

County of Santa Clara

Department of Environmental Health

Hazardous Materials Compliance Division

Inspection Date: _____

Facility Name: _____

HAZARDOUS MATERIALS STORAGE PROGRAM VIOLATION CODES GENERAL STORAGE PROVISIONS

Authority Cited: Santa Clara County Ordinance Code, Div. B11 (SCCO);
Health and Safety Code (HSC); California Code of Regulations, Title 8, Div. 1, Chapter 4 (CCR)

This document has been prepared to briefly summarize common violations observed by Santa Clara County Hazardous Materials Compliance Division (HMCD) at facilities that store or handle hazardous materials. Each requirement of law/regulation is identified by a Violation Code (VC) to help you understand violations noted in an Official Notice of Inspection. The complete and official text of these requirements can be found on-line at: www.calregs.com for CCR; www.leginfo.ca.gov/calaw.html for HSC; and www.EHinfo.org/hazmat for SCCO. If you would like to discuss any interpretations of these requirements, please call HMCD at (408) 918-3400 and ask for the Hazardous Materials Program Manager.

A. Permits, HMBP/Registration Form

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2300	SCCO §§ B11-21 B11-320	Hazardous Materials Storage Permit - Any facility that stores or uses hazardous materials must apply for and obtain a hazardous materials storage permit from HMCD. Per SCCO §B11-30(a), the permit must be posted in a conspicuous place at the facility.
<input type="checkbox"/>	<input type="checkbox"/>	2301	HSC § 25503.5 SCCO § B11-301	Hazardous Materials Business Plan (HMBP) Submitted/Complete - The owner of any facility which handles any individual hazardous material or mixture containing a hazardous material that has an aggregate quantity on site at any one time during the reporting year equal to or greater than 500 pounds for solids, 55 gallons for liquids, or 200 cubic feet for gases must submit to HMCD a HMBP. The HMBP must include: <ul style="list-style-type: none"><input type="checkbox"/> Hazardous materials inventory information;<input type="checkbox"/> Emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material, including, but not limited to, notification of local emergency response agencies, HMCD, and the state Office of Emergency Services; procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment; and evacuation plans and procedures, including immediate notice, for the facility;<input type="checkbox"/> Training for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of hazardous material, including, but not limited to, familiarity with facility emergency response plans and procedures;<input type="checkbox"/> A facility site plan and hazardous materials storage map.

[Note: (1) There are exceptions to the reporting quantities specified above. The exceptions are listed in the instructions for the Hazardous Materials Business Plan available at www.unidocs.org. (2) Any hazardous material in a rail car or rail or marine freight container remaining at a facility longer than 30 days is deemed stored and subject to HMBP requirements. Per HSC §25501.4(c), HMCD must be notified immediately of such storage.]

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2302	HSC §§ 25505(b) 25503.5(c)(6)(E) 25510	<p>HMBP Changes Reported - Within 30 days of any one of the following events, a facility must submit to HMCD an amended HMBP:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A 100% or more increase in the quantity of a previously disclosed material; <input type="checkbox"/> Any handling of a previously undisclosed hazardous material in HMBP quantities; <input type="checkbox"/> Change of business address; <input type="checkbox"/> Change of business ownership; <input type="checkbox"/> Change of business name; <input type="checkbox"/> A substantial change in the handler's operations (e.g., personnel changes, installation or closure of hazardous materials storage/handling systems, etc.) occurs.
<input type="checkbox"/>	<input type="checkbox"/>	2303	HSC § 25505(c)	<p>HMBP Review/Certification - A facility must review its HMBP at least once every three years to determine if a revision is needed and must certify to HMCD that the review was made and that any necessary changes were made to the plan. A copy of any changes to the plan must accompany the certification. <i>[Exception: Unstaffed remote facilities operating per HSC §25503.5(c)(6)]</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	2304	HSC § 25503.6	<p>Written Notice to Property Owner - Any facility which is required to establish and implement a HMBP and is located on leased or rented real property must notify, in writing, the owner of the property that the business is subject to HMBP requirements (i.e., HSC §25503.5) and has complied with its provisions, and must provide a copy of the HMBP to the owner or the owner's agent within five working days after receiving a request for a copy from the owner or the owner's agent. A copy of this notification should be kept at the facility.</p>
<input type="checkbox"/>	<input type="checkbox"/>	2305	HSC § 25505(d)	<p>Annual Hazardous Materials Inventory Certification/Submittal - Any facility that handles hazardous materials in HMBP quantities must, on an annual basis, either: 1.) Submit to HMCD a completed "Hazardous Materials Business Plan Certification Form"; or 2.) Submit a report of its hazardous materials inventory in a format approved by HMCD. <i>[Exception: Unstaffed remote facilities operating per HSC §25503.5(c)(6)]</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	2306	SCCO § B11-302	<p>Hazardous Materials Registration Form Submitted/Complete - Any facility that stores or handles hazardous materials in quantities less than those specified for the HMBP must file a Registration Form. The Registration Form must be updated any time there is a significant change in the quantities of hazardous materials or changes in the process in which the hazardous materials are being used.</p>
<input type="checkbox"/>	<input type="checkbox"/>	2307	SCCO §§ B11-286(a) B11-320(b) B11-325	<p>Permit for Installation/Construction/Repair/Closure - Any facility which intends to install, construct, repair, replace, or close a hazardous materials storage/handling system or area (e.g., tank, room, etc.) must first obtain a permit from HMCD.</p>
<input type="checkbox"/>	<input type="checkbox"/>	2308	SCCO §§ B11-41 B11-290(b)	<p>Modifications to a Facility - Any substantial modification to, or repair of, a storage facility, other than minor or emergency repairs, must be performed in accordance with written plans submitted to and approved by HMCD prior to the initiation of work.</p>
<input type="checkbox"/>	<input type="checkbox"/>	2309	SCCO §§ B11-288(a) B11-288(c)	<p>Abandoned Facility or Tank - No hazardous materials storage facility may be abandoned. Owners/operators of facilities permanently taken out of service, or which are not monitored in accordance with an approved written monitoring plan, must submit a closure plan application and obtain a closure permit at least 30 days prior to final closure of the facility or aboveground/underground storage tank. Once the plan has been approved, a final walk-through inspection must be completed by HMCD.</p>

B. Separation, Containment, Monitoring

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2310	SCCO § B11-292	Secured Storage Areas - Access to hazardous materials storage areas must be secured by means of fences and/or locks. Gates and doorways to such areas must be kept securely locked when unattended.
<input type="checkbox"/>	<input type="checkbox"/>	2311	SCCO § B11-286(e)	Separation of Incompatible Materials - Materials which in combination might cause a fire, explosion, or the production of a flammable or toxic gas must be separated in both primary and secondary containment so as to avoid potential intermixing in the event of a release.
<input type="checkbox"/>	<input type="checkbox"/>	2312	SCCO § B11-291(a)	Safe Chemical Handling - Dispensing and mixing of hazardous materials must not be done in such a manner as to substantially increase the risk of an unauthorized discharge.
<input type="checkbox"/>	<input type="checkbox"/>	2313	SCCO § B11-291(b)	Movement of Materials Within Facility - Hazardous materials must not be stored in a travel path (e.g., hallway, aisleway, etc.). They may remain in the travel path only for the time reasonably necessary to move them. Such movement must be in a manner which will not result in an unauthorized discharge.
<input type="checkbox"/>	<input type="checkbox"/>	2314	SCCO § B11-286(c)(1)	Primary Containment Product-Tight - All primary containment (i.e., the container in which a material is stored) used for the storage of hazardous materials must be product-tight (i.e., not leaking and compatible with the chemical being stored).
<input type="checkbox"/>	<input type="checkbox"/>	2315	SCCO § B11-286(c)	Secondary Containment Provided - Secondary containment (i.e., containment external to and separate from primary containment) constructed so as not to be structurally weakened as a result of contact with the material stored must be provided. It must be capable of containing 110% of the volume of the primary container if a single container is used, or in the case of multiple containers, 150% of the volume of the largest container or 10% of the aggregate, whichever is larger. In addition, the secondary containment, if open to rainfall, must be capable of accommodating the volume of a 24-hour rainfall from a 100-year storm (i.e., approximately an additional 4-1/2 inches in depth or height of the secondary containment).
<input type="checkbox"/>	<input type="checkbox"/>	2316	SCCO § B11-286(f)	Removal of Water from Secondary Containment - Any water which has entered the secondary containment must be removed, analyzed for contamination by hazardous substances, and disposed of properly. A system to prevent uncontrolled removal of such water must be provided.
<input type="checkbox"/>	<input type="checkbox"/>	2317	SCCO § B11-286(d)	Overfill Protection Provided - Primary containment of aboveground tanks holding hazardous materials must be equipped with a high-level alarm (i.e., an alarm which sounds when the tank is 90% full) and/or other approved overfill protection devices to prevent spills when filling the tank.
<input type="checkbox"/>	<input type="checkbox"/>	2334	SCCO § B11-286(g)	Spill Protection Provided - Aboveground tanks holding hazardous materials must be equipped with a spill container at each fill point to collect any hazardous material spilled during product delivery operations.
<input type="checkbox"/>	<input type="checkbox"/>	2318	SCCO §§ B11-286(b) B11-289(a)	Monitoring Performed - Each area in which liquid or solid hazardous materials are stored must be monitored. Monitoring methods must include at least one system for detecting leakage from the primary containment. Visual inspection of both primary and secondary containment is preferable; however, other methods may be allowed or required by HMCD. Per SCCO §288(b), facilities which are temporarily out of service, and are intended to be returned to use, must continue to be monitored and inspected.

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2320	SCCO § B11-289(c)	Inspection and Testing of Monitoring Equipment - All monitoring systems must be tested and inspected monthly, at a minimum, to ensure that they are in working order. Records of all inspection/maintenance/repairs must be kept on-site and be available for inspection by HMCD.
<input type="checkbox"/>	<input type="checkbox"/>	2321	SCCO § B11-289(a)	Visual/Audible Alarm - Whenever monitoring devices are provided, they must be connected to attention-getting visual and audible alarms.
<input type="checkbox"/>	<input type="checkbox"/>	2322	SCCO §§ B11-287 B11-301(c) B11-302(b)(4)	Written Monitoring Plan Submitted/Approved/Implemented - A written monitoring plan must be prepared and submitted to HMCD. The monitoring plan must describe the location, type, frequency, and manufacturer specifications (if applicable) of monitoring methods used in each storage area. <i>[Note: An Aboveground Separation, Containment, and Monitoring Plan form is available at www.unidocs.org.]</i>
<input type="checkbox"/>	<input type="checkbox"/>	2323	SCCO § B11-289(b)	Monitoring/Maintenance Records - Any facility that stores or uses hazardous materials must test, monitor, and inspect the facility in compliance with the approved written monitoring plan and maintain records adequate to demonstrate compliance therewith. SCCO §§B11-301(d) and B11-311 require that the facility maintain an inspection check sheet or log, in a format approved by HMCD, designed to be used in conjunction with routine inspections. A blank copy of this log must be submitted as an attachment to the facility's HMBP.
<input type="checkbox"/>	<input type="checkbox"/>	2324	SCCO § B11-290	Maintenance, Repairs, or Replacement - The facility owner/manager must carry out all necessary maintenance, ordinary upkeep, and minor repairs needed to keep equipment (e.g., monitoring systems, piping, etc.) in proper operating condition. This work must be performed in a careful and safe manner. Emergency repairs may be made immediately, but within 5 working days after such repairs have been started, a written plan describing the repairs must be submitted to HMCD for review and approval.

All monitoring equipment and audible/visual overfill protection alarms must be installed, calibrated, operated and maintained in accordance with manufacturer's instructions, and tested every 12 months by a qualified technician to confirm operability, proper operating condition, and proper calibration. Written records of such testing must be maintained as required in SCCO §B11-313.

C. Training, Emergency Response, Unauthorized Discharges

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2325	HSC § 25504(c)	Emergency Response Training - At facilities required to prepare a HMBP, training must be provided for all new employees in the event of a release or threatened release of a hazardous material, including, but not limited to, familiarity with the facility's emergency response plans and procedures. Annual refresher courses must be provided for all employees. The training program may take into consideration the position of each employee. It must include, but not limited to, all of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Immediate notification to HMCD and to appropriate local emergency rescue personnel and the State Office of Emergency Services. <input type="checkbox"/> Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment. <input type="checkbox"/> The facility's evacuation plans and procedures.
<input type="checkbox"/>	<input type="checkbox"/>	2326	SCCO § B11-293	Emergency Equipment - Emergency equipment must be provided, regularly tested, and adequately maintained, and must be reasonable and appropriate to potential emergencies presented by the stored hazardous materials.

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2327	SCCO § B11-294	Posted Emergency Procedures - Any facility which stores hazardous materials must conspicuously post simplified emergency procedures (i.e., what to do in the case of fire, spill, etc.) in locations where hazardous materials are stored. <i>[Note: An Emergency Procedures form you can fill out and post is available at www.unidocs.org.]</i>
<input type="checkbox"/>	<input type="checkbox"/>	2328	SCCO § B11-305(a)(1)(a)	Unauthorized Discharge (Recordable) - Any facility which has had a recordable unauthorized discharge, must record it in the facility's monitoring records. A recordable unauthorized discharge is one that: <ul style="list-style-type: none"> ◦ Is from primary containment to secondary containment; and ◦ Is cleaned up before it leaves the secondary containment; and ◦ Results in no increase in the possibility of explosion or fire.
<input type="checkbox"/>	<input type="checkbox"/>	2329	SCCO §§ B11-305(a)(1)(b) B11-305(b)	Unauthorized Discharge (Reportable) - Any facility which has had a reportable unauthorized discharge must report it to HMCD immediately. A reportable discharge is any unauthorized discharge that does not meet the definition of a recordable discharge. Any person in charge of a storage facility or responsible for emergency response for a storage facility, who has knowledge of any unauthorized discharge of a hazardous material which is a gas at STP, must immediately report such discharge to HMCD if such discharge presents a threat of imminent danger to public health and safety.
<input type="checkbox"/>	<input type="checkbox"/>	2331	SCCO § B11-305(a) B11-306	Cleanup of Unauthorized Discharge - Any person, business or facility which stores or uses liquid or solid hazardous materials must initiate and complete all actions necessary to remedy the effects of any unauthorized discharge.
<input type="checkbox"/>	<input type="checkbox"/>	2348	HSC § 25270.5(c)	Spill Prevention Control and Countermeasure (SPCC) Plan - The owner or operator of any facility which stores more than 1,320 gallons of petroleum aboveground in 55 gallon or larger containers must prepare a SPCC Plan in accordance with guidelines contained in Part 112 of Title 40 of the Code of Federal Regulations. <i>[Exception: Tank facilities located on a farm, nursery, logging site, or construction site are not required to prepare a SPCC Plan if no tank exceeds 20,000 gallons and cumulative storage capacity does not exceed 100,000 gallons.]</i>

D. Record Keeping and Labeling

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2332	SCCO § B11-313	Records (Retention Time) - All records (e.g., maintenance, monitoring, training, unauthorized discharge logs, etc.) must be maintained for no less than 3 years and must be available for review by HMCD upon request.
<input type="checkbox"/>	<input type="checkbox"/>	2333	8 CCR § 5194(f)(4)	Labeling - Hazardous materials containers must be labeled with the identity of the hazardous substance(s) contained therein and appropriate hazard warnings.

E. Urban Runoff

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2349	SCCO § B11 1/2-3	Illegal Discharge - It is unlawful to discharge, or cause, allow or permit to be discharged into any part of the stormwater system or watercourse any sewage, industrial wastes, petroleum or petroleum products, coal tar, chemicals, detergents, solvents, paints, contaminated or chlorinated swimming pool water, pesticides, herbicides and fertilizers, soil sediments, washwater, cans, bottles, refuse, motor vehicles or parts thereof, or any material that may be deleterious to aquatic life.

F. Other Violations

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2399	See Official Notice of Inspection	Other Hazardous Materials Storage Violations - See the Official Notice of Inspection for details.