

**Introduced by Senator Jackson**

February 21, 2013

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An act to amend Section 13143.9 of, and to repeal and add Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of, the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 483, as amended, Jackson. Hazardous materials: business and area plans.

(1) Existing law requires the Secretary for Environmental Protection to adopt regulations and implement a unified hazardous waste and hazardous materials management regulatory program. Existing law establishes the respective responsibilities of unified program agencies, designated to implement that unified program, locally, and requires the secretary to establish a statewide information management system for purposes of receiving data collected by unified program agencies.

Existing law establishes the responsibility of a local administering agency authorized to implement and enforce provisions that require (a) the administering agency to establish area plans for emergency response to a release or threatened release of a hazardous material and (b) a business that handles a hazardous material to establish and implement a business plan for such a response. Existing law authorizes a unified program agency to implement and enforce these provisions as an administering agency, as specified.

Existing law specifies the contents of the business plan required of the hazardous materials handler and requires the plan to be submitted to the administering agency. Existing law requires the administering

agency to submit to the Office of Emergency Services, the area plan, a plan to conduct onsite inspection, and a plan to institute a ~~date~~ data management system. A violation of the business plan requirements is a misdemeanor.

This bill would revise and recast the area and business plan requirements and, among other things, would require instead that a unified program agency enforce these requirements. The bill would instead require the inspection program that is part of the unified program to include the onsite inspections of businesses and would delete the requirement to institute a data management system. The bill would require the unified program agency to provide to agencies that have certain shared responsibilities access to information collected in the statewide information management system and would require handlers to submit certain information to that system, as specified.

The bill would also delete obsolete provisions and make general conforming changes.

The bill would impose a state-mandated local program by creating new crimes with regard to the submission of business plans and by imposing new duties upon local agencies with regard to implementing those requirements.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13143.9 of the Health and Safety Code  
2 is amended to read:  
3 13143.9. (a) The State Fire Marshal shall, in carrying out  
4 Section 13143, prepare, adopt, and submit building standards and  
5 other fire and life safety regulations for approval pursuant to  
6 Chapter 4 (commencing with Section 18935) of Part 2.5 of Division  
7 13 establishing minimum requirements for the storage, handling,  
8 and use of hazardous materials, as defined, ~~in Article 9 of the 1988~~  
9 ~~Uniform in the California Fire Code, and any subsequent editions,~~  
10 ~~published by the Western Fire Chiefs Association and the~~

1 ~~International Conference of Building Officials Code~~. The State  
 2 Fire Marshal shall seek the advice of the ~~California Emergency~~  
 3 ~~Management Agency Office of Emergency Services~~ in establishing  
 4 these requirements. This section does not prohibit a city, county,  
 5 or district from adopting an ordinance, resolution, or regulation  
 6 imposing stricter or more stringent requirements than a standard  
 7 adopted pursuant to this section.

8 (b) A business that files the annual inventory form in compliance  
 9 with Chapter 6.95 (commencing with Section 25500) of Division  
 10 20, including the addendum adopted pursuant to paragraph (4) of  
 11 subdivision (e) of Section 25504, shall be deemed to have met the  
 12 requirements of ~~subdivision (e) of Section 80.103 of the Uniform~~  
 13 ~~the California Fire Code regarding hazardous materials inventory~~  
 14 ~~statements~~, as adopted by the State Fire Marshal pursuant to this  
 15 section.

16 (c) A business that is not required to file a hazardous materials  
 17 inventory form pursuant to Section 25506 but that is required by  
 18 the local fire chief to comply with ~~subdivision (e) of Section 80.103~~  
 19 ~~of the Uniform the California Fire Code regarding hazardous~~  
 20 ~~materials inventory statements~~, as adopted by the State Fire  
 21 Marshal pursuant to this section, shall, notwithstanding Chapter  
 22 6.95 (commencing with Section 25500) of Division 20, file the  
 23 inventory form adopted pursuant to Section 25506 and the  
 24 addendum adopted pursuant to paragraph (4) of subdivision (e) of  
 25 Section 25504 with the local fire chief for purposes of complying  
 26 with this requirement, if determined to be necessary by the fire  
 27 chief.

28 SEC. 2. Article 1 (commencing with Section 25500) of Chapter  
 29 6.95 of Division 20 of the Health and Safety Code is repealed.

30 SEC. 3. Article 1 (commencing with Section 25500) is added  
 31 to Chapter 6.95 of Division 20 of the Health and Safety Code, to  
 32 read:

33  
 34 Article 1. Business and Area Plans  
 35

36 25500. (a) The Legislature declares that, in order to protect  
 37 the public health and safety and the environment, it is necessary  
 38 to establish business and area plans relating to the handling and  
 39 release or threatened release of hazardous materials. The  
 40 establishment of a statewide environmental reporting system for

1 these plans is a statewide requirement. Basic information on the  
2 location, type, quantity, and health risks of hazardous materials  
3 handled, used, stored, or disposed of in the state, which could be  
4 accidentally released into the environment, is required to be  
5 submitted to firefighters, health officials, planners, public safety  
6 officers, health care providers, regulatory agencies, and other  
7 interested persons. The information provided by business and area  
8 plans is necessary in order to prevent or mitigate the damage to  
9 the health and safety of persons and the environment from the  
10 release or threatened release of hazardous materials into the  
11 workplace and environment.

12 (b) The Legislature further finds and declares that this article  
13 and Article 2 (commencing with Section 25531) do not occupy  
14 the whole area of regulating the inventorying of hazardous  
15 materials and the preparation of hazardous materials response plans  
16 by businesses, and the Legislature does not intend to preempt any  
17 local actions, ordinances, or regulations that impose additional or  
18 more stringent requirements on businesses that handle hazardous  
19 materials. Thus, in enacting this article and Article 2 (commencing  
20 with Section 25531), it is not the intent of the Legislature to  
21 preempt or otherwise nullify any other statute or local ordinance  
22 containing the same or greater standards and protections.

23 25501. Unless the context indicates otherwise, the following  
24 definitions govern the construction of this article:

25 (a) “Agricultural handler” means a business operating a farm  
26 that is subject to the exemption specified in Section 25507.1.

27 (b) “Area plan” means a plan established pursuant to Section  
28 25503 by a unified program agency for emergency response to a  
29 release or threatened release of a hazardous material within a city  
30 or county.

31 (c) “Business” means all of the following:

32 (1) An employer, self-employed individual, trust, firm, joint  
33 stock company, corporation, partnership, or association.

34 (2) A business organized for profit and a nonprofit business.

35 (3) The federal government, to the extent authorized by law.

36 (4) An agency, department, office, board, commission, or bureau  
37 of state government, including, but not limited to, the campuses  
38 of the California Community Colleges, the California State  
39 University, and the University of California.

1 (5) An agency, department, office, board, commission, or bureau  
2 of a city, county, or district.

3 (d) “Business plan” means a separate plan for each facility, site,  
4 or branch of a business that meets the requirements of Section  
5 25505.

6 (e) “Certification statement” means a ~~statement signed~~  
7 *certification* by the business owner, operator, or officially  
8 designated representative that attests to all of the following:

9 (1) ~~The information contained in the annual inventory form~~  
10 ~~most recently submitted to the unified program agency last~~  
11 ~~submitted to the statewide information management system is~~  
12 complete, accurate, and up to date.

13 (2) There has been no change in the quantity of any hazardous  
14 material, as ~~reported in the most recently submitted annual~~  
15 ~~inventory form to the statewide information management system.~~

16 (3) No hazardous materials subject to the inventory requirements  
17 of this article are being handled that are not listed on the *inventory*  
18 ~~most recently submitted annual inventory form to the statewide~~  
19 *information management system.*

20 (4) ~~The most recently submitted annual inventory form~~  
21 *information most recently submitted to the statewide information*  
22 *management system* contains the information required by Section  
23 11022 of Title 42 of the United States Code.

24 (f) (1) “Certified Unified Program Agency” or “CUPA” means  
25 the agency certified by the secretary to implement the unified  
26 program specified in Chapter 6.11 (commencing with Section  
27 25404) within a jurisdiction.

28 (2) “Participating Agency” or “PA” means an agency that has  
29 a written agreement with the CUPA pursuant to subdivision (d)  
30 of Section 25404.3, and is approved by the secretary, to implement  
31 or enforce one or more of the unified program elements specified  
32 in paragraphs (4) and (5) of subdivision (c) of Section 25404, in  
33 accordance with Sections 25404.1 and 25404.2.

34 (3) (A) “Unified program agency” or “UPA” means the CUPA,  
35 or its participating agencies to the extent each PA has been  
36 designated by the CUPA, pursuant to a written agreement, to  
37 implement or enforce a particular unified program element  
38 specified in paragraphs (4) and (5) of subdivision (c) of Section  
39 25404. For purposes of this article and Article 2 (commencing  
40 with Section 25531), the UPAs have the responsibility and

1 authority, to the extent provided by this article and Article 2  
2 (commencing with Section 25531) and Sections 25404.1 and  
3 25404.2, to implement and enforce only those requirements of this  
4 article and Article 2 (commencing with Section 25531) listed in  
5 paragraphs (4) and (5) of subdivision (c) of Section 25404.

6 (4) *For purposes of subdivision (b) of Section 25532,*  
7 *“administering agency” means the unified program agency.*

8 (B) The UPAs also have the responsibility and authority, to the  
9 extent provided by this article and Article 2 (commencing with  
10 Section 25531) and Sections 25404.1 and 25404.2, to implement  
11 and enforce the regulations adopted to implement the requirements  
12 of this article and Article 2 (commencing with Section 25531)  
13 listed in paragraphs (4) and (5) of subdivision (c) of Section 25404.  
14 After a CUPA has been certified by the secretary, the unified  
15 program agencies shall be the only local agencies authorized to  
16 enforce the requirements of this article and Article 2 (commencing  
17 with Section 25531) listed in paragraphs (4) and (5) of subdivision  
18 (c) of Section 25404 within the jurisdiction of the CUPA.

19 (g) “City” includes any city and county.

20 (h) “Chemical name” means the scientific designation of a  
21 substance in accordance with the nomenclature system developed  
22 by the International Union of Pure and Applied Chemistry or the  
23 system developed by the Chemical Abstracts Service.

24 (i) “Common name” means any designation or identification,  
25 such as a code name, code number, trade name, or brand name,  
26 used to identify a substance by other than its chemical name.

27 (j) “Compressed gas” means a material, or mixture of materials,  
28 that meets either of the following:

29 (1) The definition of compressed fluid or cryogenic fluid found  
30 in the California Fire Code.

31 (2) Compressed gas that is regulated pursuant to Part 1  
32 (commencing with Section 6300) of Division 5 of the Labor Code.

33 (k) “Emergency rescue personnel” means a public employee,  
34 including, but not limited to, a firefighter or emergency rescue  
35 personnel, as defined in Section 245.1 of the Penal Code, or  
36 personnel of a local EMS agency, as designated pursuant to Section  
37 1797.200, or a poison control center, as defined by Section  
38 1797.97, who responds to any condition caused, in whole or in  
39 part, by a hazardous material that jeopardizes, or could jeopardize,  
40 public health or safety or the environment.

1 (l) “Handle” means all of the following:

2 (1) (A) To use, generate, process, produce, package, treat, store,  
3 emit, discharge, or dispose of a hazardous material in any fashion.

4 (B) For purposes of subparagraph (A), “store” does not include  
5 the storage of hazardous materials incidental to transportation, as  
6 defined in Title 49 of the Code of Federal Regulations, with regard  
7 to the inventory requirements of Section 25506.

8 (2) (A) The use or potential for use of a quantity of hazardous  
9 material by the connection of a marine vessel, tank vehicle, tank  
10 car, or container to a system or process for any purpose.

11 (B) For purposes of subparagraph (A), the use or potential use  
12 does not include the immediate transfer to or from an approved  
13 atmospheric tank or approved portable tank that is regulated as  
14 loading or unloading incidental to transportation by Title 49 of the  
15 Code of Federal Regulations.

16 (m) “Handler” means a business that handles a hazardous  
17 material.

18 (n) “Hazardous material” means a material that, because of its  
19 quantity, concentration, or physical or chemical characteristics,  
20 poses a significant present or potential hazard to human health and  
21 safety or to the environment if released into the workplace or the  
22 environment. “Hazardous materials” include, but are not limited  
23 to, hazardous substances, hazardous waste, and any material that  
24 a handler or the unified program agency has a reasonable basis for  
25 believing that it would be injurious to the health and safety of  
26 persons or harmful to the environment if released into the  
27 workplace or the environment.

28 (o) “Hazardous substance” means any substance or chemical  
29 product for which one of the following applies:

30 (1) The manufacturer or producer is required to prepare a ~~MSDS~~  
31 *Material Safety Data Sheet (MSDS)* for the substance or product  
32 pursuant to the Hazardous Substances Information and Training  
33 Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of  
34 Division 5 of the Labor Code) or pursuant to any applicable federal  
35 law or regulation.

36 (2) The substance is listed as a radioactive material in Appendix  
37 B of Chapter 1 (commencing with Section 10.1) of Title 10 of the  
38 Code of Federal Regulations, maintained and updated by the  
39 Nuclear Regulatory Commission.

1 (3) Hazardous materials or substances listed in Part 172  
2 (commencing with Section 172.1) and Part 173 (commencing with  
3 Section 173.1) of Subchapter C of Chapter I of Subtitle B of Title  
4 49 of the Code of Federal Regulations.

5 (4) The materials in the listings specified in subdivision (b) of  
6 Section 6382 of the Labor Code.

7 (p) “Hazardous waste” means hazardous waste, as defined by  
8 Sections 25115 and 25117 and by subdivision (g) of Section 25316.

9 (q) ~~(4)~~ “Office” means the Office of Emergency Services.

10 ~~(2) Any reference to “agency” in this article means the Office~~  
11 ~~of Emergency Services.~~

12 (r) “Release” means any spilling, leaking, pumping, pouring,  
13 emitting, emptying, discharging, injecting, escaping, leaching,  
14 dumping, or disposing into the environment, unless permitted or  
15 authorized by a regulatory agency.

16 (s) “Secretary” means the Secretary for Environmental  
17 Protection.

18 (t) “~~SIC Code~~” *and NAISC Codes*” means the identification  
19 number assigned by the Standard Industrial Classification Code  
20 *or the North American Industry Classification System, as*  
21 *applicable*, to specific types of businesses.

22 (u) “Statewide information management system” means the  
23 statewide information management system established pursuant  
24 to subdivision (e) of Section 25404 that provides for the  
25 combination of state and local information management systems  
26 for the purposes of managing unified program data.

27 (v) “Threatened release” means a condition creating a substantial  
28 probability of harm, when the probability and potential extent of  
29 harm make it reasonably necessary to take immediate action to  
30 prevent, reduce, or mitigate damages to persons, property, or the  
31 environment.

32 (w) “Trade secret” means trade secrets as defined in either  
33 subdivision (d) of Section 6254.7 of the Government Code or  
34 Section 1061 of the Evidence Code.

35 (x) “Unified program facility” means all contiguous land and  
36 structures, other appurtenances, and improvements on the land  
37 that are subject to the requirements of paragraphs (4) and (5) of  
38 subdivision (c) of Section 25404.

39 25502. (a) This article *and Article 3 (commencing with Section*  
40 *25545)*, as it pertains to the handling of hazardous material, *and*

1 *Article 2 (commencing with Section 25531), as it pertains to the*  
2 *regulation of stationary sources, shall be implemented by one of*  
3 *the following:*

4 (1) If there is a CUPA, the unified program agency.

5 (2) If there is no CUPA, the agency authorized pursuant to  
6 subdivision (f) of Section 25404.3.

7 (b) The agency responsible for implementing this article, *Article*  
8 *2 (commencing with Section 25531), and Article 3 (commencing*  
9 *with Section 25545)* shall ensure full access to, and the availability  
10 of, information submitted under this ~~article~~ *chapter* to emergency  
11 rescue personnel and other appropriate governmental entities within  
12 its jurisdiction.

13 25503. (a) The office shall adopt, after public hearing and  
14 consultation with the Office of the State Fire Marshal and other  
15 appropriate public entities, regulations for minimum standards for  
16 business plans and area plans. All business plans and area plans  
17 shall meet the standards adopted by the office.

18 (b) The standards for business plans in the regulations adopted  
19 pursuant to subdivision (a) shall do all of the following:

20 (1) Set forth minimum requirements of adequacy, and not  
21 preclude the imposition of additional or more stringent  
22 requirements by local government.

23 (2) Take into consideration and adjust for the size and nature  
24 of the business, the proximity of the business to residential areas  
25 and other populations, and the nature of the damage potential of  
26 its hazardous materials in establishing standards for paragraphs  
27 (3) and (4) of subdivision (a) of Section 25505.

28 (3) Take into account the existence of local area and business  
29 plans that meet the requirements of this article so as to minimize  
30 the duplication of local efforts, consistent with the objectives of  
31 this article.

32 (4) Define what releases and threatened releases are required  
33 to be reported pursuant to Section 25510. The office shall consider  
34 the existing federal reporting requirements in determining a  
35 definition of reporting releases pursuant to Section 25510.

36 (c) A unified program agency shall, *in consultation with local*  
37 *emergency response agencies*, establish an area plan for emergency  
38 response to a release or threatened release of a hazardous material  
39 within its jurisdiction. An area plan is not a statute, ordinance, or  
40 regulation for purposes of Section 669 of the Evidence Code. The

1 standards for area plans in the regulations adopted pursuant to  
2 subdivision (a) shall provide for all of the following:

3 (1) Procedures and protocols for emergency rescue personnel,  
4 including the safety and health of those personnel.

5 (2) Preemergency planning.

6 (3) Notification and coordination of onsite activities with state,  
7 local, and federal agencies, responsible parties, and special districts.

8 (4) Training of appropriate employees.

9 (5) Onsite public safety and information.

10 (6) Required supplies and equipment.

11 (7) Access to emergency response contractors and hazardous  
12 waste disposal sites.

13 (8) Incident critique and followup.

14 (9) Requirements for notification to the office of reports made  
15 pursuant to Section 25510.

16 (d) (1) The unified program agency shall submit to the office  
17 for its review a copy of the proposed area plan within 180 days  
18 after adoption of regulations by the office. The office shall notify  
19 the unified program agency as to whether the area plan is adequate  
20 and meets the area plan standards. The unified program agency  
21 shall submit a corrected area plan within 45 days of this notice.

22 (2) The unified program agency shall certify to the office every  
23 three years that it has conducted a complete review of its area plan  
24 and has made any necessary revisions. If a unified program agency  
25 makes a substantial change to its area plan, it shall forward the  
26 changes to the office within 14 days after the changes have been  
27 made.

28 (e) The inspection and enforcement program ~~of the unified~~  
29 ~~program agency that is required to be implemented~~ *established*  
30 pursuant to paragraphs (2) and (3) of subdivision (a) of Section  
31 25404.2, shall include the basic provisions of a plan to conduct  
32 onsite inspections of businesses subject to this article by ~~either the~~  
33 ~~unified program agency or other designated entity~~. These  
34 inspections shall ensure compliance with this article and shall  
35 identify existing safety hazards that could cause or contribute to  
36 a release and, where appropriate, enforce any applicable laws and  
37 suggest preventative measures designed to minimize the risk of  
38 the release of hazardous material into the workplace or  
39 environment. The requirements of this paragraph do not alter or

1 affect the immunity provided to a public entity pursuant to Section  
2 818.6 of the Government Code.

3 25504. (a) The Legislature hereby finds and declares that  
4 persons attempting to do business in this state are increasingly  
5 experiencing excessive and duplicative regulatory requirements  
6 at different levels of government.

7 (b) To streamline and ease the regulatory burdens of doing  
8 business in this state, compliance with ~~the hazardous materials~~  
9 ~~release response plans and inventory requirements of this article~~  
10 ~~Section 25505~~ shall also suffice to meet the requirements ~~of the~~  
11 ~~for a Hazardous Materials Management Plan set forth in the~~  
12 ~~California Fire Code and the requirements of the Hazardous~~  
13 ~~Materials Inventory Statement as set forth in the California Fire~~  
14 ~~Code with regard to the requirement for a hazardous materials~~  
15 ~~management plan and hazardous materials inventory statement,~~  
16 ~~as set forth in Chapter 27 of the California Fire Code and its~~  
17 ~~appendices, to the extent that the information in the California Fire~~  
18 ~~Code is contained in the hazardous materials release response plans~~  
19 ~~and inventory requirements of this article Section 25505.~~

20 (c) The unified program agency shall provide access to the  
21 information collected in the statewide information management  
22 system to those agencies with shared responsibilities for the  
23 protection of the public health and safety and the environment.  
24 ~~For those response agencies that do not have access to electronic~~  
25 ~~information, the unified program agency shall forward the data~~  
26 ~~collected to the response agency in a mutually agreeable format,~~  
27 ~~within 15 days of receipt and confirmation or a mutually agreeable~~  
28 ~~timeframe.~~

29 (d) The enforcement of this article by unified program agencies  
30 and the California Fire Code by those agencies required to enforce  
31 the provisions of that code shall be coordinated.

32 (e) (1) Notwithstanding Section 13143.9, and the standards and  
33 regulations adopted pursuant to that section, a business that files  
34 the annual inventory form in compliance with this ~~article, including~~  
35 ~~article and the addendum adopted pursuant to paragraph (4), as~~  
36 ~~if required by the local fire chief to comply with Section 2701.5.2~~  
37 ~~of the California Fire Code, as adopted by the State Fire Marshal~~  
38 ~~pursuant to Section 13143.9; chief, shall be deemed to have met~~  
39 ~~the requirements of Section 2701.5.2 of the California Fire Code,~~  
40 ~~as adopted by the State Fire Marshal pursuant to Section 13143.9~~

1 *for a Hazardous Materials Inventory Statement, as set forth in the*  
2 *California Fire Code and its appendices.*

3 (2) Notwithstanding Section 13143.9, and the standards and  
4 regulations adopted pursuant to that section, a business that  
5 establishes and maintains a business plan for emergency response  
6 to a release or a threatened release of a hazardous material in  
7 accordance with Section 25505, shall be deemed to have met the  
8 requirements of ~~Section 2701.5.1 of the California Fire Code, as~~  
9 ~~adopted by the State Fire Marshal pursuant to Section 13143.9 for~~  
10 *a Hazardous Materials Management Plan, as set forth in the*  
11 *California Fire Code and its appendices.*

12 (3) Except for the addendum required by the local fire chief  
13 pursuant to paragraph (4), the unified program agency shall be the  
14 sole enforcement agency for purposes of determining compliance  
15 pursuant to paragraphs (1) and (2).

16 (4) The office shall, in consultation with the unified program  
17 agencies and the State Fire Marshal, adopt by regulation a single  
18 comprehensive addendum ~~to the~~ *for* hazardous materials reporting  
19 ~~form for businesses to submit to unified program agencies for~~ *for*  
20 *the* purposes of complying with subdivisions (b) and (c) of Section  
21 13143.9 and subdivision (b) of Section 25506. ~~The regulations~~  
22 ~~shall also specify criteria for sharing data electronically.~~ The  
23 unified program agency shall require businesses to annually use  
24 that addendum when complying with subdivisions (b) and (c) of  
25 Section 13143.9 and subdivision (b) of Section 25506. ~~The~~  
26 ~~addendum shall be filed with the unified program agency.~~ *A*  
27 *business shall file the addendum with the unified program agency*  
28 *when required by the local fire chief pursuant to subdivision (b)*  
29 *of Section 25506.*

30 (f) Except as otherwise expressly provided in this section, this  
31 section does not affect or otherwise limit the authority of the local  
32 fire chief to enforce the California Fire Code.

33 25505. (a) A business plan shall include all of the following  
34 information:

35 (1) The inventory of information required by Section 25506 and  
36 whatever additional information the unified program agency finds  
37 is necessary to protect the health and safety of persons, property,  
38 or the environment. This information shall be subject to trade secret  
39 protection specified in Section 25512.

1 ~~(2) A site map, that includes, but is not limited to, property~~  
2 ~~boundaries, buildings, parking areas and internal drives, adjacent~~  
3 ~~streets, scale of the map, and storage locations for hazardous~~  
4 ~~materials.~~

5 ~~(3)~~

6 (2) Emergency response plans and procedures in the event of a  
7 reportable release or threatened release of a hazardous material,  
8 including, but not limited to, all of the following:

9 (A) Immediate notification to *the appropriate local emergency*  
10 *rescue personnel and to the unified program agency* ~~and to the~~  
11 ~~appropriate local emergency rescue personnel.~~

12 (B) Procedures for the mitigation of a release or threatened  
13 release to minimize any potential harm or damage to persons,  
14 property, or the environment.

15 (C) Evacuation plans and procedures, including immediate  
16 notice, for the business site.

17 ~~(4)~~

18 (3) Training for all new employees and annual training,  
19 including refresher courses, for all employees in safety procedures  
20 in the event of a release or threatened release of a hazardous  
21 material, including, but not limited to, familiarity with the plans  
22 and procedures specified in paragraph ~~(3)~~ (2). These training  
23 programs may take into consideration the position of each  
24 employee. This training shall be documented *electronically or by*  
25 *hard copy* and shall be ~~kept readily~~ *made* available for a minimum  
26 of three years.

27 (b) A business required to file a pipeline operations contingency  
28 plan in accordance with the California Pipeline Safety Act of 1981  
29 (Chapter 5.5 (commencing with Section 51010) of Part 1 of  
30 Division 1 of Title 5 of the Government Code) and the regulations  
31 of the Department of Transportation, found in Part 195  
32 (commencing with Section 195.1) of Subchapter D of Chapter I  
33 of Subtitle B of Title 49 of the Code of Federal Regulations, may  
34 file a copy of those plans with the unified program agency instead  
35 of filing an emergency response plan specified in paragraph (3)  
36 of subdivision (a).

37 25505.1. A business that is required to establish and implement  
38 a business plan pursuant to Section 25507 and is located on leased  
39 or rented real property shall notify, in writing, the owner of the  
40 property that the business is subject to Section 25507 and has

1 complied with its provisions, and shall provide a copy of the  
2 business plan to the owner or the owner's agent within five working  
3 days after receiving a request for a copy from the owner or the  
4 owner's agent.

5 25506. (a) The annual inventory submittal shall include, but  
6 shall not be limited to, information on all of the following that are  
7 handled in quantities equal to or greater than the quantities  
8 specified in subdivision (a) of Section 25507:

9 (1) A listing of the chemical name and common names of every  
10 hazardous substance or chemical product handled by the business.

11 (2) The category of waste, including the general chemical  
12 composition of the waste listed by probable maximum and  
13 minimum concentrations, of every hazardous waste handled by  
14 the business.

15 (3) A listing of the chemical name and common names of every  
16 other hazardous material or mixture containing a hazardous  
17 material handled by the business that is not otherwise listed  
18 pursuant to paragraph (1) or (2).

19 (4) The maximum amount of each hazardous material or mixture  
20 containing a hazardous material disclosed in paragraphs (1), (2),  
21 and (3) that is handled at any one time by the business over the  
22 course of the year.

23 (5) The total estimated amounts of each hazardous waste handled  
24 by the business throughout the course of the year.

25 (6) Sufficient information on how and where the hazardous  
26 materials disclosed in paragraphs (1), (2), and (3) are handled by  
27 the business to allow fire, safety, health, and other appropriate  
28 personnel to prepare adequate emergency responses to potential  
29 releases of the hazardous materials.

30 (7) ~~The SIC Code number of and NAICS Codes for the business,~~  
31 ~~if applicable to the extent that applicable codes exist that represent~~  
32 ~~that business.~~

33 (8) The name and telephone number of the person representing  
34 the business and able to assist emergency personnel in the event  
35 of an emergency involving the business during nonbusiness hours.

36 (b) ~~If required by the local fire chief requires the business to~~  
37 ~~comply with the requirements of subdivision (c) of Section~~  
38 ~~2701.5.2 of the California Fire Code, as adopted by the State Fire~~  
39 ~~Marshal pursuant to Section 13143.9, the business shall also file~~

1 the addendum required by paragraph (4) of subdivision (e) of  
2 Section 25504 ~~with the unified program agency.~~

3 (c) (1) Except as provided in subdivision (d), the annual  
4 inventory information required by this section shall also include  
5 all inventory information required by Section 11022 of Title 42  
6 of the United States Code.

7 (2) The office may adopt or amend existing regulations  
8 specifying the inventory information required by this subdivision.

9 (d) If, pursuant to federal law or regulation, as it currently exists  
10 or as it may be amended, the office ~~determinates~~ *determines* that  
11 the inventory information required by subdivisions (a) and (c) is  
12 substantially equivalent to the inventory information required under  
13 the Emergency Planning and Community Right-to-Know Act of  
14 1986 (42 U.S.C. Sec. 11001 et seq.), the requirements of  
15 subdivisions (a) and (c) shall not apply.

16 25507. (a) Except as provided in this article, a business shall  
17 establish and implement a business plan for emergency response  
18 to a release or threatened release of a hazardous material in  
19 accordance with the standards prescribed in the regulations adopted  
20 pursuant to Section 25503 if the business meets any of the  
21 following conditions:

22 (1) The business handles a hazardous material or a mixture  
23 containing a hazardous material that has a quantity at any one time  
24 during the reporting year that is equal to, or greater than, 55 gallons  
25 for materials that are liquids, 500 pounds for solids, ~~and~~ *or* 200  
26 cubic feet for compressed gas. The physical state and quantity  
27 present of mixtures shall be determined by the physical state of  
28 the mixture as whole, not individual components, at standard  
29 temperature and pressure.

30 (2) The business is required to submit chemical inventory  
31 information pursuant to Section 11022 of Title 42 of the United  
32 States Code.

33 (3) The business handles at any one time during the reporting  
34 year an amount of a hazardous material that is equal to, or greater  
35 than the threshold planning quantity, under both of the following  
36 conditions:

37 (A) The hazardous material is an extremely hazardous substance,  
38 as defined in Section 355.61 of Title 40 of the Code of Federal  
39 Regulations.

1 (B) The threshold planning quantity for that extremely hazardous  
2 substance listed in Appendices A and B of Part 355 (commencing  
3 with Section 355.1) of Subchapter J of Chapter I of Title 40 of the  
4 Code of Federal Regulations is less than 500 pounds.

5 (4) (A) The business handles at any one time during the  
6 reporting year a total weight of 5,000 pounds for solids and a total  
7 volume of 550 gallons for liquids, if the hazardous material is a  
8 solid or liquid substance that is classified as a hazard for purposes  
9 of Section 5194 of Title 8 of the California Code of Regulations  
10 solely as an irritant or sensitizer, unless the unified program agency  
11 finds, and provides notice to the business handling the product,  
12 that the handling of lesser quantities of that hazardous material  
13 requires the submission of a business plan, or any portion of a  
14 business plan, in response to public health, safety, or environmental  
15 concerns.

16 (B) The unified program agency shall make the findings required  
17 by subparagraph (A) in consultation with the local fire chief.

18 (5) (A) The business handles at any one time during the  
19 reporting year a total of 1,000 cubic feet, if the hazardous material  
20 is a compressed gas and is classified as a hazard for the purposes  
21 of Section 5194 of Title 8 of the California Code of Regulations  
22 solely as a compressed gas, unless the unified program agency  
23 finds, and provides notice to the business handling the product,  
24 that the handling of lesser quantities of that hazardous material  
25 requires the submission of a business plan, or any portion thereof,  
26 in response to public health, safety, or environmental concerns.

27 (B) The unified program agency shall make the findings required  
28 by subparagraph (A) in consultation with the local fire chief.

29 (C) The hazardous materials subject to subparagraph (A) include  
30 a gas for which the only health and physical hazards are simple  
31 asphyxiation and the release of pressure.

32 (D) The hazardous materials subject to subparagraph (A) do  
33 not include gases in a cryogenic state.

34 (6) The business handles a radioactive material at any one time  
35 during the reporting year that is handled in quantities for which  
36 an emergency plan is required to be adopted pursuant to Part 30  
37 (commencing with Section 30.1), Part 40 (commencing with  
38 Section 40.1), or Part 70 (commencing with Section 70.1), of  
39 Chapter 1 of Title 10 of the Code of Federal Regulations, or

1 pursuant to any regulations adopted by the state in accordance with  
2 those regulations.

3 (7) The business handles perchlorate material, as defined in  
4 subdivision (c) of Section 25210.5, ~~in excess of a threshold~~  
5 ~~specified in paragraph (1), (3), or (4)~~ *a quantity at any one time*  
6 *during the reporting year that is equal to, or greater than, the*  
7 *thresholds listed in paragraph (1).*

8 (b) Oxygen, nitrogen, and nitrous oxide, ordinarily maintained  
9 by a physician, dentist, podiatrist, veterinarian, or pharmacist, at  
10 his or her office or place of business, stored at each office or place  
11 of business in quantities of not more than 1,000 cubic feet of each  
12 material at any one time, are exempt from this section and from  
13 Section 25506. The unified program agency may require a one-time  
14 inventory of these materials for a fee not to exceed fifty dollars  
15 (\$50) to pay for the costs incurred by the agency in processing the  
16 inventory forms.

17 (c) (1) Lubricating oil is exempt from this section and Sections  
18 25506 and 25508, for a single business facility, if the total volume  
19 of each type of lubricating oil handled at that facility does not  
20 exceed 55 gallons and the total volume of all types of lubricating  
21 oil handled at that facility does not exceed 275 gallons, at any one  
22 time.

23 (2) For purposes of this paragraph, “lubricating oil” means oil  
24 intended for use in an internal combustion crankcase, or the  
25 transmission, gearbox, differential, or hydraulic system of an  
26 automobile, bus, truck, vessel, airplane, heavy equipment, or other  
27 machinery powered by an internal combustion or electric powered  
28 engine. “Lubricating oil” does not include used oil, as defined in  
29 subdivision (a) of Section 25250.1.

30 (d) Oil-filled electrical equipment that is not contiguous to an  
31 electric facility is exempt from this section and Sections 25506  
32 and 25508 if the aggregate capacity is less than 1,320 gallons.

33 (e) Hazardous material contained solely in a consumer product  
34 for direct distribution to, and use by, the general public is exempt  
35 from the business plan requirements of this article unless the  
36 unified program agency has found, and has provided notice to the  
37 business handling the product, that the handling of certain  
38 quantities of the product requires the submission of a business  
39 plan, or any portion thereof, in response to public health, safety,  
40 or environmental concerns.

1 (f) In addition to the authority specified in subdivision (h), the  
2 unified program agency may, in exceptional circumstances,  
3 following notice and public hearing, exempt a hazardous substance  
4 specified in subdivision (o) of Section 25501 from Section 25506,  
5 if the unified program agency finds that the hazardous substance  
6 would not pose a present or potential danger to the environment  
7 or to human health and safety if the hazardous substance was  
8 released into the environment. The unified program agency shall  
9 specify in writing the basis for granting an exemption under this  
10 subdivision. The unified program agency shall send a notice to the  
11 office within five days from the effective date of any exemption  
12 granted pursuant to this subdivision.

13 (g) The unified program agency, upon application by a handler,  
14 may exempt the handler, under conditions that the unified program  
15 agency determines to be proper, from any portion of the  
16 *requirements to establish and maintain a business plan*, upon a  
17 written finding that the exemption would not pose a significant  
18 present or potential hazard to human health or safety or to the  
19 environment, or affect the ability of the unified program agency  
20 and emergency rescue personnel to effectively respond to the  
21 release of a hazardous material, and that there are unusual  
22 circumstances justifying the exemption. The unified program  
23 agency shall specify in writing the basis for any exemption under  
24 this subdivision.

25 (h) The unified program agency, upon application by a handler,  
26 may exempt a hazardous material from the inventory provisions  
27 of this article upon proof that the material does not pose a  
28 significant present or potential hazard to human health and safety  
29 or to the environment if released into the workplace or  
30 environment. The unified program agency shall specify in writing  
31 the basis for any exemption under this subdivision.

32 (i) The unified program agency shall adopt procedures to provide  
33 for public input when approving applications submitted pursuant  
34 to subdivisions (g) and (h).

35 25507.1. (a) A unified program agency shall exempt a business  
36 operating a farm for purposes of cultivating the soil or raising or  
37 harvesting any agricultural or horticultural commodity from filing  
38 the information in the business plan required by paragraphs (3)  
39 and (4) of subdivision (a) of Section 25505 if all of the following  
40 requirements are met:

1 (1) The agricultural handler annually submits the inventory of  
2 information required by Section 25505 to the statewide  
3 environmental reporting ~~system~~ *system*.

4 (2) Each building in which hazardous materials subject to this  
5 article are stored is posted with signs, in accordance with  
6 regulations that the ~~agency~~ *office* shall adopt, that provide notice  
7 of the storage of any of the following:

- 8 (A) Pesticides.
- 9 (B) Petroleum fuels and oil.
- 10 (C) Types of fertilizers.

11 (3) The agricultural handler provides the training programs  
12 specified in paragraph (4) of subdivision (a) of Section 25505.

13 (b) The unified program agency may designate the county  
14 agricultural commissioner to conduct the inspections of agricultural  
15 handlers. The agricultural commissioner shall schedule and conduct  
16 inspections in accordance with Section 25511.

17 25507.2. (a) The unified program agency shall exempt a  
18 business operating an unstaffed remote facility located in an  
19 isolated sparsely populated area from ~~the~~ Sections 25506 and 25507  
20 if the facility is not otherwise subject to the requirements of  
21 applicable federal law, and all of the following requirements are  
22 met:

23 (1) The types and quantities of materials onsite are limited to  
24 one or more of the following:

25 (A) One thousand standard cubic feet of compressed inert gases  
26 (asphyxiation and pressure hazards only).

27 (B) Five hundred gallons of combustible liquid used as a fuel  
28 source.

29 (C) Two hundred gallons of corrosive liquids used as electrolytes  
30 in closed containers.

31 (D) Five hundred gallons of lubricating and hydraulic fluids.

32 (E) One thousand two hundred gallons of flammable gas used  
33 as a fuel source.

34 (F) Any quantity of mineral oil contained within electrical  
35 equipment, such as transformers, bushings, electrical switches,  
36 and voltage regulators, if the spill prevention control and  
37 countermeasure plan has been prepared for quantities ~~in excess of~~  
38 *that meet or exceed* 1,320 gallons.

39 (2) The facility is secured and not accessible to the public.

1 (3) Warning signs are posted and maintained for hazardous  
2 materials pursuant to the California Fire Code.

3 (4) A one-time notification and inventory are provided to the  
4 unified program agency along with a processing fee in lieu of the  
5 existing fee. The fee shall not exceed the actual cost of processing  
6 the notification and inventory, including a verification inspection,  
7 if necessary.

8 (5) If the information contained in the initial notification or  
9 inventory changes and the time period of the change is longer than  
10 30 days, the notification or inventory shall be resubmitted within  
11 30 days to the unified program agency to reflect the change, along  
12 with a processing fee, in lieu of the existing fee, that does not  
13 exceed the actual cost of processing the amended notification or  
14 inventory, including a verification inspection, if necessary.

15 (6) The unified program agency shall forward a copy of the  
16 notification and inventory to those agencies that share responsibility  
17 for emergency response.

18 (7) The unified program agency may require an unstaffed remote  
19 facility to submit a hazardous materials business plan and inventory  
20 in accordance with this article if the agency finds that special  
21 circumstances exist so that development and maintenance of the  
22 business plan and inventory are necessary to protect the public  
23 health and safety and the environment.

24 (b) On-premises use, storage, or both, of propane in an amount  
25 not to exceed 500 gallons that is for the sole purpose of cooking,  
26 heating the employee work areas, and heating water, within that  
27 business, is exempt from Section 25507, unless the uniform  
28 program agency finds, and provides notice to the business handling  
29 the propane, that the handling of the on-premise propane requires  
30 the submission of a business plan, or any portion of a business  
31 plan, in response to public health, safety, or environmental  
32 concerns.

33 (c) The unified program agency shall provide all information  
34 obtained from completed inventory forms, upon request, to  
35 emergency rescue personnel on a 24-hour basis.

36 25508. (a) (1) A handler shall *electronically* submit its  
37 business plan to the statewide information management system in  
38 accordance with the requirements of this article and certify that  
39 the business plan meets the requirements of this article.

1 (2) If, after review, the unified program agency determines that  
2 the handler's business plan is deficient in ~~any way~~, *satisfying the*  
3 *requirements of this article or the regulations adopted pursuant*  
4 *to Section 25503*, the unified program agency shall notify the  
5 handler of those deficiencies. The handler shall *electronically*  
6 submit a corrected business plan within 30 days from the date of  
7 the notice.

8 (3) If a handler fails, after reasonable notice, to *electronically*  
9 submit a business plan in compliance with this article, the unified  
10 program agency shall take appropriate action to enforce this article,  
11 including the imposition of civil and criminal penalties as specified  
12 in this article.

13 (4) For data ~~that has not been defined by data elements or data~~  
14 ~~field~~ *not adopted in the manner established under the standards*  
15 *adopted pursuant to subdivision (e) of Section 25404*, and that is  
16 reported using a document format, the use of a reporting method  
17 accepted by the statewide information management system shall  
18 be considered compliance with the requirement to submit ~~a~~  
19 ~~business plan~~ *that data*. If the reporting option used does not  
20 support public records requests from the public, the handler shall  
21 provide requested documents to the unified program agency within  
22 10 business days of a request from the unified program agency.

23 (b) A handler shall review the business plan submitted pursuant  
24 to subdivision (a) at least once every three years to determine if a  
25 revision is needed and shall certify to the unified program agency  
26 that the review was made and that any necessary changes were  
27 made to the plan.

28 (c) Unless exempted from the business plan requirements under  
29 this article, a handler shall annually review the ~~inventory statement~~  
30 *business plan information* and resubmit or certify as correct the  
31 inventory information in the statewide environmental reporting  
32 system.

33 (d) A business required to ~~establish and~~ *establish*, implement,  
34 *and electronically submit* a business plan pursuant to subdivision  
35 (a) shall not be deemed to be in violation of this article until 30  
36 days after the business becomes subject to subdivision (a), unless  
37 the unified program agency requests the business to ~~establish and~~  
38 *establish*, implement, *and electronically submit* the business plan  
39 at an earlier date.

1 25508.1. Within 30 days of any one of the following events,  
2 a business subject to ~~Section 25508~~ *this article* shall *electronically*  
3 update the information submitted to the statewide environmental  
4 reporting system:

5 (a) A 100 percent or more increase in the quantity of a  
6 previously disclosed material.

7 (b) Any handling of a previously undisclosed hazardous material  
8 subject to the inventory requirements of this article.

9 (c) Change of business address.

10 (d) Change of business ownership.

11 (e) Change of business name.

12 (f) A substantial change in the handler's operations occurs that  
13 requires modification to any portion of the business plan.

14 25509. (a) The unified program agency shall ~~maintain records~~  
15 ~~of all business plans received and shall index the plans by street~~  
16 ~~address and company name. The business plan and revisions shall~~  
17 ~~be update its administrative procedures with regard to maintaining~~  
18 ~~records and responding to requests for information in accordance~~  
19 ~~with Subdivision 4 (commencing with Section 15100) of Division~~  
20 ~~1 of, and Division 3 of, Title 27 of the California Code of~~  
21 ~~Regulations, as those regulations read on January 1, 2014. The~~  
22 ~~united program agency shall make the data elements and~~  
23 ~~documents submitted pursuant to this article available for public~~  
24 ~~inspection during the regular working hours of the unified program~~  
25 ~~agency, except that those portions of the business plan the data~~  
26 ~~elements and documents specifying the precise location where~~  
27 ~~hazardous materials are stored and handled onsite, including any~~  
28 ~~maps of the site, as required by paragraph (2) of subdivision (a)~~  
29 ~~of Section 25505, shall not be available for inspection. The unified~~  
30 ~~program agency shall transmit copies of the entire business plan~~  
31 ~~or any information contained in the business plan to any requesting~~  
32 ~~state or local agency make the data elements and documents~~  
33 ~~submitted pursuant to this article available to a requesting~~  
34 ~~government agency that is authorized by law to access the~~  
35 ~~information.~~

36 (b) A person who submits inventory information required under  
37 Section 25506 with the unified program agency shall be deemed  
38 to have filed the inventory form required by Section 11022(a) of  
39 Title 42 of the United States Code with the state emergency  
40 response commission and emergency planning committee

1 established pursuant to Section 11001 of Title 42 of the United  
2 States Code.

3 (c) The unified program agency shall, upon request, transmit  
4 the information collected pursuant to this chapter to the Chemical  
5 Emergency Planning and Response Commission, established by  
6 the Governor as the state emergency response commission pursuant  
7 to Section 11001(a) of Title 42 of the United States Code, and to  
8 the local emergency planning committee established pursuant to  
9 Section 11001(c) of Title 42 of the United States Code.

10 25510. (a) Except as provided in subdivision (b), the handler  
11 or an employee, authorized representative, agent, or designee of  
12 a handler, shall, upon discovery, immediately report any release  
13 or threatened release of a hazardous material to the unified program  
14 agency, and to the office, in accordance with the regulations  
15 adopted pursuant to Section 25503. The handler or an employee,  
16 authorized representative, agent, or designee of the handler shall  
17 provide all state, city, or county fire or public health or safety  
18 personnel and emergency rescue personnel with access to the  
19 handler's facilities.

20 (b) Subdivision (a) does not apply to a person engaged in the  
21 transportation of a hazardous material on a highway that is subject  
22 to, and in compliance with, the requirements of Sections 2453 and  
23 23112.5 of the Vehicle Code.

24 25510.1. (a) A business required to submit a followup  
25 emergency notice pursuant to ~~of~~ Section 11004(c) of Title 42 of  
26 the United States Code shall submit the notice on a form approved  
27 by the office.

28 (b) The office may adopt guidelines for the use of the forms  
29 required by subdivision (a).

30 25510.2. In order to carry out the purposes of this chapter, a  
31 unified program agency may train for, and respond to, the release,  
32 or threatened release, of a hazardous material.

33 25510.3. The emergency rescue personnel, responding to the  
34 reported release or threatened release of a hazardous material, or  
35 of a regulated substance, as defined in Section 25532, or to any  
36 fire or explosion involving a material or substance that involves a  
37 release that would be required to be reported pursuant to Section  
38 25510, shall immediately advise the superintendent of the school  
39 district having jurisdiction, where the location of the release or  
40 threatened release is within one-half mile of a school.

1 25511. (a) In order to carry out the purposes of this article and  
2 Article 2 (commencing with Section 25531), an employee or  
3 authorized representative of a unified program agency has the  
4 authority specified in Section 25185, with respect to the premises  
5 of a handler, and in Section 25185.5, with respect to real property  
6 that is within 2,000 feet of the premises of a handler, except that  
7 this authority shall include conducting inspections concerning  
8 hazardous material, in addition to hazardous waste.

9 (b) In addition to the requirements of Section 25537, the unified  
10 program agency shall conduct inspections of every business subject  
11 to this article at least once every three years to determine if the  
12 business is in compliance with this article. The unified program  
13 agency shall give priority, when conducting these inspections, to  
14 inspecting facilities that are required to prepare a risk management  
15 plan pursuant to Article 2 (commencing with Section 25531). In  
16 establishing a schedule for conducting inspections pursuant to this  
17 section, the unified program agency may adopt and use an index  
18 of the volatility, toxicity, and quantity of regulated substances and  
19 hazardous materials. A unified program agency shall attempt to  
20 schedule the inspections conducted pursuant to this section and  
21 Section 25537, when applicable, during the same time period.

22 (c) The unified program agency may designate the county  
23 agricultural commissioner to conduct the inspection of agricultural  
24 handlers for purposes of Section 25507.1.

25 25512. (a) As used in this ~~section~~ section, “trade secret” means  
26 a trade secret as defined in either subdivision (d) of Section 6254.7  
27 of the Government Code or Section 1061 of the Evidence Code.

28 (b) (1) If a business believes that the inventory required by this  
29 article involves the release of a trade secret, the business shall  
30 nevertheless provide this information to the unified program  
31 agency, and shall notify the unified program agency in writing of  
32 that belief on the inventory form.

33 (2) Subject to subdivisions (d) and (e), the unified program  
34 agency shall protect from disclosure any information designated  
35 as a trade secret by the business pursuant to paragraph (1).

36 (c) (1) Upon the receipt of a request for the release of  
37 information to the public that includes information that the business  
38 has notified the unified program agency is a trade secret pursuant  
39 to paragraph (1) of subdivision (b), the unified program agency

1 shall notify the business in writing of the request by certified mail,  
2 return receipt requested.

3 (2) The unified program agency shall release the requested  
4 information to the public 30 days or more after the date of mailing  
5 to the business the notice of the request for information, unless,  
6 prior to the expiration of the 30-day period, the business files an  
7 action in an appropriate court for a declaratory judgment that the  
8 information is subject to protection under subdivision (b) or for  
9 an injunction prohibiting disclosure of the information to the public,  
10 and promptly notifies the unified program agency of that action.

11 (3) This subdivision does not permit a business to refuse to  
12 disclose the information required pursuant to this section to the  
13 unified program agency.

14 (d) Except as provided in subdivision (c), any information that  
15 has been designated as a trade secret by a business is confidential  
16 information for purposes of this section and shall not be disclosed  
17 to anyone except the following:

18 (1) An officer or employee of the county, city, state, or the  
19 United States, in connection with the official duties of that officer  
20 or employee under any law for the protection of health, or  
21 contractors with the county, city, state and their employees if, in  
22 the opinion of the unified program agency, disclosure is necessary  
23 and required for the satisfactory performance of a contract, for  
24 performance of work, or to protect the health and safety of the  
25 employees of the contractor.

26 (2) A physician if the physician certifies in writing to the unified  
27 program agency that the information is necessary to the medical  
28 treatment of the physician's patient.

29 (e) A physician who, by virtue of having obtained possession  
30 of, or access to, confidential information, and who, knowing that  
31 disclosure of the information to the general public is prohibited  
32 by this section, knowingly and willfully discloses the information  
33 in any manner to a person not entitled to receive it, is guilty of a  
34 misdemeanor.

35 (f) An officer or employee of the county or city, or former  
36 officer or employee who, by virtue of that employment or official  
37 position, has possession of, or has access to, confidential  
38 information, and who, knowing that disclosure of the information  
39 to the general public is prohibited by this section, knowingly and  
40 willfully discloses the information in any manner to a person not

1 entitled to receive it, is guilty of a misdemeanor. A contractor with  
2 the county or city and an employee of the contractor, who has been  
3 furnished information as authorized by this section, shall be  
4 considered an employee of the county or city for purposes of this  
5 section.

6 ~~(g) Information certified by appropriate officials of the United~~  
7 ~~States as necessary to be kept secret for national defense purposes~~  
8 ~~shall be accorded the full protections against disclosure as specified~~  
9 ~~by those officials or in accordance with the laws of the United~~  
10 ~~States.~~

11 *25512.5. Notwithstanding Section 25512, information certified*  
12 *by appropriate officials of the United States as necessary to be*  
13 *kept secret for national defense purposes shall be accorded the*  
14 *full protections against disclosure as specified by those officials*  
15 *or in accordance with the laws of the United States.*

16 *25513. Each administering county or city may, upon a majority*  
17 *vote of the governing body, adopt a schedule of fees to be collected*  
18 *from each business required to submit a business plan pursuant*  
19 *to this article that is within its jurisdiction. The governing body*  
20 *may provide for the waiver of fees when a business, as defined in*  
21 *paragraph (3), (4), or (5) of subdivision (c) of Section 25501,*  
22 *submits a business plan. The fee shall be set in an amount sufficient*  
23 *to pay only those costs incurred by the unified program agency in*  
24 *carrying out this article. In determining the fee schedule, the*  
25 *unified program agency shall consider the volume and degree of*  
26 *hazard potential of the hazardous materials handled by the*  
27 *businesses subject to this article.*

28 ~~25513.1.~~

29 *25514.1. Notwithstanding any other law, a public entity shall*  
30 *not be held liable for any injury or damages resulting from an*  
31 *inadequate or negligent review of a business plan conducted*  
32 *pursuant to Section 25508.*

33 ~~25513.2.~~

34 *25514.2. (a) The submission of any information required under*  
35 *this article does not affect any other liability or responsibility of*  
36 *a business with regard to safeguarding the health and safety of an*  
37 *employee or any other person.*

38 *(b) Compliance with this article shall not be deemed to be*  
39 *compliance with the duty of care required of any business for*

1 purposes of any judicial or administrative proceeding conducted  
2 pursuant to any other provision of law.

3 ~~25514. Each administering county or city may, upon a majority~~  
4 ~~vote of the governing body, adopt a schedule of fees to be collected~~  
5 ~~from each business required to submit a business plan pursuant to~~  
6 ~~this article that is within its jurisdiction. The governing body may~~  
7 ~~provide for the waiver of fees when a business, as defined in~~  
8 ~~paragraph (3), (4), or (5) of subdivision (c) of Section 25501,~~  
9 ~~submits a business plan. The fee shall be set in an amount sufficient~~  
10 ~~to pay only those costs incurred by the unified program agency in~~  
11 ~~carrying out this article. In determining the fee schedule, the unified~~  
12 ~~program agency shall consider the volume and degree of hazard~~  
13 ~~potential of the hazardous materials handled by the businesses~~  
14 ~~subject to this article.~~

15 25515. (a) A business that violates Sections 25504 to 25508.1,  
16 inclusive, or ~~Section 25510~~ 25510.1, shall be civilly liable to the  
17 unified program agency in an amount of not more than two  
18 thousand dollars (\$2,000) for each day in which the violation  
19 occurs. If the violation results in, or significantly contributes to,  
20 an emergency, including a fire, the business shall also be assessed  
21 the full cost of the county or city emergency response, as well as  
22 the cost of cleaning up and disposing of the hazardous materials.

23 (b) A business that knowingly violates Sections 25504 to  
24 25508.1, inclusive, or ~~Section 25510~~, 25510.1, after reasonable  
25 notice of the violation shall be civilly liable to the unified program  
26 agency in an amount not to exceed five thousand dollars (\$5,000)  
27 for each day in which the violation occurs.

28 25515.1. A person that knowingly violates Sections 25504 to  
29 25508.1, inclusive, or *Section 25510.1*, after reasonable notice of  
30 the violation, is, upon conviction, guilty of a misdemeanor. This  
31 section does not preempt any other applicable criminal or civil  
32 penalties.

33 25515.2. (a) Notwithstanding Section 25515, a business that  
34 violates this article is liable to a unified program agency for an  
35 administrative penalty not greater than two thousand dollars  
36 (\$2,000) for each day in which the violation occurs. If the violation  
37 results in, or significantly contributes to, an emergency, including  
38 a fire or health or medical problem requiring toxicological, health,  
39 or medical consultation, the business shall also be assessed the full  
40 cost of the county, city, fire district, local EMS agency designated

1 pursuant to Section 1797.200, or poison control center as defined  
2 by Section 1797.97, emergency response, as well as the cost of  
3 cleaning up and disposing of the hazardous materials.

4 (b) Notwithstanding Section 25515, a business that knowingly  
5 violates this article after reasonable notice of the violation is liable  
6 for an administrative penalty, not greater than five thousand dollars  
7 (\$5,000) for each day in which the violation occurs.

8 (c) When a unified program agency issues an enforcement order  
9 or assesses an administrative penalty, or both, for a violation of  
10 this article, the unified program agency shall utilize the  
11 administrative enforcement procedures, including the hearing  
12 procedures, specified in Sections 25404.1.1 and 25404.1.2.

13 25515.3. (a) A person or business who violates Section 25510  
14 shall, upon conviction, be punished by a fine of not more than  
15 twenty-five thousand dollars (\$25,000) for each day of violation,  
16 by imprisonment in a county jail for not more than one year, or by  
17 both the fine and imprisonment. If the conviction is for a violation  
18 committed after a first conviction under this section, the person  
19 shall be punished by a fine of not less than two thousand dollars  
20 (\$2,000) or more than fifty thousand dollars (\$50,000) per day of  
21 violation, by imprisonment pursuant to subdivision (h) of Section  
22 1170 of the Penal Code for 16, 20, or 24 months or in a county jail  
23 for not more than one year, or by both the fine and imprisonment.  
24 Furthermore, if the violation results in, or significantly contributes  
25 to, an emergency, including a fire, to which the county or city is  
26 required to respond, the person shall also be assessed the full cost  
27 of the county or city emergency response, as well as the cost of  
28 cleaning up and disposing of the hazardous materials.

29 (b) Notwithstanding subdivision (a), a person who knowingly  
30 fails to report, pursuant to Section 25510, an oil spill occurring in  
31 waters of the state, other than marine waters, shall, upon conviction,  
32 be punished by a fine of not more than fifty thousand dollars  
33 (\$50,000), by imprisonment in ~~the~~ a county jail for not more than  
34 one year, or by both that fine and imprisonment.

35 (c) Notwithstanding subdivision (a), a person who knowingly  
36 makes a false or misleading report on an oil spill occurring in  
37 waters of the state, other than marine waters, shall, upon conviction,  
38 be punished by a fine of not more than fifty thousand dollars  
39 (\$50,000), by imprisonment in ~~the~~ a county jail for not more than  
40 one year, or by both that fine and imprisonment.

1 (d) This section does not preclude prosecution or sentencing  
2 under other provisions of law.

3 25515.4. A person who willfully prevents, interferes with, or  
4 attempts to impede the enforcement of this article by any authorized  
5 representative of a unified program agency is, upon conviction,  
6 guilty of a misdemeanor.

7 25515.5. (a) All criminal penalties collected pursuant to this  
8 article shall be apportioned in the following manner:

9 (1) Fifty percent shall be paid to the office of the city attorney,  
10 district attorney, or Attorney General, whichever office brought  
11 the action.

12 (2) Fifty percent shall be paid to the agency which is responsible  
13 for the investigation of the action.

14 (b) All civil penalties collected pursuant to this chapter shall be  
15 apportioned in the following manner:

16 (1) Fifty percent shall be paid to the office of the city attorney,  
17 district attorney, or Attorney General, whichever office brought  
18 the action.

19 (2) Fifty percent shall be paid to the agency responsible for the  
20 investigation of the action.

21 (c) If a reward is paid to a person pursuant to Section 25517,  
22 the amount of the reward shall be deducted from the amount of  
23 the criminal or civil penalty before the amount is apportioned  
24 pursuant to subdivisions (a) and (b).

25 25515.6. (a) If the unified program agency determines that a  
26 business has engaged in, is engaged in, or is about to engage in  
27 acts or practices that constitute or will constitute a violation of this  
28 article or a regulation or order adopted or issued pursuant to this  
29 article, and when requested by the unified program agency, the  
30 city attorney of the city or the district attorney of the county in  
31 which those acts or practices have occurred, are occurring, or will  
32 occur shall apply to the superior court for an order enjoining the  
33 acts or practices for an order directing compliance, and, upon a  
34 showing that the person or business has engaged in, is engaged in,  
35 or is about to engage in the acts or practices, a permanent or  
36 temporary injunction, restraining order, or other appropriate order  
37 may be granted.

38 (b) This section does not prohibit a city attorney or district  
39 attorney from seeking the same relief upon the city attorney's or  
40 district attorney's own motion.

1 25515.7. Every civil action brought under this article or Article  
2 2 (commencing with Section 25531) shall be brought by the city  
3 attorney, district attorney, or Attorney General in the name of the  
4 people of the State of California, and any actions relating to the  
5 same violation may be joined or consolidated.

6 25515.8. (a) In a civil action brought pursuant to this article  
7 or Article 2 (commencing with Section 25531) in which a  
8 temporary restraining order, preliminary injunction, or permanent  
9 injunction is sought, it is not necessary to allege or prove at any  
10 stage of the proceeding any of the following:

11 (1) Irreparable damage will occur should the temporary  
12 restraining order, preliminary injunction, or permanent injunction  
13 not be issued.

14 (2) The remedy at law is inadequate.

15 (b) The court shall issue a temporary restraining order,  
16 preliminary injunction, or permanent injunction in a civil action  
17 brought pursuant to this article or Article 2 (commencing with  
18 Section 25531) without the allegations and without the proof  
19 specified in subdivision (a).

20 25517. (a) A person who provides information that materially  
21 contributes to the imposition of a civil penalty, whether by  
22 settlement or court order, under Section 25515 or 25515.2, as  
23 determined by the city attorney, district attorney, or the Attorney  
24 General filing the action, shall be paid a reward by the unified  
25 program agency or the state equal to 10 percent of the amount of  
26 the civil penalty collected. The reward shall be paid from the  
27 amount of the civil penalty collected. No reward paid pursuant to  
28 this subdivision shall exceed five thousand dollars (\$5,000).

29 (b) A person who provides information that materially  
30 contributes to the conviction of a person or business under Section  
31 25515.1 or 25515.3, as determined by the city attorney, district  
32 attorney, or the Attorney General filing the action, shall be paid a  
33 reward by the unified program agency or the state equal to 10  
34 percent of the amount of the fine collected. The reward shall be  
35 paid from the amount of the fine collected. No reward paid pursuant  
36 to this subdivision shall exceed five thousand dollars (\$5,000).

37 (c) An informant shall not be eligible for a reward for a violation  
38 known to the unified program agency, unless the information  
39 materially contributes to the imposition of criminal or civil  
40 penalties for a violation specified in this section.

1 (d) If there is more than one informant for a single violation,  
2 the person making the first notification received by the office which  
3 brought the action shall be eligible for the reward, except that, if  
4 the notifications are postmarked on the same day or telephoned  
5 notifications are received on the same day, the reward shall be  
6 divided equally among those informants.

7 (e) Public officers and employees of the United States, the State  
8 of California, or counties and cities in this state are not eligible for  
9 the reward pursuant to subdivision (a) or (b), unless the providing  
10 of the information does not relate in any manner to their  
11 responsibilities as public officers or employees.

12 (f) An informant who is an employee of a business and who  
13 provides information that the business has violated this chapter is  
14 not eligible for a reward if the employee intentionally or negligently  
15 caused the violation or if the employee's primary and regular  
16 responsibilities included investigating the violation, unless the  
17 business knowingly caused the violation.

18 (g) The unified program agency or the state shall pay rewards  
19 under this section pursuant to the following procedures:

20 (1) An application shall be signed by the informant and  
21 presented to the unified program agency or the state within 60 days  
22 after a final judgment has been entered or the period for an appeal  
23 of a judgment has expired.

24 (2) The determination by the district attorney, city attorney, or  
25 Attorney General as to whether the information provided by the  
26 applicant materially contributed to the imposition of a judgment  
27 under Section 25515.1 or 25515.3 shall be final.

28 (3) The unified program agency or the state shall notify the  
29 applicant in writing of its decision to grant or deny a reward within  
30 a reasonable time period following the filing of an application.

31 (4) Approved reward claims shall be paid by the unified program  
32 agency or the state within 30 days of the collection and deposit of  
33 the penalties specified in subdivisions (a) and (b).

34 (h) The names of reward applicants or informants shall not be  
35 disclosed by the unified program agency or the state unless the  
36 names are otherwise publicly disclosed as part of a judicial  
37 proceeding.

38 (i) Notwithstanding any other provision of this section, rewards  
39 paid by the state shall only be paid after appropriation by the  
40 Legislature.

1 25518. The office may develop materials, including guidelines  
2 and informational pamphlets, to assist businesses to fulfill their  
3 obligations under this article.

4 25519. This article shall be construed liberally so as to  
5 accomplish the intent of the Legislature in protecting the public  
6 health, safety, and the environment.

7 25520. If any provision of this article or the application thereof  
8 to any person or circumstances is held invalid, that invalidity shall  
9 not affect other provisions or applications of this article that can  
10 be given effect without the invalid provision or application, and  
11 to that end the provisions of this article are severable.

12 SEC. 4. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 a local agency or school district has the authority to levy service  
15 charges, fees, or assessments sufficient to pay for the program or  
16 level of service mandated by this act or because costs that may be  
17 incurred by a local agency or school district will be incurred  
18 because this act creates a new crime or infraction, eliminates a  
19 crime or infraction, or changes the penalty for a crime or infraction,  
20 within the meaning of Section 17556 of the Government Code, or  
21 changes the definition of a crime within the meaning of Section 6  
22 of Article XIII B of the California Constitution.