

San Luis Obispo County, California

Hazardous Materials Business Plan Program FAQs

What is a CUPA?

CUPA stands for Certified Unified Program Agency. A CUPA is a local agency that has been certified by Cal EPA to implement and regulate the state environmental programs within the local agency's jurisdiction. The unified program is the consolidation of six environmental program elements under the authority of one regulatory agency.

What are the environmental programs under the authority of the CUPA?

- Hazardous Materials Business Plan—Hazardous Material inventory must be reported.
- Hazardous Waste Generator Program—generators must have a written authorization to generate and store.
- Tiered Permitting—regulates the on-site treatment of hazardous waste.
- Underground Storage Tank Program—operating permits are issued.
- Aboveground Storage Tank Program— A Spill Prevention Control and Countermeasure (SPCC) Plan is required.
- California Accidental Release Prevention Program (CalARP) —requires that facilities storing acutely hazardous materials prepare a Risk Management Plan (RMP).
- Remediation Oversight—directing assessment and cleanup of hazardous materials/wastes.

Am I subject to CUPA oversight?

You are subject to CUPA oversight if your operations falls into any of the categories listed below:

- Hazardous Materials Business Plan Program : when a business or entity handles or stores hazardous materials/wastes at or above threshold quantities (see below).
- Hazardous Waste Generator Program : when a business or entity generates ANY quantity of hazardous waste, they must obtain a written authorization from the CUPA.
http://www.dtsc.ca.gov/HazardousWaste/upload/HWM_FS_Generator_Requirements.pdf
- Tiered Permitting Program : when a business or entity will treat hazardous waste on-site, they must obtain a permit from the CUPA.
http://www.dtsc.ca.gov/HazardousWaste/Tiered_Permit_Guidance.cfm
- Underground Storage Tank Program : when a business or entity has any UST used for the storage of hazardous substances, a permit is required to be obtained from the CUPA, unless otherwise exempted. http://www.swrcb.ca.gov/water_issues/programs/ust/
- Aboveground Storage Tank Program: when a business or entity has an AGT that meets or exceeds the following thresholds, a Spill Prevention Control and Countermeasures plan is required to be prepared and implemented, and a copy is requested to be provided to the CUPA. The thresholds are as follows:
General use AGTs 1,320 gallons or greater
Agriculture use AGTs greater than 20,000 gallons or a cumulative capacity greater than 100,000 gallons
<http://www.calepa.ca.gov/CUPA/Aboveground/>

- **California Accidental Release Prevention Program** : when a business or entity handles Acutely Hazardous Material (AHM) at or above the threshold planning quantities (Title 40 - Protection of the Environment-see Appendix A or B
http://www.access.gpo.gov/nara/cfr/waisidx_08/40cfr355_08.html and see the Threshold Quantities Planning Tables 1-3, California Code of Regulations Title 19 § 2770.5,) they are required to submit a Risk Management Plan to the CUPA.
[http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/CalARPregs/\\$file/CalARPregs.pdf](http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/CalARPregs/$file/CalARPregs.pdf)
- **Remediation Oversight** : a release of hazardous materials requires a responsible party to notify the CUPA of the release. The CUPA will require an assessment and a cleanup of the release.

What is a Hazardous Materials Business Plan (HMBP)?

A Hazardous Materials Business Plan (HMBP) is a series of documents with detailed information about a facility that handles or stores hazardous materials/hazardous waste above specific threshold quantities, and about each specific hazardous material at that facility. It assists Emergency Responders in identifying your hazardous materials and their storage locations in the event of an emergency.

Who must file a Hazardous Materials Business Plan?

The owner or operator of any business that handles or stores hazardous material/waste equal to or above threshold quantities (pursuant to California Health and Safety Code Sections 25503 and 25505) must file a HMBP. The thresholds are as follows:

- * 55 gallons of liquid * 200 cubic feet of gas * 500 pounds of solid
- * Radioactive materials (where an emergency plan is required by Federal Law)
- * Extremely Hazardous Substances (at or above the threshold planning quantities)

What is included in a Hazardous Materials Business Plan?

The following forms located at “Forms and References” comprise a complete Hazardous Materials Business Plan:

Form S - Business Owner/Operator Identification

Facility Information and Business Activities

Form I - Chemical Inventory

Form M - Site Map Template

Form E - Emergency Response Plan

Form T - Employee Training Program

Business Plan Certification Form

What is the Business Plan information used for?

The Business Plan chemical inventory reporting forms provides essential information to the county's "first responders" of what hazardous materials are handled at the facility. Additionally, the establishment of a Business Plan satisfies both state and federal Community Right-to-Know Act, which provides public access to what hazardous materials are handled in their community.

When does a Hazardous Materials Business Plan (HMBP) need to be filed?

All new businesses that meet the filing (disclosure) requirements, or at the time the business first begins to handle or store hazardous material/hazardous waste must submit a HMBP.

How often does the Hazardous Materials Business Plan (HMBP) need to be updated or recertified?

After the initial submission, businesses must review and recertify the HMBP by March 1st of every year. The HMBP must be amended within 30 days if there is a 100% or greater increase in the quantity of a hazardous material/hazardous waste; if the business begins handling a previously undisclosed hazardous material/hazardous waste meeting the reportable quantities; or upon a change of business name, ownership, or address.

Are there any exemptions from the Hazardous Materials Business Plan (HMBP) requirement?

Facilities can be exempted from filing a HMBP for several reasons. When a facility does not handle, store or use hazardous materials above the threshold quantities, they are exempt. There are additional exemptions for specific types of facilities. Go to "Forms and References" to view the HMBP Program Eligibility Flowchart to assist in determining your reporting status.

What is a hazardous material?

Any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or threatened hazard to human health and safety or to the environment, if released into the workplace or the environment [Health and Safety Code, Section 25501(0)]. (All hazardous waste is considered to be a hazardous material.)

How do I know when a material is considered hazardous?

In general, a material can be considered hazardous if it is flammable, ignitable, corrosive or toxic. A rule of thumb to remember: if the chemical has a warning label or if the manufacturer provides a Material Safety Data Sheet (MSDS), it is generally considered to be hazardous.

What are some examples of typical hazardous materials?

Typical hazardous material examples include photographic chemicals, motor oil, antifreeze, paint, solvent, carbon dioxide, oxygen, propane, gasoline, chlorine, nitrogen, argon, diesel, ammonium, sulfur, TCE, PCE.

What are the advantages of on-line submittal?

The advantages of submitting your Hazardous Materials Business Plan include the following:
*Allows for daily updates of HMBP submissions (new plans, updates to existing plans) to

emergency responders

- *Provides more accurate emergency response capabilities
- *Reduction in paperwork, mailing time and postage fees
- *Updates can be made to previously submitted forms
- *Updates, annual certifications and changes to the plan may be submitted at any time
- *Your submittal may be printed at any time
- *Decreased time for review, approval and updating the plan by the CUPA
- *Provides easy verification that the CUPA has the correct and up to date data on your facility

What if I fail to establish and submit a Business Plan to the CUPA?

Businesses that fail to establish and submit a Business Plan place their employees, the public and emergency responders at greater risk of injury from a hazardous material incident. Under state law, penalties can range up to \$5,000 per day, and under federal law, penalties can range up to \$75,000 per day.

Are Agriculturalists required to prepare a Business Plan?

Agriculturalists are required to annually report their chemical inventory, placard buildings storing hazardous materials appropriately, develop an emergency response plan and train employees on spill prevention and cleanup procedures, anticipate and allow site inspection at least once every three years.

How did the Agriculture Hazardous Materials program come about?

California Health and Safety Code, Chapter 6.95 was adopted in 1987 to minimize potential firefighter exposures to hazardous materials when responding to an emergency at businesses. This law required an annual inventory, posting of buildings, and a spill response training plan. In 1994 the Governor and Legislature enacted a law that mandated the State of California to designate a single local agency in each county to administer six hazardous material programs including the hazardous material disclosure program. This law mandated the State of California to audit each local agency every three years.

What do I have to do to comply with the Agriculture Hazardous Materials program?

Complete the annual hazardous material reporting form for hazardous materials stored over the reportable thresholds annually, placard buildings appropriately, develop a training plan and train employees on your spill cleanup procedures, and anticipate and allow a site inspection every three years.

I don't store any "hazardous materials", why am I being billed?

Hazardous materials include **gasoline, diesel**, waste oil, fertilizers, pesticides, and other hazardous substances. Most growers are affected by this program because they store fuel (not just pesticides). A 250 gallon propane tank used to heat a residence is exempt from reporting requirements. However, propane used to heat buildings involved in the farming operation (e.g. shop buildings and drying sheds) must be reported. If you don't store materials over threshold amounts, you don't need to pay but you must contact the CUPA. Staff may inspect the site before removing you from the list and removing you from the billing.

What can I do to obtain an exemption from reporting?

You can reduce the quantity of hazardous materials you store to less than 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gases and generate no hazardous waste.

How long do I need to store to be in this program?

The code states that storage of hazardous materials equal to or in excess of 55 gallons of liquid, 500 pounds of a solid or 200 cubic feet of a compressed gas stored on site at any time is subject to the requirements of this program. The 30 day exemption is only for transportation such as rail yards and marine freight facilities. Remember, the goal of this program is to protect emergency response agencies responding to an emergency on your property by informing them of hazardous materials stored on the property for any length of time (e.g. one week, two weeks, or long term).

What are the standards for storage of fuel? Is there a containment system needed?

Since fuels are hazardous materials, you are required to report storage of 55 gallons, the same as for any other chemical. You are required to place signs on any building containing petroleum fuels. The fire department/fire districts may enforce the California Fire Code in San Luis Obispo County. The California Fire Code specifies secondary containment to be at least 110 percent of the volume of the largest tank.

Where can I get more information about the State Site Surcharge Fee?

California Environmental Protection Agency is the agency that oversees the implementation of this fee and their telephone number **(916) 327 - 9559** and their website is www.calepa.ca.gov/CUPA. The State of California collects this fee to cover the costs of the state agencies overseeing hazardous material programs.

What State Agencies oversee this regulatory program?

The California Environmental Protection Agency (Cal EPA) has the overall administration of the hazardous material regulatory program. Additionally, the State Emergency Management Agency (formerly Office of Emergency Services) has jurisdiction over the hazardous material disclosure and writes the regulations governing this program. You can contact Cal EPA at **(916) 327-9559** or at their website www.calepa.ca.gov/CUPA. The California Emergency Management Agency (Cal-EMA) (formerly OES) telephone number is **(916) 845-8741** and their website is <http://www.calema.ca.gov/>

How should Lead Acid Batteries be entered on the Chemical Inventory form?

On ONE inventory form, list the common name as Lead Acid Batteries. List the lead and the acid as hazardous components. DO NOT list the sulfuric acid on one inventory form and use another form for the lead and lead compounds.

What should be entered for the weight of a Lead Acid Battery, the weight of the electrolyte or the weight of the entire battery?

The weight of the entire battery should be used.

Cal-EMA (formerly OES) list of Frequently Asked Questions for Hazardous Materials Business Plans

[http://www.oes.ca.gov/WebPage/oeswebsite.nsf/ClientOESFileLibrary/HazardousMaterials/\\$file/FAQ Business Plan 040208.pdf](http://www.oes.ca.gov/WebPage/oeswebsite.nsf/ClientOESFileLibrary/HazardousMaterials/$file/FAQ Business Plan 040208.pdf)

Frequently Asked CalARP Question list from Cal-EMA (formerly OES)

[http://www.oes.ca.gov/WebPage/oeswebsite.nsf/ClientOESFileLibrary/HazardousMaterials/\\$file/FAQ calARP 08-09-2006.pdf](http://www.oes.ca.gov/WebPage/oeswebsite.nsf/ClientOESFileLibrary/HazardousMaterials/$file/FAQ calARP 08-09-2006.pdf)

http://www.epa.gov/oem/content/rmp/rmp_comp.htm

Hazardous Materials Spill Reporting:

- Notify California Emergency Management Agency (1-800-852-7550) and San Luis Obispo County Environmental Health Services (805-781-5544 or 805-781-4550 Sherriff's Dispatch after hours) of a release or threatened release of a hazardous material.
- This Agency considers releases to surface water, groundwater, or releases to soil of 5 gallons or greater outside containment structures to be reportable.
- Provide an immediate, verbal report. A person with knowledge of a release or threatened release is required to report, pursuant to California Code of Regulations, Title 19 §2703 and HSC§25270.8.
- Report shall include: exact location of the release or threatened release, name of person reporting, hazardous materials involved, estimated quantity, hazards and potential hazards.

Legal Citations

Hazardous Materials Release Response Plans and Inventories (HMBP) Program

California Health & Safety Code, Division 20, Chapter 6.95, Article 1

California Code of Regulations, Title 19, Sections 2620 – 2732

California Fire Code: Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements

California Code of Regulations, Title 27, Division 2, Chapter 4.5

California Accidental Release Prevention (CalARP) Program

California Health & Safety Code, Division 20, Chapter 6.95, Article 2

California Code of Regulations, Title 19, Sections 2735 – 2785

More information:

- Cal-EPA <http://calepa.ca.gov/CUPA/LawsRegs/>
- California EPA Unified Program (CUPA) (<http://www.calepa.ca.gov/CUPA/>)

- California Emergency Management Agency (formerly Office of Emergency Services) (<http://www.calema.ca.gov/>)
- Office of State Fire Marshal (<http://osfm.fire.ca.gov/>)
- Cal OSHA (<http://www.dir.ca.gov/dosh>)
- California Code of Regulations <http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>
- California Health & Safety Code <http://www.leginfo.ca.gov>
- CalCUPA Forum (<http://www.calcupa.net/>)
- List of chemical CAS Numbers (<http://www.cdc.gov/NIOSH/ershdb>)
- OSHA/EPA Chemical Database (<http://www.osha.gov/web/dep/chemicaldata/default.asp>
- Hazardous Materials Classifications (<http://www.ilpi.com/msdS/ref/hcc.html> and http://www.knowledgebydesign.com/tlmc/tlmc_Safety.html)
- Reportable Quantities for Chemicals (<http://www.epa.gov/oem/docs/chem/54fr33449.pdf> and <http://epa.gov/fedrgstr/EPA-WASTE/2008/November/Day-03/f25329.pdf>)
- Chemical hazard categories (<http://www.epa.gov/oem/docs/er/55fr30645.pdf>) (note: see page 5)