



Alameda County Department of Environmental Health Hazardous Materials Division / CUPA

HAZMAT NEWS Compliance Matters



2023 ANNUAL NEWSLETTER

HMBP Requirements Expand to Consumer Products — AB 2059

Effective January 1, 2023, Assembly Bill 2059 has expanded Hazardous Materials Business Plan (HMBP) requirements to include some consumer products. Consumer products found in retail establishments may require a submission of or update to an HMBP if the following apply:

- A consumer product handled at a facility that manufactures that product, or a separate warehouse or distribution center where there are no direct sales to consumers, or where a product is dispensed on the retail premises.
- A consumer product sold at a retail establishment that has a National Fire Protection Association or Hazardous Materials Identification System rating of 3 or 4 and is stored, at any time, in quantities equal to or greater than, 165 gallons for a liquid, 600 cubic feet for a gas, and 1,500 pounds for a solid.
 - ◊ If a “supplier,” e.g., a manufacturer, distributor, wholesaler, or retailer in the state that sells or provides hazardous materials to a business in the state, sells or provides hazardous materials at the above quantities, they must maintain records containing specified information regarding the sale or provision of the hazardous materials for a minimum of one year.

Alcohol-Based Hand Sanitizer

The COVID-19 pandemic triggered the need for large volumes of alcohol-based hand sanitizer, much of which is now expiring. Due to the high alcohol content, alcohol-based hand sanitizer may be considered a hazardous material and must be disposed of as a Resource Conservation and Recovery Act (RCRA) hazardous waste. It should not be poured down the drain, dumped on the ground, or placed in the garbage due to harmful impacts to public health and the environment. Commercially sold hand sanitizer may require reporting if stored at or above 165 gallons. Improper handling or disposal may result in civil or criminal penalties. See United States and California Environmental Protection Agencies (EPAs) websites for guidance.

Generator Improvements Rule

The US EPA Hazardous Waste Generator Improvements Rule (GIR) reorganizes and consolidates generator regulations, provides greater flexibility to generators, strengthens environmental protections by identifying regulatory gaps, and clarifies certain aspects of the generator program. Though the federal GIR went into effect on May 30, 2017, as an authorized state, the GIR does not take into effect in California until the Department of Toxic Substances Control (DTSC) adopts the rule.

The rulemaking process is occurring throughout the Spring and Summer of 2023. Visit the DTSC website for the most updated information regarding the GIR.

dtsc.ca.gov/generator-improvements-rule

Reminder to Single-Walled Tank Owners and Operators

Senate Bill 445 requires the permanent closure of single-walled tanks and piping by December 31, 2025. **This date will not be extended!** Underground storage tank (UST) Owners/Operators should begin the closure process as soon as possible to avoid further increase in cost, limited contractor availability and equipment supply issues. By January 1, 2026, facilities not in compliance may be liable for civil penalties up to \$5,000 per day, per violation, per tank.

There are loans and grants available from the State Water Board for tank removal, new tank installation, and cleanup of unauthorized releases. Applications for the funds will only be accepted until December 31, 2024. After this date, the UST Owner/Operator will be responsible for all costs associated with the UST system. **It is very important to apply for funds and complete tank removal as soon as possible.**

Visit waterboards.ca.gov/ust/single_walled for additional information and requirements. Please contact DEHUST@acgov.org to schedule any UST work.

REMINDERS

Notify ACDEH if your facility:

- Is no longer subject to CUPA requirements
- Relocated
- Closed

Please contact DEHCERS@acgov.org for assistance.

Making Compliance Routine

Owners and operators are responsible for ensuring their compliance to state and federal regulations regarding hazardous material storage, handling, and disposal in order to protect communities and the environment. While these are **not** all of the requirements facilities in these respective programs are subject to, the following table is a reminder of regulated facilities' responsibilities in order to maintain compliance and avoid the most commonly cited violations by our agency for the past year.

	Hazardous Materials Business Plan (HMBP)	Hazardous Waste Generator (HWG)	Underground Storage Tanks (UST)	Aboveground Petroleum Storage (APSA)	Accidental Release Program (CalARP)
Daily	<ul style="list-style-type: none"> • Ensure all containers are labeled, secure, and in good condition • Maintain emergency equipment 	<ul style="list-style-type: none"> • Large quantity generator (LQG) tank inspections • Keep containers closed • Inspect hazardous waste storage area 	<ul style="list-style-type: none"> • Ensure that alarms from the monitor console are responded to properly 	<ul style="list-style-type: none"> • Review compliance requirements 	<ul style="list-style-type: none"> • Conduct compliance check
Monthly	<ul style="list-style-type: none"> • Update HMBP within 30 days of any changes to inventory or business/owner information 	<ul style="list-style-type: none"> • Dispose of hazardous waste every 90 days for LQGs or 180/270 days for small quantity generators (SQG) 	<ul style="list-style-type: none"> • Designated Operator (DO) inspections at least once every 30 days • Single-wall tank testing 	<ul style="list-style-type: none"> • Tank inspections 	
Annually	<ul style="list-style-type: none"> • Certify in CERS • Conduct annual employee training 	<ul style="list-style-type: none"> • Review submittal in CERS and update as needed 	<ul style="list-style-type: none"> • Annual Monitoring Certification • Spill Bucket Testing 	<ul style="list-style-type: none"> • Annual Spill Prevention, Control, & Countermeasure (SPCC) Briefing 	<ul style="list-style-type: none"> • Resolve corrections to Compliance Audit or Process Hazard Analysis (PHA)
Three Years	<ul style="list-style-type: none"> • Maintain training records for three years 	<ul style="list-style-type: none"> • Keep signed copies of Uniform Hazardous Waste Manifests 	<ul style="list-style-type: none"> • Overfill Prevention • Secondary Containment 	<ul style="list-style-type: none"> • Inspection and integrity testing records kept 	<ul style="list-style-type: none"> • Compliance Audit with Mechanical Integrity Program
Five Years		<ul style="list-style-type: none"> • LQG tank system assessment 	<ul style="list-style-type: none"> • Single-wall tank interior lining inspection 	<ul style="list-style-type: none"> • Recertify SPCC Plan 	<ul style="list-style-type: none"> • Hazard Review/PHA

Annual HMBP Certification: Health and Safety Code (HSC) § 25508.2 requires a hazardous material handler to annually review and certify that the HMBP information in the California Environmental Reporting System (CERS) is complete and accurate. Visit cers.calepa.ca.gov to submit and/or certify your facility's HMBP. Failure to submit or certify annually may result in enforcement action including fines.

Keeping Trash Out of Stormwater and the San Francisco Bay

When it rains, storm water flows into storm drains, picking up any pollutants such as trash along its path. Storm drains discharge directly into creeks and the San Francisco Bay without any treatment, polluting the water and threatening wildlife. The most common trash items are cigarette butts and single-use plastic items such as straws and plastic bottles which degrade slowly over time, contain microplastics, and release toxic particles.

It is illegal to allow anything other than rainwater to be discharged to a storm drain. Individuals and businesses who improperly handle and dispose of trash are subject to fines and criminal prosecution. To prevent trash from polluting our environment, incorporate Best Management Practices (BMPs) into your business operations.

- Inspect the garbage and recycling area daily for litter, and overfilled, broken, or leaking dumpsters and trash compactors
- Pick up litter, sweep the dumpster and common areas, and close lids
- Rinse waste containers in areas that drain to sanitary sewer
- Prevent litter by providing adequate receptacles for waste
- Clean up spills immediately with rags, absorbents, or wet/dry vacuum. Do not allow fluids to accumulate or run across surfaces. Never wash spills down or allow spills to flow into a storm or sanitary sewer drain inlet. Clean up absorbents after use and properly dispose absorbents.



Backfilling a UST with gravel during the installation of a UST system

Waste Tire Recycling

Waste tire fires can release cancer-causing chemicals into the air. Waste tire recycling diverts more than 51 million waste tires to recycled materials such as sprayable rubberized concrete.

Check out the latest publication in the link below from CalRecycle. The document provides general guidance for selecting and implementing BMPs in using Tire-Derived Aggregate in civil engineering applications.

<https://www2.calrecycle.ca.gov/Publications/Details/1718>