

Governor's Office of Emergency Services (OES)
- Evaluation of Programs -

Agency Name: _____

Agency Contact: _____

Agency Phone: _____

Evaluation Date: _____

Evaluator's name: _____

Evaluator's Phone: _____

THESE FINDINGS ARE PRELIMINARY. ADDITIONAL DEFICIENCIES MAY BE IDENTIFIED IN THE DRAFT EVALUATION REPORT

Business Plan Program Evaluation

Compendium Line and Citation	Standard	Deficiency (Y/N)
	Program Implementation Objective: To ensure the CUPA implementing the business plan program for all regulated businesses.	
<u>Line 2089</u> HSC 25501(g)(3)	1. Have all handlers established and implemented a business plan that contains their hazardous materials inventory, emergency response plan and procedures, and training program information as required by T19 sections 2729 and 2729.1?	
	Hazardous Material Inventory Statements (forms) Objective: To ensure the CUPA forms contain all the required information.	
<u>Line 2114</u> HSC 25503.3	2. Do you use the state forms - OES form 2730/2731?	
<u>Line 2115</u> HSC 2503.3(b)(1) <u>Line 2115</u> HSC 2503.3(b)(1) <u>Line 2118</u> HSC25503.3(b)(1) <u>Line 2116</u> HSC 25503.3(b)(2)	3. Have you designated a different form? a) Does the designated form contain all information required on the OES forms? b) Was the form developed in consultation with other agencies within the jurisdiction that are responsible for fire protection, emergency response, and environmental health? c) If you have designated a different form, do you except the state form?	
	Emergency Plans/Procedures and Training Programs Objective: To ensure that all business plans include an emergency plan /procedure and training program and that they contain all required elements.	

Business Plan Program Evaluation (continued)

Compendium Line and Citation	Standard	Deficiency
<u>Line 2120.1</u> T19, 2731 <u>Line 2120.2</u> <u>Line 2120.3</u> <u>Line 2120.4</u> <u>Line 2120.5</u> <u>Line 2120.6</u>	4. Do the emergency response plans/procedures contain, at a minimum, the following elements necessary to respond to a release or threatened release of hazardous materials: a) Immediate notification of: i) Local emergency response personnel (i.e. 911); ii) The AA or CUPA and State OES; iii) Persons within the facility who are necessary to respond to an incident; b) Identification of local emergency medical assistance appropriate for potential accident scenarios; c) Mitigation, prevention, or abatement of hazards to persons, property, or the environment; d) Immediate notification and evacuation of the facility; and e) Identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.	
<u>Line 2120.1</u> T19, 2731	5. How do you ensure the businesses' emergency response plan/procedures are scaled appropriately for the size and nature of the business, the nature of the damage potential of the hazardous materials handled, and the proximity of the business to residential areas or other populations?	
<u>Line 2120.7</u> T19, 2732 <u>Line 2120.8</u>	6. Do the training programs contain, at a minimum, all of the following: a. methods for safe handling of hazardous materials; b. procedures for coordination with emergency response organizations; c. use of emergency response equipment and supplies under the control of the handler; d. all emergency response plans and procedures for response to a release or threatened release of hazardous materials; and e. provisions for ensuring that appropriate personnel receive initial and refresher training.	
<u>Line 2120.7</u> T19, 2732(a)	7. How do you ensure the training programs are reasonable and appropriate for the size of the business and nature of the hazardous materials handled?	
<p align="center">Business Plan Review and Updates Objective: To ensure that business plans are complete and up-to-date.</p>		
<u>Line 2075</u> HSC 25505(a)(2)	8. Have you reviewed all business plans to determine if they are complete and accurate?	
<u>Line 2075</u> HSC 25505(a)(2)	9. If there are deficiencies in the business plan, do you require the handler to submit corrections within 30 days?	
<u>Line 2089</u> HSC 25501(g)(3)	10. How do you ensure that each business annually submits it's hazardous materials inventory or a certification statement on or before March 1 to the CUPA or AA and local fire agency as required by Title 19, Section 2729.4 and 2729.5?	
<u>Line 2113.6</u> HSC 25505(c)	11. Are businesses certifying to you at lease once every three years that they have reviewed their business plan and necessary changes were made to the plan? a) Are businesses submitting a copy of those changes to you as part of their certification?	

Business Plan Program Evaluation (continued)

Compendium Line and Citation	Standard	Deficiency
	<p>Certification Statements Objective: To ensure that the certification statements contain all the required statements.</p>	
<p><u>Line 2113.9</u> HSC 25503.3(c)</p> <p><u>Line 2113.9</u> HSC 2503.3(c)(1)</p> <p><u>Line 2113.9</u> HSC 25503.3(c)(2) and 25501(f) and T19, 2729.5(a)(2)</p>	<p>12. Are businesses using a certification statement to report no changes in their annual inventories?</p> <p>If yes:</p> <p>a) Do these businesses have current inventory statements on file with your agency?</p> <p>b) Do the statements require the business owner or officially designated representative to sign and attest to the following information:</p> <ol style="list-style-type: none"> 1. The most recently inventory statement is complete, accurate, and up to date. 2. There has been no change in the quantity of hazardous material as reported last year. 3. No hazardous materials subject to the inventory requirement are being handled that are not listed on the inventory statement on file. <p>Note: Business that use the business plan to satisfy EPCRA reporting requirements may not use a certification statement – it is not recognized under federal law. These businesses must annually resubmit their inventory.</p>	
	<p>Inspections Objective: To ensure that inspections are being adequately conducted and the minimum inspection frequency is met.</p>	
<p><u>Line 2087</u> HSC 25508(b)</p>	<p>13. Do you inspect all regulated businesses in your jurisdiction at least every 3 years?</p> <p>a) Do you document inspections or have other evidence inspections are conducted?</p>	
<p><u>Line 2086</u> HSC 25503(e)(1)</p>	<p>14. Have you developed an inspection plan?</p> <p>a) Do you identify safety hazards that could cause or contribute to a release during the inspections?</p> <p>b) As appropriate, do you enforce applicable laws and suggest preventive measures to minimize the risk of a release?</p>	
<p><u>Line 2088</u> HSC 25508(b)</p>	<p>15. Have you designated the county agricultural commissioner to conduct inspections of agricultural handlers?</p>	

Business Plan Program Evaluation (continued)

Compendium Line and Citation	Standard	Deficiency
<u>Line 2086</u> HSC 25508(b)	16. Describe how you ensure compliance with the program through the inspection? Example methods: a) Are all hazardous materials over the threshold quantity reported? b) Are the minimum/maximum average daily amounts accurately reported? c) Are Extremely Hazardous Substances being reported? d) Is the emergency plan and procedures scaled appropriate for the business? e) Is the emergency plan and procedures current? f) Is the training program scaled appropriate for the business? g) Have the handler's employees trained? h) Are the training records being maintained?	
	Enforcement Objective: To ensure that the CUPA/AA has an enforcement program that is adequate and consistent with the requirements of the law.	
<u>Line 2113.1</u> HSC 25503.5 <u>Line 2089</u> HSC 25501(g)(3)	17. Are the inventories current for all businesses? a) How do you ensure and enforce business's annual submission of the inventory statements?	
<u>Line 2113.10</u> HSC 25510 and 25505(b)	18. How do you ensure and enforce the requirement for businesses to submit an amendment to the inventory statement within 30 days of any of the following events: a) 100% or more increase in previously disclosed material. b) handling of previously undisclosed hazardous materials meeting inventory requirements. c) change of business address. d) change of business ownership. e) change of business name. f) a substantial change in operations.	
<u>Line 2076</u> HSC 25505(a)(3)	19. If handler fails to submit corrections to the business plan upon reasonable notice, what enforcement actions do you take?	
<u>Line 2089</u> HSC 25501(g)(3)	20. How do you ensure and enforce certification requirements of business' to review and submit changes to business plans?	
<u>Line 2089</u> HSC 25501(g)(3)	21. How do you enforce violations identified during compliance inspections?	
	Records Objective: To ensure the CUPA/AA maintains records in accordance with the law.	
<u>Line 2077</u> HSC 25506(a)	22. Are you maintaining records of all business plans received?	
<u>Line 2077</u> HSC 25506(a)	23. Are your records indexed by street address and company name, or can they be queried from your database by street address and name?	

Business Plan Program Evaluation (continued)

Compendium Line and Citation	Standard	Deficiency
	<p align="center">Public Inspections, Confidential Information, and Trade Secrets</p> <p>Objective: To ensure the CUPA/AA provides or protects information in accordance with the law.</p>	
<p><u>Line 2078</u> HSC 25506(a)</p>	<p>24. Are these business plan records available for public inspection?</p>	
<p><u>Line 2078</u> HSC 25506(a)</p>	<p>25. How do you ensure the precise chemical locations and site maps is not released to the public?</p>	
<p><u>Line 2085</u> HSC 25511(d)</p>	<p>26. Do you have a process or procedure to disclosed confidential information to:</p> <p>a) government employees in connection with their official duties?</p> <p>b) physicians who certified in writing that information is necessary patient treatment?</p>	
<p><u>Line 2080.1</u> HSC 25511</p>	<p>27. Regardless of a business' claim of trade secret information, are they submitting the information to you?</p>	
<p><u>Line 2081</u> HSC 25511(b)</p>	<p>28. Describe how you protect, or would protect, trade secret information?</p>	
<p><u>Line 000</u> HSC 25511(a)</p>	<p>29. Have any handlers in your jurisdiction notified you in writing that trade secret information is being disclosed as part of the inventory?</p>	
<p><u>Line 2082</u> HSC 25511(c)</p> <p>Line 2082</p> <p>Line 2083</p> <p>Line 2083</p>	<p>30. Have you received public requested to inspect records that contain trade secrets?</p> <p>If requested:</p> <p>a) Did you notify the handler of the request in writing by certified mail with return receipt requested?</p> <p>b) Did you wait 30 days to allow the handler to file for a declaratory judgment or injunction restricting the release of the information?</p> <p>c) If, after 30 days, no declaratory judgment or injunction was filed did you release the requested information to the public?</p>	

Business Plan Program Evaluation (continued)

Compendium Line and Citation	Standard	Deficiency
	<p>Information Sharing Objective: To ensure the CUPA/AA shares information with the appropriate emergency response personnel in accordance with the law.</p>	
<p><u>Line 2124</u> HSC 25509.2(a)(3)</p>	<p>31. Are you forwarding data collected with other local agencies responsible for protection of public health and safety and the environment?</p> <p>a) Did you send the data within 15 days of receipt and confirmation?</p> <p>b) Was the data in a format easily interpreted by those agencies?</p>	
<p><u>Line 2073</u> HSC 25503.5(d)</p>	<p>32. How are you providing all information obtained from the inventory forms, upon request, to emergency rescue personnel on a 24-hour basis?</p>	
	<p>Data Management System Objective: To ensure the CUPA/AA is using a data management system for efficient access and utilization of information.</p>	
<p><u>Line 2053</u> HSC 25503(e)(2)</p>	<p>33. Do you have a data management system in operation?</p>	
	<p>Exemptions Objective: To identify any exemptions the CUPA/AA is allowing and ensure the CUPA/AA followed the correct process for allowing the exemption(s).</p>	
<p><u>Line 2054</u> HSC 25503.5(c)(2)</p> <p><u>Line 2054</u></p> <p><u>Line 2055</u></p> <p><u>Line 2056</u></p>	<p>34. Have you exempted any hazardous substance handled by all business within your jurisdiction from the inventory provisions?</p> <p>If yes:</p> <p>a) Did you notice and hold a public hearing?</p> <p>b) Have you specified in writing the basis for granting exemption?</p> <p>c) Did you send OES a notice within 5 days from the effective date of the exemption?</p>	
<p><u>Line 2057</u> HSC 25503.5(c)(3)</p> <p><u>Line 2058</u></p> <p><u>Line 2074</u> HSC 25503.5(e)</p>	<p>35. Have you exempted any handler from any portion of the business plan?</p> <p>a) If yes, did you specify in writing the basis for the exemption?</p> <p>b) Have you adopted any procedures to provide for public input when approving any application for this exemption?</p>	

Business Plan Program Evaluation (continued)

Compendium Line and Citation	Standard	Deficiency
<p><u>Line 2059</u> HSC 25503.5(c)(4)</p> <p><u>Line 2060</u></p> <p><u>Line 2074</u> HSC 25503.5(e)</p>	<p>36. Have you exempted any hazardous material handled by a particular business from the inventory provisions?</p> <p>a) If yes, did you specify in writing the basis for the exemption?</p> <p>b) Have you adopted any procedures to provide for public input when approving any application for this exemption?</p>	
<p><u>Line 2061</u> HSC 25503.5(c)(5)</p> <p><u>Line 2062</u> HSC 25503.5(c)(5)(A)</p> <p><u>Line 2064</u> HSC 25503.5(c)(5)(C)</p> <p><u>Line 2063</u> HSC 25503.5(c)(5)(B)</p> <p><u>Line 2064.1</u> HSC 25504(e)</p>	<p>37. Have you exempted businesses operating a farm from submitting their emergency response plan/procedures?</p> <p>If yes:</p> <p>a) Did the business operating the farm provide the agricultural commissioner the inventory information before January 1 of each year?</p> <p>b) Does the agricultural commission forward the inventory information to you within 30 days of receipt of the inventory?</p> <p>c) Does the business operating the farm post signs for each building which hazardous materials, above threshold quantity are stored?</p> <p>d) Does the business operating the farm provide a training program?</p>	

Compendium Line and Citation	Standard	Deficiency
<p><u>Line 2065</u> HSC 25503.5(c)(6)</p> <p><u>Line 2066</u> HSC 25503.5(c)(6)(A)</p> <p><u>Line 2067</u> HSC 25503.5(c)(6)(B)</p> <p><u>Line 2068</u> HSC 25503.5(c)(6)(C)</p> <p><u>Line 2069</u> HSC 25503.5(c)(6)(D)</p> <p><u>Line 2070</u> HSC 25503.5(c)(6)(E)</p> <p><u>Line 2071</u> HSC 25503.5(c)(6)(F)</p>	<p>38. Have you exempted any unstaffed remote facilities?</p> <p>If yes:</p> <p>a) Are the types and quantities of materials onsite limited to one or more of the following:</p> <ol style="list-style-type: none"> 1. 500 standard cubic feet of compressed inert gas (asphyxiation and pressure hazard only)? 2. 500 gallons of combustible liquid used as a fuel source? 3. 200 gallons of corrosive liquids used as electrolytes in closed containers? 4. 500 gallons of lubricating and hydraulic fluids? 5. 1200 gallons of flammable gas used as a fuel source? <p>b) Are the facilities secured and not accessible to the public?</p> <p>c) Are warning signs posted and maintained for hazardous materials pursuant to the California Fire Code?</p> <p>d) Was a one time notification and inventory provided to you by the facility?</p> <p>e) If the information in the notification or inventory change for more than 30 days, does the facility resubmit the information within 30 days?</p> <p>f) Are you forwarding a copy of the notification and inventory with those agencies that share responsibility for emergency response?</p>	
	<p>Review of Records Objective: To verify information provided by the CUPA/AA.</p>	
	<p>39. The evaluation may include a review up to 5% of business plan records to determining the following:</p> <ol style="list-style-type: none"> a) Complete and current inventory statements or certification statements are on file and have been submitted annually. b) Emergency plan/procedures and training program that contains all required information are on file. c) Evidence of inspections within the last three years (documentation). d) Evidence of enforcement actions taken. e) Other pertinent information to verify compliance. 	

End Business Plan Program Evaluation

Area Plan Program Evaluation

Compendium Line and Citation	Standard Objective: To ensure the CUPA/AA has established and maintained an area plan and that it included the minimum required elements.	Deficiency
<u>Line 2000</u> HSC 25503(c)	1. Have you established an Area Plan? a) If yes, when was the Area Plan established?	
<u>Line 2003 - 2048</u> T19, 2722 - 2728	2. Does the plan meet the Area Plan Standards depicted in Title 19, Sections 2722 - 2728?	
<u>Line 20049</u> HSC 25503(d)	3. Was your last review of the Area Plan conducted within the past 36 months? a) If yes, did you certified to OES that review was conducted and necessary changes were made?	
<u>Line 2050</u> HSC 25503(d)	4. Have you made any substantial changes to the Area Plan? a) If so, did you submit those changes to OES within 14 days after the changes were made?	
<u>Line 2053</u> HSC 25503(e)(2)	5. Did you submit, with your Area Plan, a plan to institute a data management system?	
<u>Line 2080</u> HSC 25506(c)	6. If requested, have you forwarded your Area Plan to the Regional LEPC? (Note: LEPCs may use your plan as part of their Regional Plan.)	
	7. If your Area Plan is up-to-date, the evaluator will review your Area Plan to determine if it contains all information required in Title 19, Sections 2722 – 2728.	

End Area Plan Program Evaluation

California Accidental Release Prevention (CalARP) Program Review

The Governor's Office of Emergency Services extent of the CalARP program evaluation is to identify the CUPA's current program implementation status.

Compendium Line and Citation	Standard	Needs improvement
<u>Line 4000</u> T19 2780.5(a) <u>Line 4001</u> T19 2780.5(b) <u>Line 4001</u> T19 2780.5(b)	Objective: To determine the current status of the CUPA/AAs implementation of the program. 1. Have you performed a self-audit for the CalARP program? (Note: This is not the same as the Title 27 self-audit requirements.) a) Describe any activities you have initiated to reduce the risk of accidental releases? b) How many facilities have you identified?	
<u>Line 4026</u> HSC 25534 <u>Line 4027</u> T19 2735.4(a)(2) <u>Line 4027</u> T19 2735.4(e)(3) <u>Line 4028</u> HSC 25534(b)(2)(A) <u>Line 4028</u> HSC 25534(b)(2)(B)	2. Have you made, or when do you plan on making, your risk determinations? If you have determined that a stationary source may pose an accident risk have you: a) requested the preparation and submission of any RMP? b) reclassified a covered process from program 2 to program 3? If you have determined that a stationary source does not pose a significant likelihood of an accident risk have you: a) exempted any stationary source from the RMP requirement? b) required an RMP be submitted and reclassified a covered process from program 3 to program 2 or program 2 to program 1?	
<u>Line 4037</u> T19 2745.1 <u>Line 4046</u> T19 2735.5 <u>Line 4046.1</u> T19 2755.2(b) & 2760.2(b) <u>Line 4046.2</u> T19 2735.5(c)	3. Describe your activities to coordinate and consult with the stationary sources in your jurisdiction. a) Did you consult with stationary source to determine the RMP submission date? b) Have your consulted with the stationary sources to determine the level of documentation required in the RMP? c) Have you consulted with stationary sources to select the appropriate methodology for the Hazard Review and/or Process Hazard Analysis? d) Have you coordinated with stationary sources regarding acceptance to use a model RMP?	

CalARP Program Review (continued)

Compendium Line and Citation	Standard	Needs improvement
<p><u>Line 4046</u> T19 2745.6(l) & T19 2745.7(q)</p> <p><u>Line 4046</u> T19 2745.6(q)(2)</p>	<p>4. Do all submitted RMPs with Program level 2 or 3 contain an external event analysis in the Process Hazard Analysis or Hazard Review sections?</p> <p>a) If the magnitude or scope of the external events were unknown, did the stationary source work closely with your agency to determine what was required?</p>	
<p><u>Line 4032</u> T19 2745.2</p> <p><u>Line 4032</u> T19 2745.2(a)(2)</p> <p><u>Line 4032</u> T19 2745.2(a)(3)</p> <p><u>Line 4034</u> T19 2745.2(a)(3)(B)</p> <p><u>Line 4034</u> T19 2745.2(a)(4)</p> <p><u>Line 4034</u> T19 2745.2(a)(4)</p> <p><u>Line 4032</u> T19 2745.2(a)(5)</p> <p><u>Line 4032</u> T19 2745.2(a)(6)(A)</p> <p><u>Line 4032</u> T19 2745.2(a)(6)(B)</p>	<p>5. Have you initiated the RMP review process?</p> <p>If yes, have you:</p> <p>a) Published an initial public notice in a local newspaper stating that an RMP has been submitted and you have initiated the process for government and public review?</p> <p>b) Reviewed each RMP to determine if all the required elements are present?</p> <p>c) Accepted any RMP as complete and submitted the RMP for formal public review?</p> <p>d) Within 15 days of determining an RMP is complete, have you made the RMP available for public review and comment by publishing an announcement in a local newspaper?</p> <p>I. Did you allow 45 days for public review and comment of the RMP?</p> <p>e) Did you begin the evaluation review at the end of the public review period?</p> <p>I. Did you complete the evaluation review within 36 months for RMPs that included only Program 1 or Program 2 processes?</p> <p>II. Did you complete the evaluation review within 24 months for any RMPs that included Program 3 processes?</p>	

End CalARP Program Review

Evaluation Notes
