

**CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM
PROGRAM 1 VIOLATION CODES**

Authority Cited: California Code of Regulations, Title 19 (CCR); Santa Clara County Ordinance Code, Div. B11 (SCCO)

This document has been prepared to explain any Violation Codes associated with facilities handling threshold quantities of regulated substances as specified in Tables 1 and 2 of the Federal Regulated Substances List and Table 3 of the State Regulated Substances List. It is not all-inclusive. The requirements listed have been **briefly** described. The complete text of these laws and regulations can be viewed on the Internet. Title 19 of the California Code of Regulations (CCR) is available at www.calregs.com and Division B11 of the Santa Clara County Ordinance Code at www.EHinfo.org. Final CalARP Regulations and additional information on the California Accidental Release Prevention Program (CalARP) can be found at www.oes.ca.gov and Federal Risk Management Plan (RMP) information at www.epa.gov/swercepp/. If you would like to discuss any interpretations of these laws or regulations, please call HMCD at (408) 918-3400 and ask for the Hazardous Materials Program Manager.

A. Registration and Permit Requirements

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2500	CCR 2740.1	Registration – A completed California Accidental Release Prevention Program Registration Form and required attachments must be submitted to HMCD.
<input type="checkbox"/>	<input type="checkbox"/>	2533	SCCO B11-421	CalARP Permit – Any person who handles regulated substances which require a RMP must obtain a CalARP Permit from HMCD and pay an annual permit fee to HMCD or, if applicable, the Participating Agency (PA) city.

B. Risk Management Plan (RMP) Components and Submission Requirements

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2501	CCR 2745.1	<p>Submission - The owner or operator of a facility with more than a threshold quantity of a regulated substance, <i>as listed in Table 1 or 2</i>, must submit the USEPA required RMP to HMCD no later than the latest of the following dates:</p> <ul style="list-style-type: none"> <input type="checkbox"/> June 21, 1999; <input type="checkbox"/> Three years after the date on which a regulated substance is first present under Section 68.130, Part 68, Title 40 of CFR; or, <input type="checkbox"/> The date on which a regulated substance is first present in a process, above the threshold quantity, as listed on Section 2770.5 Table 1 or 2. <ul style="list-style-type: none"> <input type="checkbox"/> The owner or operator of a facility with more than a threshold quantity of a regulated substance, <i>as listed in Table 3</i>, must submit an RMP to HMCD by the RMP submittal date established between HMCD and the owner or operator of the facility. <input type="checkbox"/> The owner or operator of a new or modified facility, with more than a threshold quantity of a regulated substance as listed in Table 3, must submit an RMP to HMCD prior to the date in which a regulated substance is first present in a process above the listed threshold quantity.
<input type="checkbox"/>	<input type="checkbox"/>	2502	CCR 2745.2	<p>RMP Review Process:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The RMP submitted to HMCD must be certified complete by a qualified person <i>and</i> the owner or operator of the facility. <input type="checkbox"/> RMP deficiencies identified by HMCD must be corrected. The corrected, revised RMP must be submitted to HMCD within 60 calendar days.

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2503	CCR 2745.3	<p>Executive Summary- A brief description of the following elements must be included in the Executive Summary of the RMP:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Accidental release prevention and emergency response policies at the facility; <input type="checkbox"/> Facility and regulated substances handled; <input type="checkbox"/> Worst-case release scenario(s) and alternate release scenario(s), including administrative controls and mitigation measures to limit the distances for each reported scenario; <input type="checkbox"/> General accidental release prevention program and chemical-specific prevention steps; <input type="checkbox"/> Five-year accident history; <input type="checkbox"/> Emergency response program; <input type="checkbox"/> Planned changes to improve safety.
<input type="checkbox"/>	<input type="checkbox"/>	2504	CCR 2745.4 & 2735.5	<p>Offsite Consequence Analysis – The following information must be included in the RMP:</p> <p><u>Program 1 processes:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> One worst-case scenario for each Program 1 process; and <input type="checkbox"/> Analyze the worst-case scenario for the process(es), as provided in Section 2750.3; document that the nearest public receptor is beyond the distance to a toxic or flammable endpoint defined in Section 2750.2(a); and submit in the RMP the worst-case release scenario as provided in Section 2745.4 <p>Each Offsite Consequence Analysis must include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Chemical name; <input type="checkbox"/> Physical state (toxics only); <input type="checkbox"/> Basis of results (give model name if used); <input type="checkbox"/> Scenario (explosion, fire, toxic gas release, or liquid spill and vaporization); <input type="checkbox"/> Quantity released in pounds; <input type="checkbox"/> Release rate; <input type="checkbox"/> Release duration; <input type="checkbox"/> Wind speed and atmospheric stability class (toxics only); <input type="checkbox"/> Topography (toxics only); <input type="checkbox"/> Distance to endpoint; <input type="checkbox"/> Public and environmental receptors within the distance; <input type="checkbox"/> Passive mitigation considered; and <input type="checkbox"/> Active mitigation considered (alternative releases only).
<input type="checkbox"/>	<input type="checkbox"/>	2505	CCR 2745.5 & 2750.9	<p>Five Year Accident History – The Risk Management Plan must include a Five Year Accident History Component.</p> <ul style="list-style-type: none"> <input type="checkbox"/> The owner or operator shall include in the five-year accident history all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage onsite, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage. <p>For each accidental release included, the owner or operator shall report the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Date, time, and approximate duration of the release; <input type="checkbox"/> Regulated substances(s) released; <input type="checkbox"/> Estimated quantity released in pounds; <input type="checkbox"/> The type of release event and its source; <input type="checkbox"/> Weather conditions, if known; <input type="checkbox"/> On-site impacts; <input type="checkbox"/> Known offsite impacts; <input type="checkbox"/> Initiating event and contributing factors if known; <input type="checkbox"/> Whether offsite responders were notified if known; and, <input type="checkbox"/> Operational or process changes that resulted from investigation of the release. <ul style="list-style-type: none"> <input type="checkbox"/> Level of accuracy: Numerical estimates shall be provided to two significant digits.

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2532	CCR 2735.5	<p>Emergency Response Program – The following information must be included in the Risk Management Plan:</p> <p>Ensure that response actions have been coordinated with local emergency planning and response agencies.</p>
<input type="checkbox"/>	<input type="checkbox"/>	2509	CCR 2745.9	<p>Certification – The following certification must be submitted:</p> <p><u>Program 1 processes:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> The RMP certification statement provided in Section 2735.5(d)(4) should be submitted. <p><u>All other covered processes:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> A single certification that, to the best of the signer’s knowledge, information, and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.
<input type="checkbox"/>	<input type="checkbox"/>	2510	CCR 2745.10	<p>RMP Updates - The owner or operator of a stationary source shall revise and update the RMP submitted under Section 2745.1 as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Within five years of its initial submission or most recent update required by the subset listed below, whichever is later: <ul style="list-style-type: none"> <input type="checkbox"/> No later than three years after a newly regulated substance is first listed by USEPA. <input type="checkbox"/> No later than the date on which a new regulated substance is first present in an already covered process above a threshold quantity. <input type="checkbox"/> No later than the date on which a regulated substance is first present above a threshold quantity in a new process. <input type="checkbox"/> Within six months of a change that requires a revised PHA or hazard review. <input type="checkbox"/> Within six months of a change that requires a revised offsite consequence analysis as provided in section 2750.7. <input type="checkbox"/> Within six months of a change that alters the Program level that applied to any covered process.

The owner or operator of a stationary source which has regulated substances in a process listed in Section 2770.5 in quantities greater than Table 3 thresholds and less than thresholds in Tables 1 or 2 shall revise and update the RMP submitted under Section 2745.1. The updated RMP shall be submitted to HMCD as follows:

- Within five years of its initial submission or most recent update required by sections (b)(2) through (b)(7),
- No later than three years after a newly regulated substance is first listed by OES.
- No later than the date on which a new regulated substance is first present in an already covered process above a threshold quantity;
- No later than the date on which a regulated substance is first present above a threshold quantity in a new process;
- Within six months of a change that requires a revised PHA or hazard review;
- Within six months of a change that requires a revised offsite consequence analysis as provided in Section 2750.7; and,
- Within six months of a change that alters the Program level that applied to any covered process.
- If a stationary source is no longer subject to the applicability requirements of Section 2735.4(a)(1), the owner or operator shall submit a revised registration pursuant to Section 2740.1(a) to USEPA within six months indicating that the stationary source is no longer covered. A copy of the revised registration shall also be submitted to HMCD.
- If a stationary source is no longer subject to the applicability requirements of Section 273 5.4(a)(2) the owner or operator shall submit a revised registration pursuant to Section 2740.1(b) to HMCD within six months indicating that the stationary source is no longer covered. *(Continued on Next Page)*

(RMP Updates - Continued)

- Revised RMPs shall be subject to the public review process outlined in Section 2745.2.
- Within 30 days of a change in the owner or operator, the new owner or operator shall contact HMCD to update registration information. The new owner or operator shall determine if RMP changes are necessary.

2511 CCR
2745.11

Covered Process Modification – When an owner or operator intends to make a modification to a stationary source relating to a covered process and the modification may result in a significant increase in either: the amount of regulated substances handled at the stationary source as compared to the amount of regulated substances identified in the stationary source’s RMP, or the risk of handling a regulated substance as compared to the amount of risk identified in the stationary source’s RMP, then the owner or operator shall do all of the following:

- Where reasonably possible, notify HMCD in writing of the owner or operator’s intent to modify the stationary source at least five calendar days before implementing any modifications. As part of the notification process, the owner or operator shall consult with HMCD when determining whether the RMP should be reviewed and revised. Where pre-notification is not reasonably possible, the owner or operator shall provide written notice to HMCD no later than 48 hours following the modification.
- Establish procedures to manage the proposed modification, which shall be substantially similar to the procedures specified in Sections 2760.6 and 2760.7, and notify HMCD that the procedures have been established.
- The owner or operator of the stationary source shall revise the appropriate documents, as required pursuant to section 2745.11(a), expeditiously, but not later than 60 days from the date of the stationary source modification.

2512 CCR
2745.12

Certificate of Occupancy - New or modified stationary sources shall comply with Section 65850.2(b) of the Government Code prior to the issuance of a certificate of occupancy.