



Hazardous Materials Business Plan

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 as a result of Assembly Bill (AB) 1429.

Changes in Business Plan Submittal Requirements

In July 2019, Governor Newsom signed 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 (HMBP) elements from their last revision on file in CERS.



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Please note that the facility must have at least one 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 Requirements

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 annually on or before March 1 if there is no established date.

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 CFR Part 370, and are summarized as:

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 (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



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III. Handlers Not Subject to EPCRA or 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.

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"



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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.

6. Click "Submit"