

Hazardous Materials Business Plan FAQ

Description

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CalEPA oversees the statewide implementation of the Hazardous Materials Business Plan (HMBP) program, which aims to prevent or minimize harm to public health and safety and the environment from a release or threatened release of a hazardous material.

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Frequently Asked Questions

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The following information is provided to assist with understanding the Hazardous Materials Business Plan (HMBP) program. This information is not to be relied upon as legal advice or interpretation by CalEPA. It does not create any rights, obligations, or establish any new standards. Local governments may have requirements that are more stringent than state and should be contacted for further information.

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What Is a Unified Program Agency (UPA)?

An UPA is the CUPA, or its PA to the extent each PA has been designated by the CUPA, pursuant to a written agreement, to implement or enforce a particular unified program element.

[HSC 6.95 Section 25501\(3\)](#)

What Is a Certified Unified Program Agency?

A CUPA is the agency certified by the Secretary of CalEPA to implement the unified program.

[HSC 6.95 Section 25501\(e\)\(1\)](#)

What Is a Participating Agency (PA)?

A PA is an agency that has a written agreement with the CUPA and is approved by the Secretary of CalEPA to implement or enforce one or more of the unified program elements.

[HSC 6.95 Section 25501\(e\)\(2\)](#)

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What Is a Hazardous Material?

A hazardous material is defined as 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. A material can be considered hazardous if its flammable, ignitable, corrosive, or toxic. A hazardous material includes, but are not limited to, any substances which:

- Require a Material Safety Data Sheet (MSDS) [California Labor Code 6360].

- A substance listed pursuant to Title 49 of the Code of Federal Regulations.
- A substance listed in Section 339 of Title 8 of the California Code of Regulations.
- Listed as a radioactive material (Code of Federal Regulations, Title 10, Appendix B).
- A hazardous waste (California Health and Safety Code, Chapter 6.5).

[HSC 6.95 Section 25501\(n\)\(1\)](#)

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What Is a Compressed Gas?

A compressed gas is a material, or mixture of materials, that meets either of the following:

- The definition of compressed gas or cryogenic fluid found in the California Fire Code.
- Compressed gas that is regulated pursuant to Part 1 (commencing with Section 6300) of Division 5 of the Labor Code.

[HSC 6.95 Section 25501\(i\)](#)

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What Does "Handle" Mean?

"Handle" means all of the following:

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

The term, "store" does not include the storage of hazardous materials incidental to transportation, as described in Title 49 of the Code of Federal Regulations, with regard to the inventory requirements of Section 25506.

The use or potential use of a quantity of hazardous material by the connection of a marine vessel, tank vehicle, tank car, or container to a system or process for any purpose.

The use or potential use does not include the immediate transfer to or from an approved atmospheric tank or approved portable tank that is regulated as loading or unloading incidental to transportation by Title 49 of the Code of Federal Regulations.

[HSC 6.95 Section 25501\(l\)](#)

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What Does "Handler" Mean?

A handler is a business that handles a hazardous material.

[HSC 6.95 Section 25501\(m\)](#)

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What Is Defined as a Business?

A â??Businessâ? means all of the following:

- (1) An employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, limited liability partnership or company, or other business entity.
- (2) A business organized for profit and a nonprofit business.
- (3) The federal government, to the extent authorized by law.
- (4) An agency, department, office, board, commission, or bureau of state government, including, but not limited to, the campuses of the California Community Colleges, the California State University, and the University of California.
- (5) An agency, department, office, board, commission, or bureau of a city, county, or district.
- (6) A handler that operates or owns a unified program facility.

[HSC 6.95 Section 25501\(c\)](#)

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What Is an Agricultural Handler?

An agricultural handler is a business operating a farm for purposes of cultivating the soil or raising or harvesting any agricultural or horticultural commodity that is subject to the exemption specified in HSC 6.95 Section 25507.1.

[HSC 6.95 Section 25501\(a\)](#)

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What is a Hazardous Materials Business Plan (HMBP)?

A HMBP is a plan that is used to protect public health and safety and the environment. A HMBP also meets the requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA) that requires emergency planning and reporting on hazardous and toxic chemicals for federal, state, and local government, tribes, and industry.

The HMBP provides local Unified Program Agencies (UPAs), local fire agencies, and the public with information on hazardous materials handled at businesses in order to prevent or mitigate the damage to the health and safety of persons and the environment from a release or threatened release of hazardous materials into the workplace and environment.

The HMBP is required to be established and implemented by a business that handles a hazardous material at or above a specified threshold. The business must electronically file the HMBP to the [California Environmental Reporting System \(CERS\)](#).

Information from HMBPs is used to assist with emergency responses to a release or threatened release of a hazardous material within a city or a county.

[HSC 6.95 Section 25500](#)

[19 CCR Section 5030.1](#)

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What is Required in an HMBP?

An HMBP must contain detailed information that includes all of the following:

Facility Information

- Business activities conducted at the facility subject to CUPA program requirements.
- Information about the owner and/or operator.

[19 CCR Section 5030.3](#)

Hazardous Materials Inventory

- A list of all reportable hazardous materials handled at the facility at any one time of the reporting year. To determine the reportable threshold or any hazardous material reporting exemptions, refer to [HSC 6.95 Section 25507](#).

Please refer to the [Unified Program Regulator Directory](#) to search for and view location/contact information for your local CUPA to determine if that jurisdiction has more stringent reporting requirements.

[HSC 6.95 Section 25505\(a\)\(1\)](#)

[19 CCR Section 5030.3](#)

Site Map

A site map must be developed to assist emergency responders in the event of a hazardous materials release. The site map must contain the following:

- North orientation;
- Adjacent streets;
- Access and exit points;
- Evacuation staging areas;
- Hazardous material handling and storage areas;
- Emergency response equipment;

And, if present:

- Loading areas;
- Internal roads;
- Storm and sewer drains;
- Emergency shutoffs; as well as
- Additional map requirements the governing body of the unified program agency finds necessary as adopted by local ordinance.

[HSC 6.95 Section 25505\(2\)](#)

[19 CCR Sections 5030.3](#)

Emergency Response Plans and Procedures

The HMBP must include emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material, and include, at minimum, the following:

- Immediate notification contacts to the appropriate local emergency response personnel and to the unified program agency and the California Governor's Office of Emergency Services.
- Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.
- Evacuation plans and procedures, including immediate notice, for the business site.

[Consolidated Emergency Response / Contingency Plan Template](#)

This optional template may be used to satisfy requirements that Hazardous Materials Business Plans (HMBP) contain emergency response plans, procedures, and employee training in the event of a reportable/threatened hazardous material release.

[HSC Section 6.95 Section 25505\(a\)\(3\)](#)

[19 CCR Section 5030.9](#)

Employee Training Program

A HMBP must also include a training program, for all employees, that includes training in safety procedures in the event of a release or threatened release of a hazardous material. The program can be reasonable and appropriate for the size of the business and the nature of the hazardous materials handled. Additionally, the program shall take into consideration the responsibilities of the employees to be trained and shall, at minimum, include:

- Methods for safe handling of hazardous materials.
- Procedures for coordination with local emergency response organizations.
- Use of emergency response equipment and supplies under the control of the handler.
- Familiarity with the emergency response plan and procedures.

The business plan shall include provisions for ensuring that appropriate personnel receive initial and refresher training. The training must be documented electronically or by hard copy and shall be made available for a minimum of three years.

[HSC 6.95 Section 25505\(a\)\(4\)](#)

[19 CCR Section 5030.10](#)

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How Often Am I Required to Update the HMBP?

An HMBP is required to be updated within 30 days of any of the following changes:

- **100% Increase of a Previously Disclosed Hazardous Material:** A 100 percent or more increase in the quantity of a previously disclosed material.
- **Previously Undisclosed Hazardous Material:** Any handling of a previously undisclosed hazardous material subject to the inventory requirements of this article.
- **Change of Business Information:** Change of business or facility address, changed of business ownership, or change of business name.
- **Substantial change in handler's operation:** A substantial change in the handler's operations occurs that requires modification to any portion of the business plan.

Substantial change means any change in a facility that would inhibit immediate response during an emergency by either site personnel or emergency response personnel, change the operational knowledge of the facility, or impede implementation of the business plan.

[HSC 6.95 Section 25508.1](#)

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Legal Authority

California State Law: [California Health and Safety Code, Division 20, Chapter 6.95, Article 1, Sections 25500 to 25519](#)

California State Regulations: [California Code of Regulations, Title 19, Division 5, Chapter 1, Sections 5010.1 to 5040.2](#)

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If you have any questions regarding the HMBP program, please contact the program at
HMBP@calepa.ca.gov.

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