

September 12, 2023

Hazardous Materials Business Plan Program; Guidance Document 23-01

SUBMITTAL DUE DATES FOR THE HAZARDOUS MATERIALS BUSINESS PLAN PROGRAM

To: Unified Program Agencies and Regulated Businesses

The purpose of this guidance is to summarize the requirements regarding submittal due dates for the Hazardous Materials Business Plan (HMBP) and to provide guidance to Unified Program Agencies (UPAs) and the regulated community. This guidance is not a rule or regulation and does not replace or supersede applicable statutes or regulations.

The purpose of submitting the HMBP and periodic reporting of chemical inventory information is to ensure that local response and planning agencies have current and accurate information. The California Health and Safety Code (HSC), Division 20, Chapter 6.95, Article 1, Section 25508(a) specifies that a handler shall electronically submit an HMBP to the California Environmental Reporting System (CERS). UPAs have the authority to establish a date by which a handler shall submit a HMBP to CERS. If an UPA does not otherwise establish a date, the handler shall submit the HMBP on or before March 1 of every year that the plan is required to be submitted in accordance with Section 25508(a)(1). This section requires that:

- A facility shall submit the HMBP annually if subject to EPCRA Tier II inventory reporting requirements [pursuant to Section 11022 of Title 42 of the United States Code] or subject to the Aboveground Petroleum Storage Act [per HSC Chapter 6.67 Section 25270].
- A facility shall submit the HMBP once every three years if not subject to EPCRA Tier II reporting requirements or to the Aboveground Petroleum Storage Act.

CalEPA recommends that if the UPA establishes a date by which a handler shall submit a HMBP, the UPA retain the same submittal date for the handler each year (i.e., the date does not shift nor change based on the date the handler submits the HMBP). CalEPA recommends that the UPA only change the submittal date if there is a circumstance that warrants the change.

Handlers are encouraged to submit the HMBP to CERS no sooner than 60 days before the applicable submission deadline, which will be either March 1 of the year that the plan is required to be submitted or the date established by the UPA. For example, if the UPA established July 1 as the date by which the handler must submit the HMBP to CERS, handlers are encouraged to submit the HMBP between May 1 and July 1, and no sooner than May 1. In this example, CalEPA recommends that the UPA retain the July 1 submittal date for the following years unless there is a circumstance that warrants changing the submittal date.

Questions

Please direct all questions to the Hazardous Materials Business Plan Unit, at hmbp@calepa.ca.gov.