

The logo for Stanislaus County is centered in the background. It features a stylized 'S' shape composed of teal and blue segments, with the word 'Stanislaus' in teal above it and 'County' in blue below it.

Hazardous Materials Business Plan (HMBP)

Presented by

Stanislaus County Dept. of Environmental Resources,
Hazardous Materials Division (SCHMD)

Ninos Shamoon, Hazardous Materials Specialist II

Introduction

- History and Purpose of Hazardous Materials Business Plan (HMBP)
- Requirements for the Hazardous Materials Business Plan (HMBP) program
- HMBP inspection process
- Common HMBP inspection violations



What is a HMBP

- A Hazardous Materials Business Plan (HMBP) is a document containing detailed information on the:
 - 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
 - Training for all new employees and annual refresher training, for all employees, in safety procedures in the event of a release or threatened release of a hazardous material
- Annotated site map meeting the requirements of CA Health and Safety Code, Ch. 6.95, Section 25505(a)(2)

The Purpose of the HMBP

- The intent of the law for the HMBP is to:
 - Provide basic 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
 - Satisfies federal and state Community Right-to-Know laws

What is a Hazardous Material?

- "Hazardous Material" means any material 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 (CA HSC § 25501 (n)(1))
- "Hazardous materials" include, but are not limited to, **hazardous substances, hazardous waste**, and any material that a **handler** or the **unified program agency** has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment (CA HSC § 25501 (n)(2))

Indicators of Hazardous Material

- A material in which the manufacturer is required to prepare an SDS
- Container labeling has specific hazard warnings, graphics, or phrases (caution, danger, irritant, toxic)
- Radioactive materials
- Hazardous wastes
- Listed on a state or federal hazardous material list
- Falls in a US DOT Hazardous Class
- Specified by a City or County ordinance

Who Must Complete and Submit a HMBP?

- CA HSC §25507(a) requires an owner or operator of a facility to complete and electronically submit a HMBP if the facility handles a hazardous material or mixture containing a hazardous material that has a quantity at any one time during the reporting year equal to or greater than:
 - 55 gallons (liquids)
 - 500 pounds (solids)
 - 200 cubic feet (compressed gas)
- *Exception: Extremely hazardous substances, as defined by the Code of Federal Regulations, Title 40, §355.61 Threshold planning quantity (Appendix A, Appendix B of Part 355) may be required to be reported at lower thresholds to meet federal reporting requirements or to comply with local fire department Hazardous Materials*
- *Ex. Exception: Combustible metals and alloys*

HMBP Exemptions, CA HSC §25507(b)

- Compressed air used for emergency response and safety; all amounts exempt
- Consumer products in a retail establishment (not including those stored at a distribution center, manufacturing facility, or where a product is dispensed); all amounts exempt
- Inert Gases - Simple asphyxiants (nitrogen, helium, argon, neon, krypton, xenon) which only health and physical hazards are simple asphyxiation and pressure release; <1,000 cubic feet
 - CalEPA guidance: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Bulletins-2012yr-June7UP1106.pdf>
- CO2 <1,000 cubic feet at standard temp. and pressure
- 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
- Irritants and sensitizers, applies to solids or liquids, which are classified as a hazard solely as an irritant or sensitizer; <5,000 lbs. for solids or <550 gallons for liquids
 - CalEPA guidance: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/CUPA-Bulletins-2012yr-June7UP1107.pdf>

California Environmental Reporting System (CERS)

- The California Environmental Reporting System (CERS) is the statewide web-based system which supports the electronic exchange of required Unified Program information between regulated businesses, local governments and the U.S. EPA
- Mandated by CA Health and Safety Code, Ch. 6.95 and AB 2286, effective 1/1/2009
 - Requires all Unified Program Agency (UPA) regulated businesses to report and submit mandatory information electronically through CERS or a local UPA portal
 - SCHMD = local UPA, does not have local portal

How Often Do I Need to Update My HMBP in CERS?

- Was annually, on or by March 1st
- **AB-1429, became effective January 1, 2020**
- In brief:
- Handlers not subject to Tier II information pursuant to the Emergency Planning and Community Right to Know Act (EPCRA) and the Aboveground Petroleum Storage Act (APSA) reporting requirements:
 - *May submit their HMBP once every 3 years rather than annually*
- State guidance: <https://www.stancounty.com/er/hazmat/pdf/HMBP-AB-1429.pdf>
- example: “If facility last due date was 7/1/2019, the next due date will be 7/1/2022.” However, SCHMD requests all business affected by AB-1429 to submit once more in 2020

HMBP Requirements in CERS

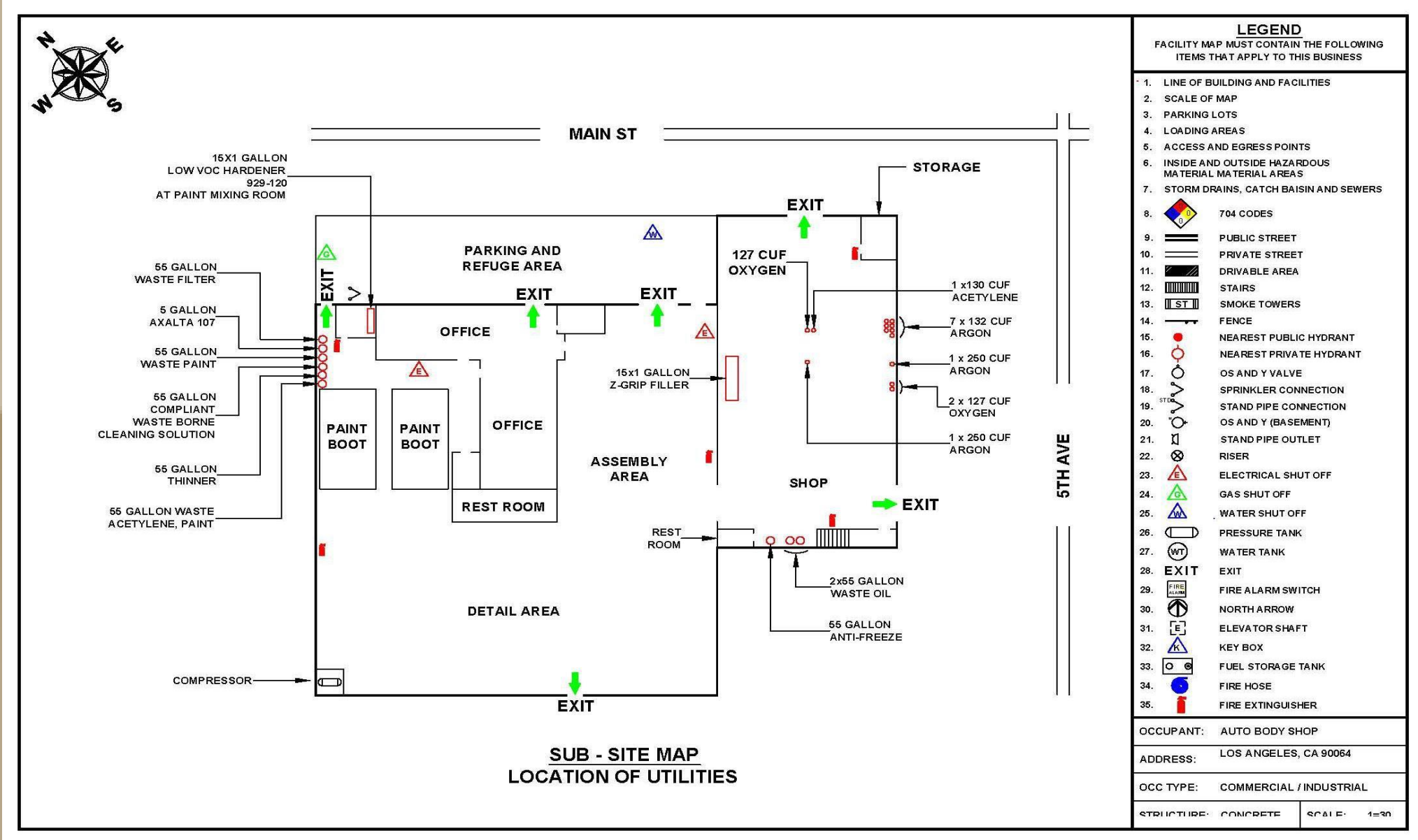
- Facility Information – Must always be submitted when submitted any other submittal element
 - Business Activities & Owner/Operator Identification
- Hazardous Materials Inventory & Annotated Facility Site Map
- Emergency Response Plan & Employee Training Plan

Site Map Requirements

- Facility address
- North orientation
- Adjacent streets
- Hazmat locations
- Emergency shutoffs (water, electricity, gas)
- Storm drains/sewers
- Emergency response equipment
- Evacuation staging area



Example



Emergency Response Plan

- Emergency contacts
- Spill reporting
- Containment and cleanup procedures
- Evacuation procedures
- Emergency equipment
- Earthquake vulnerability
- Training plan



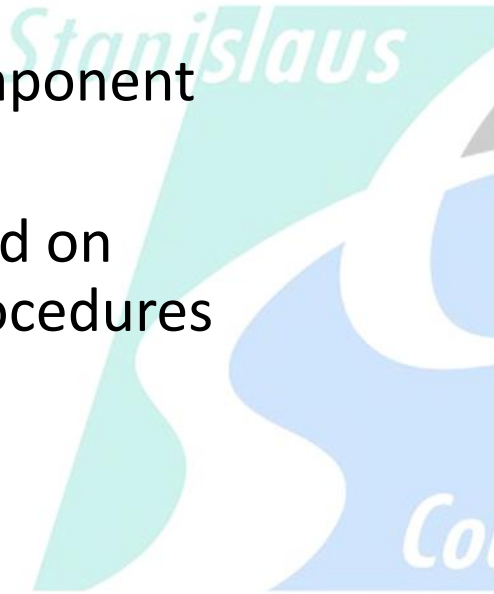
CALIFORNIA ENVIRONMENTAL REPORTING SYSTEM (CERS) CONSOLIDATED EMERGENCY RESPONSE / CONTINGENCY PLAN			
Prior to completing this Plan, please refer to the INSTRUCTIONS FOR COMPLETING A CONSOLIDATED CONTINGENCY PLAN			
A. FACILITY IDENTIFICATION AND OPERATIONS OVERVIEW			
FACILITY ID #	A1	CERS ID #	A2
BUSINESS NAME (Same as Facility Name or DBA - Doing Business As)		DATE OF PLAN PREPARATION/REVISION (MM/DD/YYYY)	
BUSINESS SITE ADDRESS		A5	
BUSINESS SITE CITY		A6	CA
TYPE OF BUSINESS (e.g., Painting Contractor)		A8	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"> 1. Notify facility personnel and evacuate if necessary in accordance with the Emergency Action Plan (Title 8 California Code of Regulations § 3220); 2. Notify local emergency responders by calling 9-1-1; 3. Notify the local Unified Program Agency (UPA) at the phone number below; and 4. 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"> 1. 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. 2. Title 22 California Code of Regulations § 66265.196. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems. 3. 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. 4. Title 22 California Code of Regulations § 66262.34(d)(2) and Title 40 Code of Federal Regulations § 262.34(d)(5)(i) 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"> 1. 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 2. 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)	(213) 978-3680	C1
	OTHER (Specify):		C2
NEAREST MEDICAL FACILITY / HOSPITAL NAME:			C3
			C4
AGENCY NOTIFICATION PHONE NUMBERS:	CALIFORNIA DEPT. OF TOXIC SUBSTANCES CONTROL (DTSC)	(916) 255-3545	
	REGIONAL WATER QUALITY CONTROL BOARD (RWQCB)	(213) 576-6600	C6
	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):		C7
	OTHER (Specify):		C8
	OTHER (Specify):		C9
			C10

Spill Reporting

- Upon observing a release or threatened release Immediate notification to local agency and Cal OES (800)852-7550 with the following information (HSC 25510):
 - Name of caller
 - Location, date, time of release
 - Info on the hazmat and amount release
 - Impact on the environment (entry into waterways, leaching into soil, etc.)

Employee Training Plan

- This section may satisfy the Employee Training Plan component of the HMBP submittal
- Employees should be trained on safety and/or mitigation procedures in the event of a release
- Notification and evacuation procedures
- Training must be documented, documentation available for 3 years



H. EARTHQUAKE VULNERABILITY	
Identify areas of the facility that are vulnerable to hazardous materials releases due to seismic motion. These areas require immediate isolation and inspection.	
VULNERABLE AREAS (Check all that apply): <input type="checkbox"/> 1. HAZARDOUS MATERIALS AND/OR WASTE STORAGE AREAS <input type="checkbox"/> 2. PROCESS LINES AND PIPING <input type="checkbox"/> 3. LABORATORY <input type="checkbox"/> 4. WASTE TREATMENT AREA	LOCATIONS (e.g., Shop, outdoor shed, lab):
Identify mechanical systems vulnerable to releases / spills due to earthquake-related motion. These systems require immediate isolation and inspection.	
VULNERABLE SYSTEMS AND/OR EQUIPMENT (Check all that apply): <input type="checkbox"/> 1. SHELVES, CABINETS AND/OR RACKS <input type="checkbox"/> 2. TANKS AND SHUT-OFF VALVES <input type="checkbox"/> 3. PORTABLE GAS CYLINDERS <input type="checkbox"/> 4. EMERGENCY SHUT-OFF AND/OR UTILITY VALVES <input type="checkbox"/> 5. SPRINKLER SYSTEMS <input type="checkbox"/> 6. STATIONARY PRESSURIZED CONTAINERS (e.g., Propane tank)	LOCATIONS:
I. EMPLOYEE TRAINING	
Employee training is required for all employees and/or contractors handling hazardous materials and/or hazardous wastes during normal and/or emergency operations. Most facilities will need to submit a separate Training Plan. However, your CUPA may accept this section as the Training Plan for some small facilities. Employee training plans may include the following content:	
<ul style="list-style-type: none"> • Applicable laws and regulations; • Emergency response plans and procedures; • Safety Data Sheets; • Hazard communication related to health and safety; • Methods for safe handling of hazardous substances; • Hazards of materials and processes (e.g., fire, explosion, asphyxiation); • Hazard mitigation, prevention and abatement procedures; • Coordination of emergency response actions; • Notification procedures for local emergency responders, CUPA, Cal OES, and onsite personnel; 	<ul style="list-style-type: none"> • Communication and alarm systems; • Personal protective equipment; • Use and maintenance of emergency response equipment and supplies (e.g. Fire extinguishers, respirators, spill control materials); • Decontamination procedures; • Evacuation procedures and evacuation staging locations; • Identification of facility areas, equipment, and systems vulnerable to earthquakes and other natural disasters. • OTHER (Specify):
Check the applicable boxes below to indicate how the employee training program is administered.	
<input type="checkbox"/> 1. FORMAL CLASSROOM <input type="checkbox"/> 5. OTHER (Specify): <input type="checkbox"/> 6. NOT APPLICABLE SINCE FACILITY HAS NO EMPLOYEES <input type="checkbox"/> 7. CHECK IF A SEPARATE EMPLOYEE TRAINING PLAN IS USED AND UPLOADED TO CERS AS A PDF DOCUMENT <input type="checkbox"/> 8. CHECK IF EMPLOYEE TRAINING IS COVERED BY THE ABOVE REFERENCED CONTENT AND OTHER DOCUMENTS ONSITE	<input type="checkbox"/> 2. VIDEOS <input type="checkbox"/> 3. SAFETY MEETINGS <input type="checkbox"/> 4. STUDY GUIDES / MANUALS
EMPLOYEE TRAINING FREQUENCY AND RECORDKEEPING TRAINING MUST BE: <ul style="list-style-type: none"> • Provided initially for new employees as soon as possible following the date of hire. New employees should not work in an unsupervised position that involves hazardous materials handling and/or hazardous waste management without proper training; • Provided within six months from the date of hire for new employees at a large quantity generator; • Ongoing and provided at least annually; • Amended prior to a change in process or work assignment; • Given upon modification to the Emergency Response/Contingency Plan. 	
Large Quantity Generator Training: Large quantity generators (1,000 kg or more) must retain written plan and documentation of employee training which includes: <ul style="list-style-type: none"> • A written description of the type and amount of both initial and ongoing training that will be given to persons filling each job position having responsibility for hazardous waste management and/or emergency response. • The name, job title and job description for each position at the facility related to hazardous waste management. • Current employee training records must be retained until closure of the facility and former employee training records must be retained for at least three years after termination of employment. 	
Small Quantity Generator Training: Small quantity generators (less than 1,000 kg) must include basic hazardous waste management and emergency response procedures but a written employee training plan and training records are not required. In order to show that the facility has met the small quantity generator employee training requirement, an employee training plan and training records may be made available.	
Hazardous Materials Business Plan Training: Businesses must provide initial and annual employee training that includes the content referenced above. The training may be based on the job position and training records must be made available for a period of at least three years.	
J. LIST OF ATTACHMENTS	
Check one of the following:	
<input type="checkbox"/> 1. NO ATTACHMENTS ARE REQUIRED; or <input type="checkbox"/> 2. THE FOLLOWING DOCUMENTS ARE ATTACHED:	

HMBP Inspection Process

- Obtain consent to conduct inspection
 - Consent should be provided by personnel with authority, i.e. a manager, supervisor, lead, etc.
- Complete walk through of the facility, observe where hazmat is stored/handled, make note of hazmat stored onsite in reportable quantities and gain a basic understanding of the facilities process.
- Make sure that the site has the Hazardous Materials Business Plan and emergency response plan readily available on site.
- Make sure CERS business owner/operator and chemical inventory is accurate.
- Make sure CERS inventory, owner, or business name has been updated within 30 days of a major change.

HMBP Inspection Process Continued

- Make sure that facility site map is up to date and posted.
- Review employee training records for the previous three years and ensure that initial and refresher training is in place.
- Make sure that facility that is on leased site has notified property owner of HMBP.
- Write up inspection report and review with the facility operator. Make sure to answer any questions or concerns before obtaining signature.
- Emailing inspection report to facility once back in the office.

Common Violations for HMBP Inspections

- Complete Hazardous Materials Inventory information has not been electronically submitted
 - There were items found over the threshold that were not added to the chemical inventory in CERS.
- Facility failed to provide initial and annual training and/or maintain training records for a minimum of three years
 - Training documents were misplaced or training was never documented. Facility must keep these records for a minimum of 3 years.
- Site map with all required contents has not been electronically submitted
 - Site map is missing key components that were outlined previously (ex. north orientation, location of hazardous materials...)

Common Violations Continued

- Business plan not reviewed and electronically certified in CERS as complete/accurate on or before the due date
 - CERS has not been updated/submitted within the required timeframe
- Failed to update CERS within 30 days of 100% increase or new hazardous material; change of address/owner/name; or change in ops

The logo for St. Joseph County, featuring a stylized map of the county in shades of teal and blue, with the word "County" written in a light blue, italicized font below the map.

County

Questions?

Ninos Shamoon

Email: nshamoon@envres.org

Direct: (209) 525-6717

Cell: (209) 278-5306

