



City of Berkeley Toxics Management Division
A Certified Unified Program Agency
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www.cityofberkeley.info/toxics

Hazardous Materials Business Plan Information and Instructions

GENERAL INFORMATION

What is the purpose of the Hazardous Materials Business Plan?

The intent of the Hazardous Materials Business Plan (HMBP) is to satisfy federal and state Community Right-To-Know laws and provide detailed information for use by emergency responders. All persons at the facility qualified to serve as emergency coordinators must be thoroughly familiar with the contents and use of the HMBP, with the operations and activities of the facility, and with the locations of all hazardous materials records maintained by the facility.

This HMBP has been developed to assist you in complying with the State requirements and to provide emergency responders adequate information about the type, quantity of, storage location – and management practices regarding – hazardous materials that are stored at your facility.

Who needs to file a Hazardous Material Business Plan?

A hazardous material is any substance which, if released, can cause harm to human health or the environment. This includes less dangerous materials such as oil (including cooking oil), oxygen, antifreeze, cleaning solvents, etc. Hazardous wastes are also hazardous materials.

You must file a HMBP if you meet any of the following:

1. At any one time during the year, you use, handle, store, or generate combined (aggregate) quantities of hazardous materials or hazardous wastes in an amount equal to or greater than:
 - 55 gallons for liquids
 - 500 pounds for solids
 - 200 cubic feet (at normal temperature and pressure) for compressed gases
2. Your facility handles any amount of perchlorate material, pursuant to California Health & Safety Code (CHSC) Section 25504.1.
3. Your facility has any quantity of radioactive materials pursuant to Berkeley Municipal Code Title 15. Report the information on the Hazardous Materials Inventory.
4. Your facility has any quantity of etiologic agents, pursuant to Berkeley Municipal Code Title 15. You must report the agent name, quantity and storage location to the Toxics Management Division (TMD).
5. Your facility exceeds reportable thresholds for Extremely Hazardous Substances (EHSs), as defined in 40 CFR, Part 355, Appendix A.

6. Your facility stores or handles manufactured nanoscale materials, pursuant to Berkeley Municipal Code Title 15. Please contact TMD to determine if you are required to submit reporting documentation. Reporting requirements can be found at www.cityofberkeley.info/toxics.

HMBP Exemption:

1. Hazardous materials contained solely in a consumer product for direct distribution to and use by the general public are exempt. Warehouse quantities are not exempt. Materials in warehouses and bulk storage areas of retail facilities equal to or greater than the above thresholds must be reported in a HMBP.

California Fire Code (CFC) Hazards

In addition to Health and Safety Code reporting requirements, the CFC has its own reporting thresholds. If you use or store hazardous materials or wastes in quantities equal to or greater than the CFC thresholds specified below, you may be required by the Fire Chief or Hazardous Materials Manager to submit a Hazardous Materials Business Plan. Contact TMD at (510) 981-7460.

If my quantities are below the reporting thresholds listed above, do any other requirements apply?

If your facility exceeds the Uniform Fire Code (UFC) thresholds, you may be required by the Fire Chief or Hazardous Materials Manager to submit a HMBP. Contact Toxics Management Division at (510) 981-7460.

If you are **below** the HMBP threshold and generate **any quantity of hazardous waste**, you are required to complete a [Hazardous Waste Generator Reporting packet](#). If this applies to your facility and you have not received a Hazardous Waste Generator Reporting packet, please call (510) 981-7460 to request one, or you can obtain one by visiting our website www.cityofberkeley.info/toxics.

How do I file a HMBP?

Assembly Bill 2286 requires all businesses to report hazardous materials, hazardous waste, underground storage tank, and aboveground tank related information electronically.

California EPA maintains a website for you to comply with submitting and updating an HMBP.

Step 1: Please go to the following web address: <http://cers.calepa.ca.gov/> and click on the **Business Portal Sign-In**. Click on **Create New Account** and follow the instructions for setting up your user account and linking it to your business or facility. Click [here](#) for detailed instructions. You will be notified by email when your request has been accepted. Please allow two (2) working days for your request to be processed.

Step 2: Once your access request has been accepted, log in to <http://cers.calepa.ca.gov/> with your username and password.

Step 3: Follow the instructions to fill out and submit your HMBP.

Are there any other reporting requirements?

If your facility owns or operates an underground storage tank, you are required to complete the *Underground Storage Tanks – UST Facility Operating Permit Application* in CERS. For more information on the [UST program click here](#).

If your facility claims a recycling exclusion or exemption (per Health and Safety Code Section 25143.2) for a material or process from the hazardous waste generator or tiered permitting programs and you recycle more than 100 kilograms per month, you must complete the *Recyclable Materials Report* in CERS.

If your facility treats hazardous waste on site, you are required to submit the *Tiered Permitting* section in CERS.

For home heating oil tanks you can use this form: [Underground Storage Tank Permit Application](#).

You may obtain additionally required paperwork by calling us at 510-981-7460 or by visiting our website at www.cityofberkeley.info/toxics.

When must Hazardous Materials Business Plans be updated?

1. The Hazardous Materials Inventory must be **reviewed and updated annually, by March 1 of each year**. Failure to submit required documents by the due date will result in late fees.
 - If there are NO CHANGES to your inventory, you can simply certify there are no changes.
 - If there are changes to your inventory, you must update your information electronically.
2. The entire HMBP must be **reviewed and updated every three (3) years**.
 - If there are NO CHANGES to your HMBP, you can simply certify there are no changes.
 - If changes are needed, you must update your information electronically.
3. In addition to the annual requirements, the HMBP must be updated and resubmitted within 30 days of any of the following changes:
 - Business Name;
 - Owner or Operator Name;
 - Business location;
 - 100% increase of any previously reported hazardous material or waste;
 - Any previously undisclosed hazardous material or waste at or above reporting quantities;
 - Substantial change in structure or layout of the facility as shown on the site map.

Submit HMBP information electronically at <http://cers.calepa.ca.gov/>.

What if my facility has closed or will be closing in the next 45 days?

If your hazardous materials/waste facility is closed or planning to close, or your facility is discontinuing any storage, use, handling or processing of hazardous materials/waste, please contact TMD to implement the closure process. TMD requires submittal of a [Closure Application](#)

no less than 45 days prior to the intended date of closure. The Closure Application demonstrates that hazardous materials and wastes at a closed facility have been transported, disposed of or reused in a manner that eliminates the need for further maintenance and any threat to public health and safety or the environment.

How much does it cost?

Each regulated business is required to pay a fee annually. The fee is billed based on the fiscal year. The City's fiscal year runs July 1 – June 30. A detailed [Fee Schedule](#) and other information can be found on our website at www.cityofberkeley.info/toxics. There are separate fees for each of the Unified Program elements. In addition, there is a State Surcharge assessed on all businesses regulated under any Unified Program element.

Since fees are based upon the amount or types of hazardous materials or wastes you store or generate, any measures you take to reduce these quantities may lower your fees.

Please note that fees associated with each Unified Program element are all inclusive. There are no additional fees for routine state-mandated facility inspections. Extraordinary activities such as enforcement activities that may be required to bring a business into compliance may be billed at the rate of \$210 per hour. Such actions may result in additional fines and penalties.

Penalties for Non-Compliance

Businesses that submit their HMBP after the deadline established by TMD will be assessed a late filing penalty equal to 10% of their annual permit fee (with a minimum penalty of \$50), per month their HMBP is delinquent. Any business that handles hazardous materials in quantities that require them to submit a HMBP and operates without completing the HMBP will be charged double their annual permit fees.

Any business that violates any provision of the HMBP shall be civilly liable in an amount of not more than two thousand dollars (\$2,000) for each day of the violation. Any business that knowingly and willfully violates any provision of the HMBP shall be civilly liable in an amount not to exceed five thousand dollars (\$5,000) for each day of the violation. Any person who willfully prevents, interferes with, or attempts to impede the enforcement of this chapter by any authorized representative of an Administering Agency is, upon conviction, guilty of a misdemeanor (Health and Safety Code, Section 25515.1). If the violation results in, or significantly contributes to an emergency, including a fire to which the city is required to respond, the person(s) shall also be assessed the full cost of the city emergency response as well as the cost of cleanup and disposal.