information submittal element?**
  Your submittals must always include a Facility Information element with current business activities and owner/operator forms. The "Submit Selected Elements" button below will be disabled if you have not met this requirement. You will need to return to the Prepare Draft Submittal page and "Start" one.

- **Are you submitting all of the elements needed by your facility's regulator?**
  If you must submit multiple elements for your facility (e.g., Inventory, UST), return to Prepare Draft Submittal to "Start" other elements, and then "Submit" all the elements at the same time.

- **Is your CERS Account authorized to submit data to the Regulator?**
  The "Submit Selected Elements" button will be disabled if you CERS Account does not have "Lead Business User" or "Approver" permissions.

- **Have you reviewed the Certification Statement shown below?**

- **Select “Submit Selected Elements” below to submit information to your regulator.**

Confirm, Certify, and Submit Your Facility Submittal

**Certification Statement**
Based on my own knowledge and/or on my inquiry of those individuals responsible for obtaining the information, I, Paula Dueweke (CERS Account username pkdueweke), certify on 2/14/2016 under penalty of law that I have personally examined and am familiar with the information submitted and believe the information is true, accurate, and complete.

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**Facility Information**
Information will be reported to Petaluma City Fire Department.

Add Comment To Regulator

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**Hazardous Materials Inventory**
Information will be reported to Petaluma City Fire Department.

Add Comment To Regulator

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**Emergency Response and Training Plans**
Information will be reported to Petaluma City Fire Department.

Add Comment To Regulator

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Version 2.23.001.1 | Enhancements | CERS Central

Diagnostics | Conditions of Use | Privacy Policy | Contact | Help

California Environmental Reporting System: Business 1 © 2016 California Environmental Protection Agency.
**Step 3 Making the Submittal: ...Finish**

### Submittal Summary: Dans Farm

#### Instructions/Help

**Final Submittal Checklist**

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  Your submittals must always include a Facility Information element with current business activities and owner/operator forms. The "Submit Selected Elements" button below will be disabled if you have not met this requirement. You will need to return to the Prepare Draft Submittal page and "Start" one.

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  The "Submit Selected Elements" button will be disabled if your CERS Account does not have "Lead Business User" or "Approver" permissions.

- **Have you reviewed the Certification Statement shown below?**

- **Select "Submit Selected Elements" below to submit information to your regulator.**

#### Confirm, Certify, and Submit Your Facility Submittal

**Certification Statement**: Based on my own knowledge and/or on my inquiry of those individuals responsible for obtaining the information, I, Dan Firth (CERS Account username dfirth), certify on 10/2/2013 under penalty of law that I have personally examined and am familiar with the information submitted and believe the information is true, accurate, and complete.

### Facility Information

- **Ready To Submit**
  
  Information will be reported to Santa Clara County Environmental Health.
  
  ![Add Comment To Regulator](#)

### Hazardous Materials Inventory

- **Ready To Submit**
  
  Information will be reported to Palo Alto City Fire Department.
  
  ![Add Comment To Regulator](#)

### Emergency Response and Training Plans

- **Ready To Submit**
Proof you are done...

Submittal Finished: Dans Farm

You have submitted the following elements on 1/25/2016 to Santa Clara County Environmental Health

- Facility Information
You have submitted the following elements on 1/25/2016 to Palo Alto City Fire Department

- Hazardous Materials Inventory
- Emergency Response and Training Plans

What's Next?
- Return to the Draft Submittal
- Return to Facility Home

Print Submittal
SUBMITTALS WHEN YOU HAVE CHANGES
Step one: Find CERS

Step two: Sign in

Step three: Start...
Step 3 Making the Submittal: Start…

<table>
<thead>
<tr>
<th>Facility Name</th>
<th>Address</th>
<th>Last Submittal</th>
<th>CERS ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dans Farm</td>
<td>260 Hamilton Ave, Palo Alto 94301</td>
<td>10/2/2015</td>
<td>10160774</td>
</tr>
</tbody>
</table>
Pick a Previous Submittal

Training Use Only! Perform Official Submittals Here.

Start New Submittal

Submittal Element: Facility Information

I would like to start my submittal...

Based upon my submittal of 8/15/2013 (Submitted)

You must update/replace any out-of-date data

From scratch

Start | Cancel
Click to Make Changes

If there has been NO CHANGE in the HMBP submittal elements (Facility Information, Hazardous Material Inventory, and Emergency Response/Training Plans) since the last submittal, you may select the following button to prepare them.

Facility Information
- Business Activities
- Business Owner/Operator Identification

Hazardous Materials Inventory
- Hazardous Material Inventory (2)
- Site Map (Official Use Only): Provided to Regulator

Emergency Response and Training Plans
- Emergency Response/Contingency Plan: Exempt
- Employee Training Plan: Exempt
Click to Make Changes, Save and Submit
Proof you are done...

Submittal Finished: Dans Farm

You have submitted the following elements on 1/25/2016 to Santa Clara County Environmental Health

- Facility Information

You have submitted the following elements on 1/25/2016 to Palo Alto City Fire Department

- Hazardous Materials Inventory
- Emergency Response and Training Plans

Print Submittal
Get Help

- If you aren’t sure, get help

- Contact your CUPA
Helpful Resources

- Solano County CUPA
  - Hazardous Waste Programs
  - Tiered Treatment
  - Auto Maintenance
  - Hazardous Waste Labeling

- California Environmental Reporting System (CERS)

- Dept of Toxic Substances Control (DTSC)

- Unidocs (Hazardous Waste Information)
Questions?

Solano County Department of Resource Management,
Environmental Health Services Division

Contact the Hazardous Materials Staff at 707-784-6765