

CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM
PROGRAM 2 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	<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 <p><u>Program 2 and 3 processes:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> One worst-case release scenario to represent <i>all regulated toxic substances</i> held above the threshold quantity for program 2 and 3 processes; and <input type="checkbox"/> One worst-case release scenario to represent <i>all regulated flammable substances</i> held above threshold quantity for program 2 and 3 processes. <input type="checkbox"/> The owner or operator, as required by Section 2750.3(a)(2)(C), must submit additional worst-case scenarios for toxics or flammables. <input type="checkbox"/> One <i>alternative release scenario for each regulated toxic substance</i> held above the threshold quantity for program 2 and 3 processes; and <input type="checkbox"/> One <i>alternative release scenario to represent all regulated flammable substances</i> held above the threshold quantity for program 2 and 3 processes. <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	<p>Five-year Accident History – The Risk Management Plan must include a Five-year Accident History Component.</p>
<input type="checkbox"/>	<input type="checkbox"/>	2506	CCR 2745.6	<p>Program 2 Prevention Program Component – For each Program 2 process, the following information must be included in the Risk Management Plan. If the same information applies to more than one covered process, the owner or operator may provide the information only once, but shall indicate to which processes the information applies.</p> <ul style="list-style-type: none"> <input type="checkbox"/> The SIC code for the process. <input type="checkbox"/> The name(s) of the chemical(s) covered. <input type="checkbox"/> Date of the most recent review or revision of the safety information and a list of federal or state regulations or industry-specific design codes and standards used to demonstrate compliance with the safety information requirement. <p><i>(Continued on Next Page)</i></p>

(Program 2 Prevention Program Component – Continued)

- Date of completion of the most recent hazard review or update.
 - Expected date of completion of any changes resulting from the hazard review;
 - Major hazards identified;
 - Process controls in use;
 - Mitigation systems in use;
 - Monitoring and detection systems in use; and
 - Changes since the last hazard review.
- Date of the most recent review or revision of operating procedures.
- Date of the most recent review or revision of training programs;
 - Type of training provided – classroom, classroom plus on the job, on the job; and,
 - Type of competency testing used.
- Date of the most recent review or revision of maintenance procedures and the date of the most recent equipment inspection or test and the equipment inspected or tested.
- Date of the most recent compliance audit and the expected date of completion of any changes resulting from the compliance audit.
- Date of the most recent incident investigation and the expected date of completion of any changes resulting from the investigation.
- Date of the most recent change that triggered a review or revision of safety information, the hazard review, operating or maintenance procedures, or training.
- The following external events analysis information must be submitted:
 - Types of natural and human caused external events considered in PHA Section 2760.2 or Hazard Review Section 2755.2.
 - Estimated magnitude or scope of external events which were considered. If not known, the business shall work closely with HMCD to determine what is required. If seismic events are applicable, the parameters used in the consideration of the seismic analysis and which edition of the Uniform Building Code was used when the process was designed.
 - For each external event, with a potential to create a release of a regulated substance that will reach an endpoint offsite, apply Section 2745.6(e)(1) through (e)(6).
 - The date of the most recent field verification that equipment is installed and maintained as designed.

2508 CCR
2745.8 &
2765.2

Emergency Response Program Component – The following information must be included in the Risk Management Plan:

- Does the facility have a written emergency response plan?
- Does the plan include specific actions to be taken in response to an accidental release of a regulated substance?
- Does the plan include procedures for informing the public and local agencies responsible for responding to accidental releases?
- Does the plan include information on emergency health care?
- Date of the most recent review or update of the emergency response plan.
- Date of the most recent emergency response training for employees.
- Name and telephone number of the primary local emergency response agency with which the plan is coordinated.
- List of other federal or state emergency plan requirements to which the facility is subject.

V	N/A	Violation Code	Regulatory Citation
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Emergency Response Program – The owner or operator shall develop an implement an emergency response program which contains the following elements:

- An emergency response plan, which shall be maintained at the facility and contain at least the following elements:
 - Procedures for informing and interfacing with the public and local emergency response agencies about accidental releases, emergency planning, and emergency response;
 - Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures;
 - Procedures and measures for emergency response after an accidental release of a regulated substance.
- Procedures for the use of emergency response equipment and for its inspection, testing, and maintenance;
- Training for all employees in relevant procedures and relevant aspects of the Incident Command System;
- Procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensures that employees are informed of changes;
- A written plan that complies with the contingency plan format developed pursuant to Section 25503.4 of H&SC and that, among other matters, includes the elements provided in section (a), shall satisfy the requirements of this section if the owner or operator also complies with section (c). The contingency plan format shall be provided by OES upon request.
- The emergency response plan developed under section (a)(1) shall be coordinated with the community emergency response plan developed under Section 11003 of Title 42 of USC. Upon request of the local emergency planning committee or emergency response officials, the owner or operator shall promptly provide to the local emergency response officials information necessary for developing and implementing the community emergency response plan.
- The owner or operator is not required to meet the business plan requirements if the emergency response plan developed under this section is consistent with the business plan requirements pursuant to Sections 2731 and 2732 of Title 19 of CCR. This does not exempt the owner or operator from requirements which relate to the annual inventory or emergency response planning for hazardous materials which are not regulated substances.

<input type="checkbox"/>	<input type="checkbox"/>	2509	CCR 2745.9
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Certification – The following certification must be submitted:

Program 1 processes:

- The RMP certification statement provided in Section 2735.5(d)(4) should be submitted.

All other covered processes:

- 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
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RMP Updates - The owner or operator of a stationary source shall revise and update the RMP submitted under Section 2745.1 as follows:

- Within five years of its initial submission or most recent update required by the subset listed below, whichever is later:
 - No later than three years after a newly regulated substance is first listed by USEPA.
 - 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.

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(RMP Updates – Continued)

- 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.
- 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.
 - 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.

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	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.

C. Program 2 Prevention Program Requirements

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2513	CCR 2755.1	<p>Safety Information - The owner or operator shall compile and maintain the following up-to-date safety information related to the regulated substances, processes, and equipment:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Material Safety Data Sheets that meet the requirements of Section 5189 of Title 8 of CCR; <input type="checkbox"/> Maximum intended inventory of equipment in which the regulated substances are stored or processed; <input type="checkbox"/> Safe upper and lower temperatures, pressures, flows, and compositions; <input type="checkbox"/> Equipment specifications; and <input type="checkbox"/> Codes and standards used to design, build, and operate the process. <input type="checkbox"/> The owner or operator shall ensure that the process is designed in compliance with recognized and generally accepted good engineering practices. Compliance with federal or state regulations that address industry-specific safe design or with industry-specific design codes and standards may be used to demonstrate compliance with this section. <input type="checkbox"/> The owner or operator shall update the safety information if a major change occurs that makes the information inaccurate.
<input type="checkbox"/>	<input type="checkbox"/>	2514	CCR 2755.2	<p>Hazard Review:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The owner or operator shall conduct a review of the hazards associated with the regulated substances, processes, and procedures. The review shall identify the following: <ul style="list-style-type: none"> <input type="checkbox"/> The hazards associated with the process and regulated substances; <input type="checkbox"/> Opportunities for equipment malfunctions or human errors that could cause an accidental release; <input type="checkbox"/> The safeguards used or needed to control the hazards or prevent equipment malfunction or human error/process controls in use; <input type="checkbox"/> Any steps used or needed to detect or monitor releases. <input type="checkbox"/> The owner or operator shall consult with HMCD to decide which hazard review methodology is best suited to determine and evaluate the hazards of the process being analyzed. <input type="checkbox"/> The owner or operator may use checklists developed by persons or organizations knowledgeable about the process and equipment as a guide to conducting the review. For processes designed to meet industry standards or federal or state design rules, the hazard review shall, by inspecting all equipment, determine whether the process is designed, fabricated, and operated in accordance with applicable standards or rules. <input type="checkbox"/> The hazard review shall include the consideration of applicable external events, including seismic events. <input type="checkbox"/> The owner or operator shall document the results of the hazard review and ensure that problems identified are resolved in a timely manner. <input type="checkbox"/> The hazard review shall be updated at least once every five years. The owner or operator shall also conduct reviews whenever a major change in the process occurs. All issues identified in the hazard review shall be resolved before startup of the changed process.

V	N/A	Violation Code	Regulatory Citation	
<input type="checkbox"/>	<input type="checkbox"/>	2515	CCR 2755.3	<p>Operation Procedures – The owner or operator shall prepare written operating procedures for conducting activities associated with each covered process that is consistent with the safety information for that process. The procedures shall address the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Initial startup; <input type="checkbox"/> Normal operations; <input type="checkbox"/> Temporary operations; <input type="checkbox"/> Emergency shutdown and operations; <input type="checkbox"/> Normal shutdown; <input type="checkbox"/> Startup following a normal or emergency shutdown or a major change that requires a hazard review; <input type="checkbox"/> Consequences of deviations and steps required to correct or avoid deviations; and, <input type="checkbox"/> Equipment inspections. <p><input type="checkbox"/> The owner or operator shall ensure that the operating procedures are updated, if necessary, whenever a major change occurs and prior to startup of the changed process.</p>
<input type="checkbox"/>	<input type="checkbox"/>	2516	CCR 2755.4	<p>Training:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The owner or operator shall ensure that each employee presently operating a process, and each employee newly assigned to a covered process has been trained or tested competent in the operating procedures provided in Section 2755.3 that pertain to their duties. For those employees already operating a process on June 21, 1999, the owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as provided in the operating procedures. <input type="checkbox"/> Refresher training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee operating a process to ensure that the employee understands and adheres to the current operating procedures of the process. The owner or operator, in consultation with the employees operating the process, shall determine the appropriate frequency of refresher training. <input type="checkbox"/> The owner or operator may use training conducted under federal or state regulations or under industry-specific standards or codes or training conducted by covered process equipment vendors to demonstrate compliance. <input type="checkbox"/> The owner or operator shall ensure that operators are trained in any updated or new procedures prior to startup of a process after a major change.
<input type="checkbox"/>	<input type="checkbox"/>	2517	CCR 2755.5	<p>Maintenance:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The owner or operator shall prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment. The owner or operator may use procedures or instructions provided by covered process equipment vendors or procedures in federal or state regulations or industry codes as the basis for stationary source maintenance procedures. <input type="checkbox"/> The owner or operator shall train or cause to be trained each employee involved in maintaining the on-going mechanical integrity of the process. To ensure that the employee can perform the job tasks in a safe manner, each such employee shall be trained in the hazards of the process, in how to avoid or correct unsafe conditions, and in the procedures applicable to the employee's job tasks. <input type="checkbox"/> Any maintenance contractor shall ensure that each contract maintenance employee is trained to perform the maintenance procedures developed under section 2755.5(a), above. <input type="checkbox"/> The owner or operator shall perform or cause to be performed inspections and tests on process equipment. Inspection and testing procedures shall follow recognized and generally accepted good engineering practices. The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations, industry standards or codes, good engineering practices, and prior operating experience.

V	N/A	Violation Code	Regulatory Citation
<input type="checkbox"/>	<input type="checkbox"/>	2518	CCR 2755.6

Compliance Audits:

- The owner or operator shall certify that they have evaluated compliance with the provisions of this article at least every three years to verify that the procedures and practices developed under this chapter are adequate and are being followed.
- The compliance audit shall be conducted by at least one person knowledgeable in the process.
- The owner or operator shall develop a report of the audit findings.
- The owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit and document that deficiencies have been corrected.
- The owner or operator shall retain the two most recent compliance audit reports. This requirement does not apply to any compliance audit report that is more than five years old.

<input type="checkbox"/>	<input type="checkbox"/>	2519	CCR 2755.7
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Incident Investigation:

- The owner or operator shall investigate each incident, which resulted in, or could reasonably have resulted in, a catastrophic release.
- An incident investigation shall be initiated as promptly as possible, but not later than 48 hours following the incident.
- A summary shall be prepared at the conclusion of the investigation which includes at a minimum:
 - Date of incident;
 - Date investigation began;
 - A description of the incident;
 - The factors that contributed to the incident; and,
 - Any recommendations resulting from the investigation.
- The owner or operator shall promptly address and resolve the investigation findings and recommendations. Resolutions and corrective actions shall be documented.
- The findings shall be reviewed with all affected personnel whose job tasks are affected by the findings.
- Investigation summaries shall be retained for five years.