

AMENDED IN ASSEMBLY JUNE 12, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 1261

Introduced by Senator Jackson

February 21, 2014

An act to amend Sections 25501, 25502, 25503, 25504, 25505, 25507, 25507.1, 25507.2, 25508, 25508.1, 25508.2, 25509, 25510, 25510.3, 25511, and 25515.5 of, and to repeal and add Section 25506 of, the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 1261, as amended, Jackson. Hazardous materials: business plans.

(1) Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program, including a statewide information management system for purposes of receiving data collected by unified program agencies. A city or local agency that meets specified requirements is authorized to apply to the secretary to implement the unified program and be certified as a certified unified program agency (CUPA), and every county is required to apply to the secretary to be certified to implement the unified program.

Existing law requires the unified program agency to implement and enforce provisions that require a business that handles a hazardous material to establish and implement a business plan, including an inventory of specified information for response to a release or threatened release of a hazardous material. The annual inventory submittal is required to contain information on specified hazardous materials that

are handled in quantities equal to or greater than certain quantities or as established by the governing body of the unified program agency by a local ordinance. A violation of the business plan requirements is a misdemeanor.

This bill would instead require the secretary, in coordination with the Office of Emergency Services, to specify the hazardous materials inventory required to be submitted by handlers, including the data to be collected and submitted for hazardous materials. The bill would revise the information required to be included in the business plan.

(2) Existing law requires a unified program agency to exempt a business operating an unstaffed remote facility located in an isolated sparsely populated area from specified business plan requirements. Existing law allows a unified program agency to require an unstaffed remote facility to submit a hazardous materials business plan and inventory in accordance with requirements if the agency makes specified findings.

This bill would instead require the unified program agency to exempt from specified requirements an unstaffed facility located at least one-half mile from the nearest occupied structure, unless required by a local ordinance. The bill would require the facility to make a one-time business plan submittal that would not be required to include specified elements of the plan and would repeal the authorization for the unified program agency to require an unstaffed remote facility to submit a plan and inventory.

(3) Existing law requires a handler to electronically submit its business plan to the statewide information management system, to renew the plan at least once every 3 years to determine if a revision is needed, and to certify to the unified program agency that the review was made and that any necessary changes were made to the plan. A handler is also required to annually review the business plan information and resubmit or certify as correct the inventory information in the statewide environmental reporting system.

This bill would instead require the handler to submit the business plan annually to ~~that the statewide information system, and~~ would instead require a business to at least annually review and ~~verify~~ *certify* that the business plan information in the statewide information management system meets specified requirements, *and would remove the requirement that the handler annually review and resubmit or certify as correct the inventory information in the statewide environmental reporting system.*

(4) Existing law requires the unified program agency to make the data elements and documents submitted by businesses available to the public in a specified manner.

This bill would instead require the unified program agency to make the information in the statewide information management system available to the public.

(5) Existing law requires the immediate report of any release or threatened release of a hazardous material to the unified program agency, and to the office, in accordance with the regulations adopted by the office.

This bill would require the office to adopt regulations by January 1, 2016, to implement these requirements.

(6) *This bill would revise some definitions for purposes of these provisions relating to business plans of handlers of hazardous materials and would make other conforming changes.*

~~(6)~~

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

~~(7)~~

(8) 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 25501 of the Health and Safety Code is
2 amended to read:

3 25501. Unless the context indicates otherwise, the following
4 definitions govern the construction of this article:

5 (a) "Agricultural handler" means a business operating a farm
6 that is subject to the exemption specified in Section 25507.1.

7 (b) "Area plan" means a plan established pursuant to Section
8 25503 by a unified program agency for emergency response to a
9 release or threatened release of a hazardous material within a city
10 or county.

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

2 (1) An employer, self-employed individual, trust, firm, joint
3 stock company, corporation, partnership, limited liability
4 partnership or company, or other business entity.

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

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

7 (4) An agency, department, office, board, commission, or bureau
8 of state government, including, but not limited to, the campuses
9 of the California Community Colleges, the California State
10 University, and the University of California.

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

13 (6) A handler that operates *or owns* a unified program facility.

14 (d) “Business plan” means a separate plan for each unified
15 program facility, site, or branch of a business that meets the
16 requirements of Section 25505.

17 (e) (1) “Certified unified program agency” or “CUPA” means
18 the agency certified by the secretary to implement the unified
19 program specified in Chapter 6.11 (commencing with Section
20 25404) within a jurisdiction.

21 (2) “Participating agency” or “PA” means an agency that has a
22 written agreement with the CUPA pursuant to subdivision (d) of
23 Section 25404.3, and is approved by the secretary, to implement
24 or enforce one or more of the unified program elements specified
25 in paragraphs (4) and (5) of subdivision (c) of Section 25404, in
26 accordance with Sections 25404.1 and 25404.2.

27 (3) “Unified program agency” or “UPA” means the CUPA, or
28 its participating agencies to the extent each PA has been designated
29 by the CUPA, pursuant to a written agreement, to implement or
30 enforce a particular unified program element specified in
31 paragraphs (4) and (5) of subdivision (c) of Section 25404. For
32 purposes of this article and Article 2 (commencing with Section
33 25531), the UPAs have the responsibility and authority, to the
34 extent provided by this article and Article 2 (commencing with
35 Section 25531) and Sections 25404.1 and 25404.2, to implement
36 and enforce only those requirements of this article and Article 2
37 (commencing with Section 25531) listed in paragraphs (4) and (5)
38 of subdivision (c) of Section 25404.

39 (4) The UPAs also have the responsibility and authority, to the
40 extent provided by this article and Article 2 (commencing with

1 Section 25531) and Sections 25404.1 and 25404.2, to implement
2 and enforce the regulations adopted to implement the requirements
3 of this article and Article 2 (commencing with Section 25531)
4 listed in paragraphs (4) and (5) of subdivision (c) of Section 25404.
5 After a CUPA has been certified by the secretary, the unified
6 program agencies shall be the only local agencies authorized to
7 enforce the requirements of this article and Article 2 (commencing
8 with Section 25531) listed in paragraphs (4) and (5) of subdivision
9 (c) of Section 25404 within the jurisdiction of the CUPA.

10 (f) “City” includes any city and county.

11 (g) “Chemical name” means the scientific designation of a
12 substance in accordance with the nomenclature system developed
13 by the International Union of Pure and Applied Chemistry or the
14 system developed by the Chemical Abstracts Service.

15 (h) “Common name” means any designation or identification,
16 such as a code name, code number, trade name, or brand name,
17 used to identify a substance by other than its chemical name.

18 (i) “Compressed gas” means a material, or mixture of materials,
19 that meets either of the following:

20 (1) The definition of compressed gas or cryogenic fluid found
21 in the California Fire Code.

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

24 (j) “Consumer product” means a commodity used for personal,
25 family, or household purposes, or is present in the same form,
26 concentration, and quantity as a product prepackaged for
27 distribution to and use by the general public.

28 ~~(j)~~

29 (k) “Emergency response personnel” means a public employee,
30 including, but not limited to, a firefighter or emergency rescue
31 personnel, as defined in Section 245.1 of the Penal Code, or
32 personnel of a local emergency medical services (EMS) agency,
33 as designated pursuant to Section 1797.200, who is responsible
34 for response, mitigation, or recovery activities in a ~~medical disaster~~
35 *medical, fire, or hazardous material disaster incident*, or natural
36 disaster where public health, public safety, or the environment
37 may be impacted.

38 ~~(k)~~

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

- 1 (1) (A) To use, generate, process, produce, package, treat, store,
- 2 emit, discharge, or dispose of a hazardous material in any fashion.
- 3 (B) For purposes of subparagraph (A), “store” does not include
- 4 the storage of hazardous materials incidental to transportation, as
- 5 defined in Title 49 of the Code of Federal Regulations, with regard
- 6 to the inventory requirements of Section 25506.
- 7 (2) (A) The use or potential for use of a quantity of hazardous
- 8 material by the connection of a marine vessel, tank vehicle, tank
- 9 car, or container to a system or process for any purpose.
- 10 (B) For purposes of subparagraph (A), the use or potential use
- 11 does not include the immediate transfer to or from an approved
- 12 atmospheric tank or approved portable tank that is regulated as
- 13 loading or unloading incidental to transportation by Title 49 of the
- 14 Code of Federal Regulations.
- 15 ~~(t)~~
- 16 (m) “Handler” means a business that handles a hazardous
- 17 material.
- 18 ~~(m)~~
- 19 (n) (1) “Hazardous material” means a material listed in
- 20 paragraph (2) that, because of its quantity, concentration, or
- 21 physical or chemical characteristics, poses a significant present or
- 22 potential hazard to human health and safety or to the environment
- 23 if released into the workplace or the environment.
- 24 (2) Hazardous materials include all of the following:
- 25 (A) A substance for which the manufacturer or producer is
- 26 required to prepare a material safety data sheet ~~(MSDS)~~ (SDS) for
- 27 the substance or product pursuant to the Hazardous Substances
- 28 Information and Training Act (Chapter 2.5 (commencing with
- 29 Section 6360) of Part 1 of Division 5 of the Labor Code) or
- 30 pursuant to any applicable federal law or regulation.
- 31 (B) The substance is listed as a radioactive material in Appendix
- 32 B of Chapter 1 (commencing with Section 10.1) of Title 10 of the
- 33 Code of Federal Regulations, maintained and updated by the
- 34 Nuclear Regulatory Commission.
- 35 (C) A substance listed pursuant to Title 49 of the Code of
- 36 Federal Regulations.
- 37 (D) A substance listed in Section 339 of Title 8 of the California
- 38 Code of Regulations.
- 39 (E) A material listed as a hazardous waste, as defined by
- 40 Sections 25115, 25117, and 25316.

1 ~~(n)~~

2 (o) “Office” means the Office of Emergency Services.

3 ~~(o)~~

4 (p) “Release” means any spilling, leaking, pumping, pouring,
5 emitting, emptying, discharging, injecting, escaping, leaching,
6 dumping, or disposing into the environment, unless permitted or
7 authorized by a regulatory agency.

8 (q) “Retail establishment” means a business that sells consumer
9 products prepackaged for distribution to, and intended for use by,
10 the general public. A retail establishment may include storage
11 areas or storerooms in establishments that are separated from
12 shelves for display areas but maintained within the physical
13 confines of the retail establishments. A retail establishment does
14 not include a pest control dealer, as defined in Section 11407 of
15 the Food and Agriculture Code.

16 ~~(p)~~

17 (r) “Secretary” means the Secretary for Environmental
18 Protection.

19 ~~(q)~~

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

25 ~~(r)~~

26 (t) “Threatened release” means a condition, circumstance, or
27 incident making it necessary to take immediate action to prevent,
28 reduce, or mitigate a release with the potential to cause damage
29 or harm to persons, property, or the environment.

30 ~~(s)~~

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

34 ~~(t)~~

35 (v) “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. For purposes of this article,
39 “facility” has the same meaning as unified program facility.

1 SEC. 2. Section 25502 of the Health and Safety Code is
2 amended to read:

3 25502. (a) This article and Article 3 (commencing with Section
4 25545), as it pertains to the handling of hazardous material, and
5 Article 2 (commencing with Section 25531), as it pertains to the
6 regulation of stationary sources, shall be implemented by one of
7 the following:

- 8 (1) If there is a CUPA, the unified program agency.
- 9 (2) If there is no CUPA, the agency authorized pursuant to
10 subdivision (f) of Section 25404.3.

11 (b) The agency responsible for implementing this article, Article
12 2 (commencing with Section 25531), and Article 3 (commencing
13 with Section 25545) shall ensure full access to, and the availability
14 of, information submitted under this chapter to emergency response
15 personnel and other appropriate governmental entities within its
16 jurisdiction.

17 SEC. 3. Section 25503 of the Health and Safety Code is
18 amended to read:

19 25503. (a) The office shall adopt, after public hearing and
20 consultation with the Office of the State Fire Marshal and other
21 appropriate public entities, regulations for minimum standards for
22 business plans and area plans. All business plans and area plans
23 shall meet the standards adopted by the office.

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

- 26 (1) Set forth minimum requirements of adequacy, and not
27 preclude the imposition of additional or more stringent
28 requirements by local government.
- 29 (2) Take into consideration and adjust for the size and nature
30 of the business, the proximity of the business to residential areas
31 and other populations, and the nature of the damage potential of
32 its hazardous materials in establishing standards for paragraphs
33 (3) and (4) of subdivision (a) of Section 25505.
- 34 (3) Take into account the existence of local area and business
35 plans that meet the requirements of this article so as to minimize
36 the duplication of local efforts, consistent with the objectives of
37 this article.
- 38 (4) Define what releases and threatened releases are required
39 to be reported pursuant to Section 25510. The office shall consider

1 the existing federal reporting requirements in determining a
2 definition of reporting releases pursuant to Section 25510.

3 (c) A unified program agency shall, in consultation with local
4 emergency response agencies, establish an area plan for emergency
5 response to a release or threatened release of a hazardous material
6 within its jurisdiction. An area plan is not a statute, ordinance, or
7 regulation for purposes of Section 669 of the Evidence Code. The
8 standards for area plans in the regulations adopted pursuant to
9 subdivision (a) shall provide for all of the following:

10 (1) Procedures and protocols for emergency response personnel,
11 including the safety and health of those personnel.

12 (2) Preemergency planning.

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

15 (4) Training of appropriate employees.

16 (5) Onsite public safety and information.

17 (6) Required supplies and equipment.

18 (7) Access to emergency response contractors and hazardous
19 waste disposal sites.

20 (8) Incident critique and followup.

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

23 (d) (1) The unified program agency shall submit to the office
24 for its review a copy of the proposed area plan within 180 days
25 after adoption of regulations by the office. The office shall notify
26 the unified program agency as to whether the area plan is adequate
27 and meets the area plan standards. The unified program agency
28 shall submit a corrected area plan within 45 days of this notice.

29 (2) The unified program agency shall certify to the office every
30 three years that it has conducted a complete review of its area plan
31 and has made any necessary revisions. If a unified program agency
32 makes a substantial change to its area plan, it shall forward the
33 changes to the office within 14 days after the changes have been
34 made.

35 (e) The inspection and enforcement program established
36 pursuant to paragraphs (2) and (3) of subdivision (a) of Section
37 25404.2, shall include the basic provisions of a plan to conduct
38 onsite inspections of businesses subject to this article by the unified
39 program agency. These inspections shall ensure compliance with
40 this article and shall identify existing safety hazards that could

1 cause or contribute to a release and, where appropriate, enforce
2 any applicable laws and suggest preventative measures designed
3 to minimize the risk of the release of hazardous material into the
4 workplace or environment. The requirements of this paragraph do
5 not alter or affect the immunity provided to a public entity pursuant
6 to Section 818.6 of the Government Code.

7 SEC. 4. Section 25504 of the Health and Safety Code is
8 amended to read:

9 25504. (a) The Legislature hereby finds and declares that
10 persons attempting to do business in this state are increasingly
11 experiencing excessive and duplicative regulatory requirements
12 at different levels of government.

13 (b) To streamline and ease the regulatory burdens of doing
14 business in this state, compliance with Section 25505 shall also
15 suffice to meet the requirements for a Hazardous Materials
16 Management Plan and the Hazardous Materials Inventory
17 Statement as set forth in the California Fire Code and its
18 appendices, to the extent that the information in the California Fire
19 Code is contained in Section 25505.

20 (c) The unified program agency shall provide access to the
21 information collected in the statewide information management
22 system to emergency response personnel *on a 24 hour basis*.

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

26 (e) (1) Notwithstanding Section 13143.9, and the standards and
27 regulations adopted pursuant to that section, a business that files
28 the inventory of information required by this article and the
29 addendum adopted pursuant to paragraph (4), if required by the
30 local fire chief, shall be deemed to have met the requirements for
31 a Hazardous Materials Inventory Statement, as set forth in the
32 California Fire Code and its appendices.

33 (2) Notwithstanding Section 13143.9, and the standards and
34 regulations adopted pursuant to that section, a business that
35 establishes and maintains a business plan for emergency response
36 to a release or a threatened release of a hazardous material in
37 accordance with Section 25505, shall be deemed to have met the
38 requirements for a Hazardous Materials Management Plan, as set
39 forth in the California Fire Code and its appendices.

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

5 (4) The office shall, in consultation with the unified program
6 agencies and the State Fire Marshal, adopt by regulation a single
7 comprehensive addendum for hazardous materials reporting for
8 the purposes of complying with subdivisions (b) and (c) of Section
9 13143.9 and subdivision (b) of Section 25506. The unified program
10 agency shall require businesses to annually use that addendum
11 when complying with subdivisions (b) and (c) of Section 13143.9
12 and subdivision (b) of Section 25506. A business shall file the
13 addendum with the unified program agency when required by the
14 local fire chief pursuant to subdivision (b) of Section 13143.9 or
15 subdivision (b) of Section 25506.

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

19 SEC. 5. Section 25505 of the Health and Safety Code is
20 amended to read:

21 25505. (a) A business plan shall contain all of the following
22 information:

23 (1) The inventory of information required by this article and
24 additional information the governing body of the unified program
25 agency finds necessary to protect the health and safety of persons,
26 property, or the environment. Locally required information shall
27 be adopted by local ordinance and shall be subject to trade secret
28 protection specified in Section 25512. The unified program agency
29 shall notify the secretary within 30 days after those requirements
30 are adopted.

31 (2) A site map that contains north orientation, loading areas,
32 internal roads, adjacent streets, storm and sewer drains, access and
33 exit points, emergency shutoffs, evacuation staging areas,
34 hazardous material handling and storage areas, and emergency
35 response equipment. ~~Updates to existing maps to meet these~~
36 ~~requirements shall be completed by January 1, 2017.~~

37 (3) Emergency response plans and procedures in the event of a
38 reportable release or threatened release of a hazardous material,
39 including, but not limited to, all of the following:

1 (A) Immediate notification contacts to the appropriate local
2 emergency response personnel and to the unified program agency.
3 (B) Procedures for the mitigation of a release or threatened
4 release to minimize any potential harm or damage to persons,
5 property, or the environment.
6 (C) Evacuation plans and procedures, including immediate
7 notice, for the business site.
8 (4) Training for all new employees and annual training,
9 including refresher courses, for all employees in safety procedures
10 in the event of a release or threatened release of a hazardous
11 material, including, but not limited to, familiarity with the plans
12 and procedures specified in paragraph (3). These training programs
13 may take into consideration the position of each employee. This
14 training shall be documented electronically or by hard copy and
15 shall be made available for a minimum of three years.
16 (b) A business required to file a pipeline operations contingency
17 plan in accordance with the *Elder California Pipeline Safety Act*
18 of 1981 (Chapter 5.5 (commencing with Section 51010) of Part 1
19 of Division 1 of Title 5 of the Government Code) and the
20 regulations of the Department of Transportation, found in Part 195
21 (commencing with Section ~~195.4~~ 195.0) of Subchapter D of
22 Chapter I of Subtitle B of Title 49 of the Code of Federal
23 Regulations, may file a copy of those plans with the unified
24 program agency instead of filing an emergency response plan
25 specified in paragraph (3) of subdivision (a).
26 (c) The emergency response plans and procedures, the inventory
27 of information required by this article, and the site map required
28 by this section shall be readily available to personnel of the
29 business or the unified program facility with responsibilities for
30 emergency response or training pursuant to this section.
31 SEC. 6. Section 25506 of the Health and Safety Code is
32 repealed.
33 SEC. 7. Section 25506 is added to the Health and Safety Code,
34 to read:
35 25506. (a) The secretary, in coordination with the office, shall
36 specify the hazardous materials inventory that shall be submitted
37 by handlers and the data to be collected and submitted for
38 hazardous materials in quantities equal to or greater than the
39 quantities specified in Section 25507 or as otherwise established

1 by the governing body of the unified program agency by a local
2 ordinance.

3 (b) If required by the local fire chief, the business shall also file
4 the addendum required by paragraph (4) of subdivision (e) of
5 Section 25504.

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

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

12 (d) If, pursuant to federal law or regulation, as it currently exists
13 or as it may be amended, the office determines that the inventory
14 information required by subdivisions (a) and (c) is substantially
15 equivalent to the inventory information required under the
16 Emergency Planning and Community Right-to-Know Act of 1986
17 (42 U.S.C. Sec. 11001 et seq.), the requirements of subdivisions
18 (a) and (c) shall not apply.

19 (e) *This section shall not apply to hazardous materials that are*
20 *described in subdivision (b) of Section 25507.*

21 SEC. 8. Section 25507 of the Health and Safety Code is
22 amended to read:

23 25507. (a) Except as provided in this article, a facility shall
24 establish and implement a business plan for emergency response
25 to a release or threatened release of a hazardous material in
26 accordance with the standards prescribed in the regulations adopted
27 pursuant to Section 25503 if the facility meets any of the following
28 conditions:

29 (1) (A) The facility handles a hazardous material or a mixture
30 containing a hazardous material that has a quantity at any one time
31 during the reporting year that is equal to, or greater than, 55 gallons
32 for materials that are liquids, 500 pounds for solids, or 200 cubic
33 feet for compressed gas, as defined in subdivision (i) of Section
34 ~~25505~~ 25501. The physical state and quantity present of mixtures
35 shall be determined by the physical state of the mixture as whole,
36 not individual components, at standard temperature and pressure.

37 (B) For the purpose of this section, for compressed gases, if a
38 hazardous material or mixture is determined to exceed threshold
39 quantities at standard temperature and pressure, it shall be reported
40 in the physical state at which it is stored. If the material is an

1 extremely hazardous substance, as defined in Section 355.61 of
2 Title 40 of the Code of Federal Regulations, all amounts shall be
3 reported in pounds.

4 (2) The ~~business facility~~ is required to submit chemical inventory
5 information pursuant to Section 11022 of Title 42 of the United
6 States Code.

7 (3) The facility handles at any one time during the reporting
8 year an amount of a hazardous material that is equal to, or greater
9 than the threshold planning quantity, under both of the following
10 conditions:

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

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

18 (4) The facility handles at any one time during the reporting
19 year a total weight of 5,000 pounds for solids or a total volume of
20 550 gallons for liquids, if the hazardous material is a solid or liquid
21 substance that is classified as a hazard for purposes of Section
22 5194 of Title 8 of the California Code of Regulations solely as an
23 irritant or sensitizer.

24 (5) The facility handles at any one time during the reporting
25 year cryogenic, refrigerated, or compressed gas in a quantity of
26 1,000 cubic feet or more at standard temperature and pressure, if
27 the gas is any of the following:

28 (A) Classified as a hazard for the purposes of Section 5194 of
29 Title 8 of the California Code of Regulations only for hazards due
30 to simple asphyxiation or the release of pressure.

31 (B) Oxygen, nitrogen, and nitrous oxide ordinarily maintained
32 by a physician, dentist, podiatrist, veterinarian, pharmacist, or
33 emergency medical service provider at his or her place of business.

34 (C) Carbon dioxide.

35 (D) ~~Refrigerant gases other than ammonia in a closed cooling~~
36 ~~system used for air conditioning and refrigeration~~ *Nonflammable*
37 *refrigerant gases, as defined in the California Fire Code, that are*
38 *used in refrigeration systems.*

39 (E) Gases used in closed fire suppression systems.

1 (6) The facility handles a radioactive material at any one time
2 during the reporting year that is handled in quantities for which
3 an emergency plan is required to be adopted pursuant to Part 30
4 (commencing with Section 30.1), Part 40 (commencing with
5 Section 40.1), or Part 70 (commencing with Section 70.1), of
6 Chapter 1 of Title 10 of the Code of Federal Regulations, or
7 pursuant to any regulations adopted by the state in accordance with
8 those regulations.

9 (7) The facility handles perchlorate material, as defined in
10 subdivision (c) of Section 25210.5, in a quantity at any one time
11 during the reporting year that is equal to, or greater than, the
12 thresholds listed in paragraph (1).

13 (b) *The following hazardous materials are exempt from the*
14 *requirements of this section:*

15 (1) *Refrigerant gases, other than ammonia in a closed cooling*
16 *system, that are used for comfort or space cooling for computer*
17 *rooms.*

18 ~~(b)~~

19 (2) Compressed air in cylinders, bottles, and tanks used by fire
20 departments and other emergency response organizations for the
21 purpose of emergency response and safety are exempt from this
22 article. *safety. These materials are exempt from this article.*

23 ~~(e)(1) Lubricating~~

24 (3) (A) ~~Lubricating oil is exempt from this section and Sections~~
25 ~~25506 and 25508, for a single business facility, if the total volume~~
26 ~~of each type of lubricating oil handled at that a facility does not~~
27 ~~exceed 55 gallons and the total volume of all types of lubricating~~
28 ~~oil handled at that facility does not exceed 275 gallons, at any one~~
29 ~~time.~~

30 ~~(2)~~

31 (B) For purposes of this paragraph, “lubricating oil” means oil
32 intended for use in an internal combustion crankcase, or the
33 transmission, gearbox, differential, or hydraulic system of an
34 automobile, bus, truck, vessel, airplane, heavy equipment, or other
35 machinery powered by an internal combustion or electric powered
36 engine. “Lubricating oil” does not include used oil, as defined in
37 subdivision (a) of Section 25250.1.

38 ~~(d)~~

1 ~~(4) Both of the following are exempt from this section and~~
2 ~~Sections 25506 and 25508 following, if the aggregate storage~~
3 ~~capacity of oil at the facility is less than 1,320 gallons:~~

4 ~~(1)~~

5 (A) Fluid in a hydraulic system.

6 ~~(2)~~

7 (B) Oil-filled electrical equipment that is not contiguous to an
8 electric facility.

9 ~~(e)~~

10 (5) Hazardous material contained solely in a consumer product,
11 *handled at, and found in in, a retail establishment and intended*
12 *for sale to, and for the use by, the public, is exempt from the*
13 ~~business plan requirements of this article public. The exemption~~
14 ~~provided for in this paragraph shall not apply to a consumer~~
15 ~~product handled at the facility which manufactures that product,~~
16 ~~or a separate warehouse or distribution center of that facility, or~~
17 ~~where a product is dispensed on the retail premises.~~

18 ~~(f)~~

19 ~~(6) On-premises-Propane that is for on-premises use, storage,~~
20 ~~or both, of propane in an amount not to exceed 500 gallons that is~~
21 ~~for the sole purpose of cooking, heating employee work areas, and~~
22 ~~heating water, within that business, is exempt from this section,~~
23 ~~unless the uniform program agency finds, and provides notice to~~
24 ~~the business handling the propane, that the handling of the~~
25 ~~on-premise propane requires the submission of a business plan, or~~
26 ~~any portion of a business plan, in response to public health, safety,~~
27 ~~or environmental concerns.~~

28 ~~(g)~~

29 (c) In addition to the authority specified in subdivision-~~(i)~~ (e),
30 the governing body of the unified program agency may, in
31 exceptional circumstances, following notice and public hearing,
32 exempt a hazardous material specified in subdivision-~~(m)~~ (n) of
33 Section 25501 from Section 25506, if it is found that the hazardous
34 material would not pose a present or potential danger to the
35 environment or to human health and safety if the hazardous
36 material was released into the environment. The unified program
37 agency shall send a notice to the office and the secretary within
38 15 days from the effective date of any exemption granted pursuant
39 to this subdivision.

40 ~~(h)~~

1 (d) The unified program agency, upon application by a handler,
2 may exempt the handler, under conditions that the unified program
3 agency determines to be proper, from any portion of the
4 requirements to establish and maintain a business plan, upon a
5 written finding that the exemption would not pose a significant
6 present or potential hazard to human health or safety or to the
7 environment, or affect the ability of the unified program agency
8 and emergency response personnel to effectively respond to the
9 release of a hazardous material, and that there are unusual
10 circumstances justifying the exemption. The unified program
11 agency shall specify in writing the basis for any exemption under
12 this subdivision.

13 (i)

14 (e) The unified program agency, upon application by a handler,
15 may exempt a hazardous material from the inventory provisions
16 of this article upon proof that the material does not pose a
17 significant present or potential hazard to human health and safety
18 or to the environment if released into the workplace or
19 environment. The unified program agency shall specify in writing
20 the basis for any exemption under this subdivision.

21 (j)

22 (f) The unified program agency shall adopt procedures to provide
23 for public input when approving applications submitted pursuant
24 to subdivisions ~~(h)~~ (d) and ~~(i)~~ (e).

25 SEC. 9. Section 25507.1 of the Health and Safety Code is
26 amended to read:

27 25507.1. (a) A unified program agency shall exempt a business
28 operating a farm for purposes of cultivating the soil or raising or
29 harvesting any agricultural or horticultural commodity from filing
30 the information in the business plan required by paragraphs (3)
31 and (4) of subdivision (a) of Section 25505 if all of the following
32 requirements are met:

33 (1) The agricultural handler annually submits the facility
34 information and inventory required by Section 25506 to the
35 statewide information management system.

36 (2) Each building in which hazardous materials subject to this
37 article are stored is posted with signs, in accordance with
38 regulations that the office shall adopt, that provide notice of the
39 storage of any of the following:

40 (A) Pesticides.

1 (B) Petroleum fuels and oil.

2 (C) Types of fertilizers.

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

5 (b) The unified program agency may designate the county
6 agricultural commissioner to conduct the inspections of agricultural
7 handlers. The agricultural commissioner shall schedule and conduct
8 inspections in accordance with Section 25511.

9 SEC. 10. Section 25507.2 of the Health and Safety Code is
10 amended to read:

11 25507.2. Unless required by a local ordinance, the unified
12 program agency shall exempt an unstaffed facility located at least
13 one-half mile from the nearest occupied structure from Sections
14 25508.2 and 25511, and shall subject the facility to Sections 25505,
15 25506, and 25507 only as specified in this section, if the facility
16 is not otherwise subject to the requirements of applicable federal
17 law, and all of the following requirements are met:

18 (a) The types and quantities of materials onsite are limited to
19 one or more of the following:

20 (1) One thousand standard cubic feet of compressed inert gases
21 (asphyxiation and pressure hazards only).

22 (2) Five hundred gallons of combustible liquid used as a fuel
23 source.

24 (3) Corrosive liquids, not to exceed 500 pounds of extremely
25 hazardous substances, used as electrolytes, and in closed containers.

26 (4) Five hundred gallons of lubricating and hydraulic fluids.

27 (5) One thousand two hundred gallons of hydrocarbon gas used
28 as a fuel source.

29 (6) Any quantity of mineral oil contained within electrical
30 equipment, such as transformers, bushings, electrical switches,
31 and voltage regulators, if the spill prevention control and
32 countermeasure plan has been prepared for quantities that meet or
33 exceed 1,320 gallons.

34 (b) The facility is secured and not accessible to the public.

35 (c) Warning signs are posted and maintained for hazardous
36 materials pursuant to the California Fire Code.

37 (d) (1) Notwithstanding Sections 25505 and 25507, a one-time
38 business plan, except for the emergency response plan and training
39 elements specified in paragraphs (3) and (4) of subdivision (a) of
40 Section 25505, is submitted to the statewide information

1 management system. This one-time business plan submittal is
2 subject to a verification inspection by the unified program agency
3 and the unified program agency may assess a fee not to exceed the
4 actual costs of processing and for inspection, if an inspection is
5 conducted.

6 (2) If the information contained in the one-time submittal of the
7 business plan changes and the time period of the change is longer
8 than 30 days, the business plan shall be resubmitted within 30 days
9 to the statewide information management system to reflect any
10 change in the business plan. A fee not to exceed the actual costs
11 of processing and inspection, if conducted, may be assessed by
12 the unified program agency.

13 ~~(e) The unified program agency shall provide all information~~
14 ~~obtained from completed inventory forms, upon request, to~~
15 ~~emergency response personnel on a 24-hour basis.~~

16 SEC. 11. Section 25508 of the Health and Safety Code is
17 amended to read:

18 25508. (a) (1) A handler shall electronically submit its
19 business plan annually to the statewide information management
20 system in accordance with the requirements of this article and
21 certify that the business plan meets the requirements of this article.

22 (2) If, after review, the unified program agency determines that
23 the handler's business plan is deficient in satisfying the
24 requirements of this article or the regulations adopted pursuant to
25 Section 25503, the unified program agency shall notify the handler
26 of those deficiencies. The handler shall electronically submit a
27 corrected business plan within 30 days from the date of the notice.

28 (3) If a handler fails, after reasonable notice, to electronically
29 submit a business plan in compliance with this article, the unified
30 program agency shall take appropriate action to enforce this article,
31 including the imposition of administrative, civil, and criminal
32 penalties as specified in this article.

33 (4) For data not adopted in the manner established under the
34 standards adopted pursuant to subdivision (e) of Section 25404,
35 and that is reported using a document format, the use of a reporting
36 method accepted by the statewide information management system
37 shall be considered compliant with the requirement to submit that
38 data. If the reporting option used does not support public records
39 requests from the public, the handler shall provide requested

1 documents to the unified program agency within 10 business days
2 of a request from the unified program agency.

3 (b) Except as required by paragraph (1) of subdivision (a) of
4 Section 65850.2 of the Government Code, a business required to
5 establish, implement, and electronically submit a business plan
6 pursuant to subdivision (a) shall not be deemed to be in violation
7 of this article until 30 days after the business becomes subject to
8 subdivision (a).

9 (c) *This section shall not require the submission of information*
10 *concerning the hazardous materials described in subdivision (b)*
11 *of Section 25507.*

12 SEC. 12. Section 25508.1 of the Health and Safety Code is
13 amended to read:

14 25508.1. Within 30 days of any one of the following events,
15 a business subject to this article shall electronically update the
16 information submitted to the statewide information management
17 system:

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

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

22 (c) Change of business address.

23 (d) Change of business ownership.

24 (e) Change of business name.

25 (f) (1) A substantial change in the handler's operations occurs
26 that requires modification to any portion of the business plan.

27 (2) For the purposes of this subdivision, "substantial change"
28 means any change in a regulated facility that would inhibit
29 immediate response during an emergency by either site personnel
30 or emergency response personnel, or that could inhibit the handler's
31 ability to comply with Section 25507, change the operational
32 knowledge of the facility, or impede implementation of the business
33 plan.

34 SEC. 13. Section 25508.2 of the Health and Safety Code is
35 amended to read:

36 25508.2. At least once every 12 months, the business owner,
37 operator, or officially designated representative shall review, and
38 ~~verify~~ *certify* that the information in the business plan submitted
39 pursuant to Section 25508 in the statewide information
40 management system is complete, accurate, up to date, and in

1 compliance with Section 11022 of Title 42 of the United States
2 Code. The annual electronic submittal to the statewide information
3 management system required pursuant to Section 25508 satisfies
4 this section.

5 SEC. 14. Section 25509 of the Health and Safety Code is
6 amended to read:

7 25509. (a) The unified program agency shall maintain its
8 administrative procedures with regard to maintaining records and
9 responding to requests for information in accordance with
10 Subdivision 4 (commencing with Section 15100) of Division 1 of,
11 and Division 3 of, Title 27 of the California Code of Regulations,
12 as those regulations read on January 1, 2014.

13 (b) The unified program agency shall make the information in
14 the statewide information management system submitted pursuant
15 to this article available for public inspection during the regular
16 working hours of the unified program agency, except the
17 information specifying the precise location where hazardous
18 materials are stored and handled onsite, including any maps
19 required by paragraph (2) of subdivision (a) of Section 25505.

20 (c) The unified program agency shall make the information in
21 the statewide information management system submitted pursuant
22 to this article available to a requesting government agency that is
23 authorized by law to access the information.

24 (d) A person who submits inventory information required under
25 Section 25506 with the unified program agency shall be deemed
26 to have filed the inventory form required by Section 11022(a) of
27 Title 42 of the United States Code with the state emergency
28 response commission and local emergency planning committees
29 established pursuant to Section 11001 of Title 42 of the United
30 States Code.

31 SEC. 15. Section 25510 of the Health and Safety Code is
32 amended to read:

33 25510. (a) Except as provided in subdivision (b), the handler
34 or an employee, authorized representative, agent, or designee of
35 a handler, shall, upon discovery, immediately report any release
36 or threatened release of a hazardous material to the unified program
37 agency, and to the office, in accordance with the regulations
38 adopted pursuant to ~~Section 25503~~ *this section*. The handler or an
39 employee, authorized representative, agent, or designee of the
40 handler shall provide all state, city, or county fire or public health

1 or safety personnel and emergency response personnel with access
2 to the handler’s facilities.

3 (b) Subdivision (a) does not apply to a person engaged in the
4 transportation of a hazardous material on a highway that is subject
5 to, and in compliance with, the requirements of Sections 2453 and
6 23112.5 of the Vehicle Code.

7 (c) On or before January 1, 2016, the office shall adopt
8 regulations to implement this section. In developing these
9 regulations, the office shall closely consult with representatives
10 from regulated entities, appropriate trade associations, fire service
11 organizations, federal, state, and local organizations, including
12 unified program agencies, and other interested parties.

13 (d) The unified program agency shall maintain one or more
14 nonemergency contact numbers for release reports that do not
15 require immediate agency response. The unified program agency
16 shall promptly communicate changes to this information to
17 regulated facilities and to the office.

18 SEC. 16. Section 25510.3 of the Health and Safety Code is
19 amended to read:

20 25510.3. The emergency response personnel, responding to
21 the reported release or threatened release of a hazardous material,
22 or of a regulated substance, as defined in Section 25532, or to any
23 fire or explosion involving a material or substance that involves a
24 release that would be required to be reported pursuant to Section
25 25510, shall immediately advise the superintendent of the school
26 district having jurisdiction, where the location of the release or
27 threatened release is within one-half mile of a school.

28 SEC. 17. Section 25511 of the Health and Safety Code is
29 amended to read:

30 25511. (a) In order to carry out the purposes of this article and
31 Article 2 (commencing with Section 25531), an employee or
32 authorized representative of a unified program agency has the
33 authority specified in Section 25185, with respect to the premises
34 of a handler, and in Section 25185.5, with respect to real property
35 that is within 2,000 feet of the premises of a handler, except that
36 this authority shall include conducting inspections concerning
37 hazardous material, in addition to hazardous waste.

38 (b) In addition to the requirements of Section 25537, the unified
39 program agency shall conduct inspections of every business subject
40 to this article at least once every three years to determine if the

1 business is in compliance with this article. The unified program
2 agency shall give priority, when conducting these inspections, to
3 inspecting facilities that are required to prepare a risk management
4 plan pursuant to Article 2 (commencing with Section 25531). In
5 establishing a schedule for conducting inspections pursuant to this
6 section, the unified program agency may adopt and use an index
7 of the volatility, toxicity, and quantity of regulated substances and
8 hazardous materials. A unified program agency shall attempt to
9 schedule the inspections conducted pursuant to this section and
10 Section 25537, when applicable, during the same time period.

11 (c) Pursuant to a written agreement, the unified program agency
12 may designate the county agricultural commissioner to conduct
13 the inspection of agricultural handlers for purposes of Section
14 25507.1. The agreement shall address the inspection, reporting,
15 training, enforcement and cost recovery requirements to conduct
16 the inspection of agricultural handlers. If designated, the
17 agricultural commissioner shall schedule and conduct inspections
18 in accordance with this section.

19 SEC. 18. Section 25515.5 of the Health and Safety Code is
20 amended to read:

21 25515.5. (a) All criminal penalties collected pursuant to this
22 article shall be apportioned in the following manner:

23 (1) Fifty percent shall be paid to the office of the city attorney,
24 district attorney, or Attorney General, whichever office brought
25 the action.

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

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

30 (1) Fifty percent shall be paid to the office of the city attorney,
31 district attorney, or Attorney General, whichever office brought
32 the action.

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

35 (c) If a reward is paid to a person pursuant to Section 25516,
36 the amount of the reward shall be deducted from the amount of
37 the criminal or civil penalty before the amount is apportioned
38 pursuant to subdivisions (a) and (b).

39 SEC. 19. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 a local agency or school district has the authority to levy service
2 charges, fees, or assessments sufficient to pay for the program or
3 level of service mandated by this act or because costs that may be
4 incurred by a local agency or school district will be incurred
5 because this act creates a new crime or infraction, eliminates a
6 crime or infraction, or changes the penalty for a crime or infraction,
7 within the meaning of Section 17556 of the Government Code, or
8 changes the definition of a crime within the meaning of Section 6
9 of Article XIII B of the California Constitution.

O