



Hazardous Materials Business Plans Due on March 1st!!!

In 1986, the federal government passed the Emergency Planning and Community Right-to-Know Act (EPCRA) in order to encourage emergency planning efforts at the state and local levels, as well as to provide public and local governments with information regarding chemical hazards that may be present in their communities. Sections 301-303 and sections 311-312 of EPCRA require businesses or facilities to report information on hazardous materials that are present onsite and to document emergency response procedures should those chemicals be released into the environment. In California, facilities subject to these EPCRA requirements submit a Hazardous Materials Business Plan (HMBP), a document containing the required data on emergency planning and hazardous materials. The HMBP is submitted to the local Certified Unified Program Agency (CUPA) under California Code of Regulations, Title 19, Division 2, Chapter 4, Hazardous Material Release Reporting, Inventory, and Response Plans.

Not all facilities are required to submit an HMBP. Only those that store hazardous chemicals over the threshold quantities must submit. Threshold quantities vary depending on the type of hazardous material. In California, for instance, the

requirement for submittal is any hazardous material in excess of 55 gallons, 500 pounds, or 200 cubic feet. However, chemicals classified as "extremely hazardous substances" by the EPA are subject to much lower threshold values than these mentioned. Therefore, for business owners who are unsure whether or not they are required to submit an HMBP, it is best to consult the EPA website or the local administering agency.

As mentioned, an HMBP contains information regarding a facility's hazardous materials and emergency response planning. Hazardous materials information includes inventories that specify the type, quantity, and health risks of all chemicals stored at the facility. A facility site map that shows where hazardous materials are located is also included within the Plan. Emergency planning information is comprised of evacuation and notification procedures implemented in the event of a chemical spill, fire, or other type of emergency. Contact information for the local police, hospital, and fire department are also listed. In addition to these two components, California HMBPs require businesses to specify the amount of training given to employees who implement emergency response procedures or are authorized to handle

hazardous materials. A description of the training is usually provided as well. Again, it is important to check with the local administering agency to know what type of information is required.

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Risk Group Update - Emergency Planning and Community Right-to-Know (SARA Title III)

The toxic gas disaster in Bhopal, India (December 1984) generated world-wide attention on the potential accidents that could occur right in our own back yard. The United States federal, state, and local governments responded with a variety of laws to reduce the likelihood and consequences of potential chemical accidents and to coordinate emergency response planning activities by the chemical industry and local governments. In addition, the new regulations provided for increased public access (right-to-know) to information about the storage and handling of hazardous materials in their communities.

Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) was the first Congressional response to the Bhopal accident. This Title required the federal government to develop a program entitled the Emergency Planning and

Community Right-to-Know Act of 1986 (EPCRA). This legislation is found under 40 CFR Parts 300, 355, 370, and 372.

There are four separate issues included in the EPCRA legislation:

- Emergency planning involving extremely hazardous substances.
- Reporting spills and leaks of extremely hazardous substances.
- Reporting hazardous substances in the workplace.

On August 3, 1993, President Clinton required federal government facilities handling hazardous materials to comply with the Title III criteria. In California, facilities subject to the EPCRA requirements submit the required data to the local Certified Unified Program Agency (CUPA) under California Code of Regulations, Title 19, Division 2, Chapter 4, Hazardous Material Release Reporting, Inventory, and Response Plans.

Emergency Planning

This section required state and local governments to develop a plan to respond to emergency releases of extremely hazardous substances (EHS). In order to generate this information, Title III requires facilities handling EHS in quantities at or in excess of the Threshold Planning Quantity (TPQ) to submit annual inventory data to the state and local planning bodies. This is called the Tier II Annual Hazardous Materials Inventory. In California, the SARA Title III Federal Tier II Annual Hazardous Materials Inventory is satisfied by the submission of a facility's Hazardous Materials Inventory to the local CUPA. This recognition was provided on July 27, 2001 in a letter from EPA Region IX to the California Governor's Office of Emergency Services.

Chemicals covered vary - EPA has established a list of 356 EHS with

(Update, continued on page 5)

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Do you have questions about an article appearing in Tracer ES&Times?
Call us at (760) 744-9611.

Tracer ES&T Anniversaries

Some of the Tracer ES&T staff have been together through several name changes: Tracer Technologies, Team Environmental Services, and now, Tracer ES&T. Our staff is the foundation for this company and we appreciate their effort and dedication.

19 Years	Charles Barney	(02/01/88)
5 Years	Jeanna Emmons	(01/23/02)

Compliance Group Update - Recent Changes in Southern California Air Quality Rules

Air quality in California is regulated by the California Air Resources Board at the state level and by 35 air districts at the local level. The following summarizes the Southern California air quality rules that changed between approximately October and December 2006. Tracer ES&T offers a comprehensive set of permitting services including New Source Review (NSR), RECLAIM, Title V, air quality impact assessments, and air toxic risk assessments. If you need assistance with air quality permits, please contact Mr. Greg Hauser at (760) 744-9611 x106.

Antelope Valley Air Quality Management District (AVAQMD) (<http://www.avaqmd.ca.gov/>)

No changes.

Imperial County Air Pollution Control District (ICAPCD) (<http://www.arb.ca.gov/drdb/imp/cur.htm>)

Rule 101 - Definitions (Revised 10/10/06)

Rule 201 - Permits Required (Revised 10/10/06)

Rule 202 - Exemptions (Revised 10/10/06)

Rule 206 - Processing of Applications (Revised 10/10/06)

Rule 207-1 - Federal Major Modification (Adopted 10/10/06)

Rule 214 - Emission Reduction Credit Banking (Revised 10/10/06)

Rule 214-1 - Mobile Source Emission Reduction Credit Banking (Adopted 10/10/06)

Rule 217 - Large Confined Animal Facilities Permits Required (Adopted 10/10/06)

Rule 420 - Beef Feedlots (Revised 10/10/06)

Kern County Air Pollution Control District (KCAPCD) (<http://www.arb.ca.gov/drdb/ker/cur.htm>)

Rule 410.1 - Architectural Coatings (Amended 9/14/06)

Rule 423 - National Emission Standards for Hazardous Air Pollutants and Source Categories (NESHAPS) (Amended /14/06)

Mojave Desert Air Quality Management District (MDAQMD) (http://www.mdaqmd.ca.gov/rules_plans/rule-toc.htm)

Rule 301 - Permit Fees (Effective 1/1/2007) (Amended 10/23/06)

Rule 1106 - Marine Coating Operations (Amended 10/23/06)

San Diego Air Pollution Control District (SDAPCD) (<http://www.sdapcd.org/rules/rules/randr.html>)

No changes

San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD)

(<http://www.valleyair.org/rules/1ruleslist.htm#reg1>)

Rule 2250 - Permit-Exempt Equipment Registration (Adopted 10/19/06)

Rule 3155 - Permit-Exempt Equipment Registration Fees (Adopted 10/19/06)

Rule 4401 - Steam-Enhanced Crude Oil Production Wells (Amended 12/14/06)

Rule 4602 - Motor Vehicle and Mobile Equipment Coating Operations (Amended 9/21/06)

Rule 4612 - Motor Vehicle and Mobile Equipment Coating Operations - Phase II (Adopted 9/21/06)

Rule 4702 - Internal Combustion Engines - Phase 2 (Amended 1/18/07)

San Luis Obispo County Air Pollution Control District (SLOAPCD)

(<http://www.arb.ca.gov/drdb/slo/cur.htm>)

No changes

Santa Barbara County Air Pollution Control District (SBCAPCD)

(<http://www.sbcapcd.org/rules/rulesnew.htm>)

No changes

South Coast Air Quality Management District (SCAQMD)

(<http://www.aqmd.gov/rules/recentrules.html>)

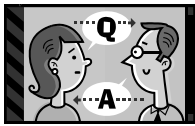
Rule 1403 - Asbestos Emissions from Demolition / Renovation Activities (Amended 11/3/06)

Rule 1470 - Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines (Amended 11/3/06)

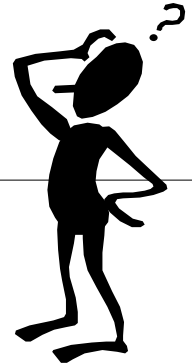
Ventura County Air Pollution Control District (VCAPCD)

(<http://www.arb.ca.gov/drdb/ven/cur.htm>)

Rule 26-1 - New Source Review Definitions (Revised 11/14/06) ✓



Dear Tracer . . .



Dear Tracer ES&T:

My facility in California only has one diesel fueled emergency generator on-site. Will I be required to prepare a health risk assessment in the future?

~ Concerned Plant Manager

Dear Concerned Plant Manager:

Currently, a facility with diesel engines is exempt from California’s Air Toxic “Hot Spots” regulation if they emit less than 10 tons per year of criteria pollutants and use less than 3,000 gallons of diesel fuel per year. However, the California Air Resources Board (CARB) is proposing to change the regulation so that any facility that operates diesel engines for a total of 20 hours per year or more will be required to comply with the regulation. The regulation first requires applicable facilities to prepare an Air Toxics Inventory Report (ATIR). The local regulatory agency will then review the ATIR and determine if a health risk assessment is required.

NOTE: If your engine exceeds 50 hp, there are new Air Toxic Control Measures (ATCMs) from ARB that apply.

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Dear Tracer ES&T:

If an inspector comes and observes a violation at our facility, does OSHA have only six months to issue a citation? Can you consider the violation to be void after six months?

~ Thanks, Anonymous

Good question! Upon researching the Cal/OSHA website and confirming with my sources at a nearby Cal/OSHA consultation office, the answer is YES with conditions. There is a “six-month statute of limitations” for citations. If compliance personnel observe a violation, the deadline for issuance of a citation is six months from the last date the violation was observed. However, this does not mean the violation can be considered void after the six-month period. The OSHA district office does not forget violations, since written records are kept of all violations observed. Usually after a violation is observed, if a citation is not field-issued, the inspector will give the facility a time frame in which to abate the violation and return forms showing the methods and equipment installed to address it. If OSHA does not receive anything from the facility after the given time frame, a citation should be expected. However, if somehow a citation is not received, the facility cannot be cited after the six months until the violation is observed again (in which an immediate citation should be expected).

“Lost” citations are not excusable since all citations are either sent by certified mail (return receipt requested) or field issued. My advice is to address the violation and send in the required documentation as soon as possible. If the facility receives a citation and if you feel as if the citation was unjustified or the time frame given to address it not long enough, you can file an appeal within 15 working days of the date the citation was issued.

Source: <http://www.dir.ca.gov/DOSHPOl/P&PC-2.HTM> ✓

*(HMBP, continued from page 1)*

A complete HMBP must be submitted for all new businesses. After the first submission, facilities must annually review and recertify their HMBP by submitting the Hazardous Materials Business Plan Certification Statement. **The required documentation, whether it is a new Hazardous Materials Business Plan or a Certification Statement, is due to the local administering agency by March 1<sup>st</sup> of every year.**

Note that CalARP facilities are required to submit a full update annually. For additional information, check out the following websites:

<http://es.epa.gov/techinfo/facts/pro-act6.html>  
<http://www.epa.gov/region5/defs/html/epcra.htm>  
<http://www.co.san-diego.ca.us/deh/hmd/bp.html> ✓

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## ANNOUNCEMENTS

### AMMONIA REFRIGERATION CLIENTS

- **February 15, 2007 — Yuma Area Ammonia Safety Day**  
Yuma Civic Center, 1440 Desert Hills Drive
  
- **April 19, 2007 — RETA, Los Angeles Chapter 2, Annual Safety Seminar Returns**

***COME SEE TRACER ES&T'S BOOTH!***

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*(Update, continued from page 2)*

TPQs ranging from 1 pound to 10,000 pounds. In California, the requirement for submittal is any hazardous material in excess of 55 gallons, 500 pounds, or 200 cubic feet.

#### *Reporting Spills and Leaks of EHS*

This section requires facilities to report any discharge of a Reportable Quantity (RQ) to federal, state, and local emergency response agencies, as well as to the state and district Title III agencies. NOTE: In California, all releases posing “significant hazards” to people, property, or the environment, even if the spills are smaller than the RQ levels must be reported.

#### *Reporting Hazardous Substances in the Workplace*

This section of SARA Title III requires employers to have available Material Safety Data Sheets. In addition, this section outlines the Tier I and Tier II emergency and hazardous chemical inventory statements. These reports are generally due to local agencies by March 1 of each year.

Again, California’s Hazardous Materials Inventory Forms 2730 and 2731 satisfy the Tier I/II forms required by the federal government. This section also allows for any member of the public to request Tier I/II information from government agencies. Agencies must provide this information for chemicals exceeding the TPQ, but may require a justification from the requester before providing information about chemicals held in smaller quantities.

#### *Reporting Toxic Chemical Releases*

This program (Section 313) requires facilities to prepare Toxic Release Inventories (TRI) using Form A or Form R by July 1 for the previous year. This section only applies to facilities that use one or more regulated chemicals in total annual quantities above the applicable threshold and are listed in specified business sectors. In addition, facilities with less than 10 employees are exempt from this section.

For more information, check out [www.epa.gov](http://www.epa.gov) or the EPCRA hotline at 800-424-9346. ✓

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Tracer ES&T  
is sponsoring the  
Santa Maria Valley YMCA  
Tri-4-Fun  
Swim-Bike-Run  
on April 28, 2007



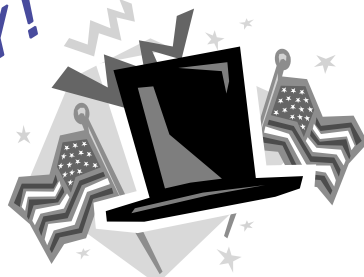


Additional information:  
Santa Maria Valley YMCA,  
3400 Slyway Drive, 805-937-8521

### SPCC Compliance Update

In December of 2006, the United States Environmental Protection Agency (EPA) amended the Spill Prevention, Control, and Countermeasure (SPCC) rule (40 CFR part 112) to address various issues regarding its 2002 final rule. The key rule changes impact facilities with smaller oil storage capacities, qualified oil-filled operational equipment, motive power containers, and mobile refuelers. To allow facilities time to comply, the EPA is proposing to extend the compliance deadline to implement SPCC Plans that meet with the latest requirements until July 2009. Note that the EPA expects to propose further revisions to the SPCC rule in 2007. ✓

HOLIDAY!



PRESIDENTS' DAY  
FEBRUARY 19, 2007