



# Hazardous Material Business Plan

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*This guidance is not intended to provide legal advice. This guidance is intended to only provide a brief summary of the business plan submittal requirements that are in place after AB 1429.*

## CHANGES IN BUSINESS PLAN SUBMITTAL REQUIREMENTS

In July 2019, Governor Newsom signed Assembly Bill (AB) 1429, which goes into effect January 1, 2020. AB 1429 changes the required reporting frequency for hazardous materials handlers **not** required to submit Tier II information pursuant to the federal Emergency Planning and Community Right to Know Act (EPCRA) and **not** subject to the requirements of the Aboveground Petroleum Storage Act (APSA).

In brief, starting January 1, 2020,

- Handlers **not** subject to EPCRA and APSA requirements,
  - Must still provide annual certification, but
  - May submit their business plan every three years rather than annually.
- Handlers subject to EPCRA or APSA requirements,
  - Must submit their business plan annually.

The specifics of the business plan submittal requirements effective January 1, 2020 are set forth below.

### I. ANNUAL CERTIFICATION REQUIREMENTS

Effective January 1, 2020, all handlers of hazardous material, whether subject or not to EPCRA or APSA, are still required to annually review and certify that their information in California Environmental Reporting System (CERS) is complete, accurate and in compliance with EPCRA. (Health & Safety Code, § 25508.2.)

The process depicted at the end of this document provides guidance to handlers on how they can meet the certification requirement in CERS. By using this process a handler can automatically create, review and submit the Hazardous Materials Business Plan submittal elements from their last submittal on file in CERS.

*Please note that the facility must have at least 1 submittal on file in CERS for each of the HMBP submittal elements in order for this feature to be available to them.*

### II. HANDLERS SUBJECT TO EPCRA OR APSA

Effective January 1, 2020, handlers subject to EPCRA or APSA requirements are still required to submit their business plan information into CERS annually on the submittal date established by their Unified Program Agency, or on or before March 1 if there is no established date.



# Hazardous Material Business Plan

## A. EPCRA Requirements

Section 312(a) of EPCRA requires owners or operators of facilities that handle hazardous chemicals in quantities equal to or greater than the threshold values to report information to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC) and to the local fire department. The term “hazardous chemical” means “any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.” (29 CFR § 1910.1200(c).) In California, owners and operators can meet the Section 312(a) requirement by submitting this information to CERS.

The thresholds for Tier II EPCRA can be found in 40 Part CFR 370, and are summarized as:

<b>EPCRA Tier II Reporting Chemicals</b>	<b>EPCRA Reportable Thresholds</b>
Extremely Hazardous Substances (EHSs, EPCRA 302)	500 pounds or the threshold planning quantity, whichever is lower (40 CFR part 355, Appendices A and B, or “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

## III. HANDLERS NOT SUBJECT TO EPCRA AND APSA REQUIREMENTS

Effective January 1, 2020, handlers not subject to the requirements of EPCRA and APSA may submit their business plan every three years rather than annually. For example, if the last due date was July 1, 2019, the next due date will be July 1, 2022. Some local jurisdictions may have more restrictive submittal frequency requirements (e.g. a local ordinance may require an annual HMBP submittal). Contact with your local Unified Program Agency for clarification.



# Hazardous Material Business Plan

## CERS Certification Process

1. Log in to CERS
2. Select business (if user is associated with more than 1 business)
3. Select facility
4. Click “Create All HMBP Submittal Elements”

California Environmental Reporting System: Business Build: 3.04.0005 John Miller's Account Sign Out Tools Reports Help

**CERS Business** Home Submittals Facilities Compliance My Business

**Prepare Draft Submittal: Testing**  
Home » Prepare Submittal (10785367)

**Instructions/Help**

Use this page to prepare draft submittals for your facility to transmit to your local regulator(s). Make sure to review any status and guidance messages for your forms or submittals by selecting the guidance icons.

- Select "Start" button to create a submittal from scratch or copied from a previous submittal.
- Select "New" and "Edit" buttons to complete specific submittal forms or provide supplemental documentation.
- Select "Discard" button to delete a draft form/documentation when you need to re-start a form or it is no longer relevant for your draft submittal.
- Select "Not Applicable" if you believe the submittal element is no longer relevant for your facility (e.g., closed UST tank).
- Select "Submit" when you are ready to transmit one or more submittals to your local regulator(s). ALL submittals must include a Facility Information element.

**Testing Use Only! Perform Official Submittals Here**

If there has been **NO CHANGE** in the HMBP submittal elements (*Facility Information, Hazardous Material Inventory, and Emergency Response/Training Plans*) since the last submittal, you may select the following button to prepare them. **Create All HMBP Submittal Elements**

**Facility Information** SUBMITTED Nov. 8, 2015 Start Not Applicable

- Business Activities
- Business Owner/Operator Identification

**Hazardous Materials Inventory** SUBMITTED Nov. 8, 2015 Start Not Applicable

- Hazardous Material Inventory (2)
- Site Map (Official Use Only): Upload Document(s)

**Emergency Response and Training Plans** SUBMITTED Nov. 8, 2015 Start Not Applicable

- Emergency Response/Contingency Plan: Upload Document(s)
- Employee Training Plan: Upload Document(s)

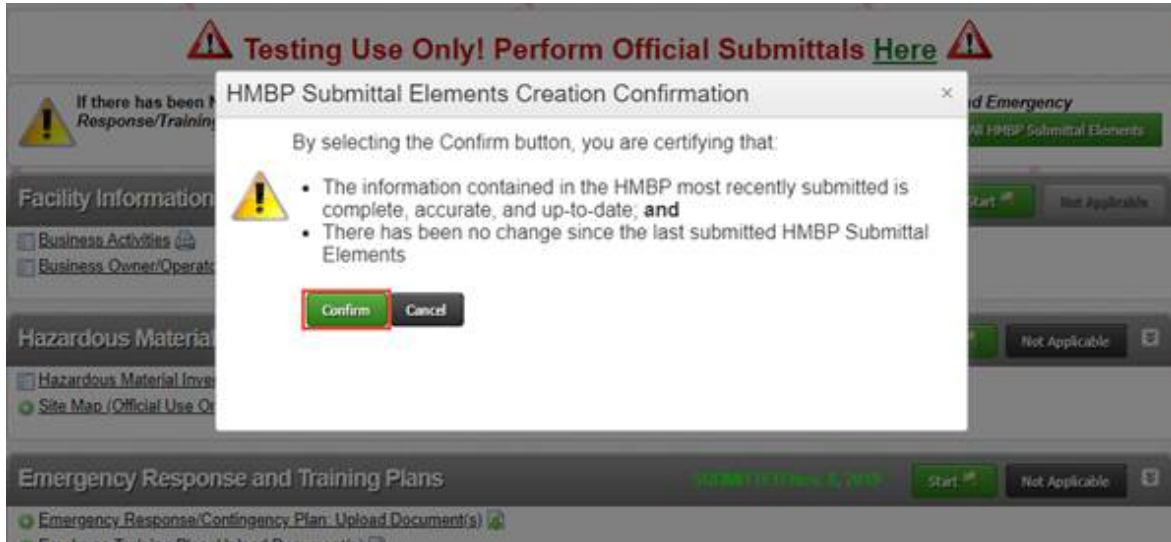
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# Hazardous Material Business Plan

## 5. Review and confirm information is complete, accurate and in compliance with EPCRA (if applicable)



*Please note that Cal OES is currently working with CalEPA to amend the certification statement in CERS to reflect compliance with EPCRA.*



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## 6. Click "Submit"

The screenshot displays the CERS Business web interface. At the top, there is a navigation bar with 'CERS Business' and buttons for 'Home', 'Submittals', 'Facilities', 'Compliance', and 'My Business'. Below this is a breadcrumb trail: 'Home » Draft Submittal » Submittal Summary (10785367)'. A section titled 'Instructions/Help' contains a 'Final Submittal Checklist' with the following items:

- Does your Submittal include a *Facility Information* submittal element?  
Your submittals must always include a *Facility Information* element with current business activities and owner/operator forms. The "Submit Selected Elements" button below will be disabled if you have not met this requirement. You will need to return to the [Prepare Draft Submittal](#) page and "Start" one.
- Are you submitting all of the elements needed by your facility's regulator?  
If you must submit multiple elements for your facility (e.g., Inventory, UST), return to [Prepare Draft Submittal](#) to "Start" other elements, and then "Submit" all the elements at the same time.
- Is your CERS Account authorized to submit data to the Regulator?  
The "Submit Selected Elements" button will be disabled if you CERS Account does not have "Lead Business User" or "Approver" permissions.
- Have you reviewed the Certification Statement shown below?
- Select "Submit Selected Elements" below to submit information to your regulator.

Below the checklist is a section titled 'Confirm, Certify, and Submit Your Facility Submittal' with a 'Submit Selected Elements' button. It includes a 'Certification Statement' where the user, John Miller, certifies the information is true, accurate, and complete. Three submittal elements are listed, each with a 'Ready To Submit' status and a checkmark:

- Facility Information** (Ready To Submit) ✓  
Information will be reported to Placer County Environmental Health.  
[Add Comment To Regulator](#)
- Hazardous Materials Inventory** (Ready To Submit) ✓  
Information will be reported to Placer County Environmental Health.  
[Add Comment To Regulator](#)
- Emergency Response and Training Plans** (Ready To Submit) ✓  
Information will be reported to Placer County Environmental Health.  
[Add Comment To Regulator](#)

The footer contains version information (3.04.0005) and links for Enhancements, CERS Central, Diagnostics, Conditions of Use, Privacy Policy, Contact, and Help.