



To: Facilities Subject to Hazardous Materials Business Plan (HMBP) Program Requirements

From: Ronald Browder, Director of Environmental Health **RB**

Date: April 20, 2020

Re: Permit Requirement to Submit and Certify HMBP Annually in the California Environmental Reporting System (CERS)

**Effective beginning with Fiscal Year 2020/2021 annual permits, every Alameda County Department of Environmental Health (ACDEH) HMBP permit requires the facility to submit and certify annually a complete and up-to-date HMBP to CERS. Submissions must contain and meet all requirements as set forth in California Health and Safety Code (HSC) Chapter 6.95 Hazardous Materials Release Response Plans and Inventory (HSC § 25500 et. seq.). This ACDEH permit requirement is for ALL permit holders to submit annually, even those that are only required by HSC § 25508.2 to submit once every three years.**

#### **PURPOSE**

The intent and purpose of this permit requirement is to establish consistent annual reporting as a condition for all HMBP permits so that CERS, the statewide information management system, has current and accurate information for the safety of first responders, regulated businesses and the public.

#### **BACKGROUND**

Assembly Bill No. 1429 revised HSC § 25508.2 requirements for certain businesses in California that must submit a HMBP to CERS from an annual submission to a minimal requirement of submission once every three years.

A HMBP submitted by a business to CERS provides an inventory of hazardous materials at the facility, an emergency response plan and procedures in the event of a reportable release or threatened release of a hazardous material, training plan and records of initial training for new employees and annual training, including refresher courses for all employees in safety procedures in the event of a release or threatened release of a hazardous material; and a detailed site map with important information including, but not limited to: loading areas, roads, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous

material handling and storage areas, and emergency response equipment. A complete, accurate and up-to-date HMBP in CERS is critical in protecting employee, first responder and public health and safety and the environment because (1) it provides vital information for employee training, (2) it provides crucial information necessary for use by first responders to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and (3) it satisfies federal and state Community Right-To-Know laws.

### **BASIS**

It is the concern of ACDEH that the reduction of reporting and certification of the critical information contained in the HMBPs in CERS from annual to every three years will likely increase unsafe conditions at these facilities and the community. Out-of-date HMBPs in CERS will also expose first responders to unsafe conditions and impede protection of the environment from hazardous material releases. Annual reporting and certification requirements offer a higher level of protection to regulated businesses, first responders, the public and the environment.