



HAZMAT NEWS Compliance Matters



Alameda County Department of Environmental Health Hazardous Materials Division / CUPA

2021 ANNUAL NEWSLETTER

Continued Compliance During COVID-19

Alameda County Department of Environmental Health Hazardous Materials Division (ACDEH), your Certified Unified Program Agency (CUPA), is aware that this past year has been challenging, however, owners/operators are still responsible for full compliance with all regulatory and statutory requirements. If compliance with requirements was not reasonably practical during the shelter in place order, then the regulated community should:

- ➔ Act reasonably under the circumstances to minimize the effects and duration of any non-compliance caused by COVID-19.
- ➔ Return to full compliance as soon as possible.
- ➔ Document all efforts made to comply.

REMINDER

Notify ACDEH if your facility:

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

Please contact DEHCERS@acgov.org for assistance.

What's New with CERS?

Hazardous Materials Business Plan (HMBP) Annual Certification (AB1429)

Effective January 1, 2020, AB1429 required businesses subject to EPCRA Tier II reporting requirements or the Aboveground Petroleum Storage Act (APSA) to annually submit HMBP information electronically in the California Environmental Reporting System (CERS).

Businesses who are not subject to the EPCRA or APSA requirements are still required to:

- ➔ Annually review and certify that their HMBP information in CERS is complete, accurate and in compliance with EPCRA reporting requirements.
- ➔ Submit a complete HMBP every three years.

Training

ACDEH CUPA hosted a virtual training for Underground Storage Tank (UST) Owners and Operators in 2020.



CERS Training

ACDEH CUPA will be hosting virtual workshops for businesses under the HMBP program. Attendees will learn about current CERS requirements and completing their HMBP submittal in CERS. Information will be posted on the ACDEH Hazardous Materials Division website <https://deh.acgov.org/hazmat/hmbp.page?>

EPCRA Tier II Reporting Chemicals	EPCRA Reportable Thresholds
Extremely Hazardous Substances (EHSs, EPCRA Section 302)	500 pounds or the threshold planning quantity, whichever is lower ("List of Lists")
Gasoline in underground storage tanks at retail gas stations	75,000 gallons (all grades combined)
Diesel fuel in underground storage tanks at retail gas stations	100,000 gallons (all grades combined)
All other hazardous chemicals for which Safety Data Sheets are required	10,000 pounds

Closure of Single-Walled UST Systems

Senate Bill 445 requires the **permanent closure of single-walled tanks and piping by December 31, 2025**. Beginning 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. Funds are limited and applications will only be accepted until December 31, 2024, so it is **important to apply and complete work early**.

Loans and grants are issued based on eligibility requirements. Your facility may still be eligible for grants even if not in full compliance, however the facility must apply for the program within 180 days of being out of compliance and meet other eligibility criteria.



UST Cleanup Fund

The UST Cleanup Fund provides a means for petroleum UST owners and operators to meet the federal and state requirements of maintaining financial responsibility to pay for any damages arising from their tank operations. The Fund assists a large number of small businesses and individuals by providing reimbursement for expenses associated with the cleanup of leaking USTs.

Visit waterboards.ca.gov/ust/single_walled for additional information and requirements

⚠ Please contact DEHUST@acgov.org to schedule any UST work.

Tank in an Underground Area (TIUGA)

Some facilities with less than 1,320 gallons of petroleum with TIUGAs would be subject to APSA. Under APSA, a TIUGA is a stationary tank to which all the following apply:

- ➔ The storage tank has the capacity to store 55 gallons or more of petroleum.
- ➔ The storage tank is located on or above the surface of the floor in a structure at least 10 percent below the ground surface, including, but not limited to, a basement, cellar, shaft, pit, or vault.
- ➔ The structure in which the storage tank is located must provide for secondary containment of the contents of the tank, piping, and ancillary equipment until cleanup occurs.

The tank will also meet one or more of the following categories:

Lubricant/coolant tank – Contains petroleum (new or used oil) as lubricant or coolant in motor engines, effective July 1, 2018, some facilities with less than 1,320 gallons of petroleum with TIUGAs would be subject to APSA.



Hazardous waste tank – Contains petroleum that is considered a hazardous waste and complies with the hazardous waste tank standards in the California Code of Regulations Title 22, Division 4.5, Chapter 15, Article 10.

Petroleum storage tank used solely in connection with a fire pump or an emergency system – The structure in which the storage tank is located must allow for direct viewing of the exterior of the tank except for the part of the tank in contact with the surface of the floor.

Common Violations

Most Common HMBP Violations

- ➔ Failure to annually review and electronically certify that the business plan is complete and accurate on or before the required due date
- ➔ Failure to electronically submit a complete and accurate hazardous material inventory information for all hazardous materials on site at or above reportable quantities.
- ➔ Failure to provide initial and annual training to all employees in safety procedures in the event of a release or threatened release of a hazardous material or failure to document and maintain training records.

Most Common Hazardous Waste Violations

- ➔ Failure to properly label hazardous waste containers with the following: the words "Hazardous Waste", the name and address of the generator, the physical and chemical characteristics of the hazardous waste and the starting accumulation date.
- ➔ Failure to keep a copy of each properly signed manifest for at least three years.

Clean Water - Mercury Pollution

The Clean Water Program estimates that 10 to 130 kilograms of mercury vapor is released into the atmosphere in the Bay Area every year from crushed and broken fluorescent lamps. The mercury mixes with rain and eventually falls back into the Bay, contaminating it and other waterways. Prevent the release of mercury by storing used lamps in impact-resistant closed containers designed to prevent breakage. Ensure lamps are properly disposed of by managing them as universal waste.

COMMENTS OR CONCERNS?

If there are differing opinions on the result of the findings made during the inspection and you cannot resolve the matter with your inspector to your satisfaction, we have a process for review.

Please feel free to contact us for more information or suggestions that would improve our services to you.