

Summary of Laws and Regulation for Hazardous Material Area Plans

(Effective Date: February 26, 2014)

The California Governor's Office of Emergency Services (Cal OES) has compiled this summary to consolidate the legal requirements for Hazardous Material Area Plans in one document.

This document is intended to be used as a reference only. The official statutory and regulatory requirements can be accessed at:

Statute: <http://leginfo.legislature.ca.gov/>

Regulations: <http://ccr.oal.ca.gov/>

Section 1 of this document contains excerpts from the California Health and Safety Code (HSC), Sections 25500 – 25519. Section 2 contains excerpts from Title 19, California Code of Regulations, Sections 2720 – 2728.

If you have any questions about Hazardous Material Area Plans, please contact the Cal OES, Fire and Rescue Division, Hazardous Materials Section at 916-845-8798.

Section 1

Statutory Requirements for Hazardous Material Area Plans

Excerpts from: CALIFORNIA CODES
HEALTH AND SAFETY CODE
SECTION 25500-25519

Legislative Intent

25500. The Legislature declares that, in order to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of minimum statewide standards for these plans is a statewide concern. Basic information on the location, type, quantity, and the health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is not now available to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary in order to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

The Legislature further finds and declares that this chapter does not occupy the whole area of regulating the inventorying of hazardous materials and the preparation of hazardous materials response plans by businesses and the Legislature does not intend to preempt any local actions, ordinances, or regulations which impose additional or more stringent requirements on businesses which handle hazardous materials. Thus, in enacting this article, it is not the intent of the Legislature to preempt or otherwise nullify any other statute or local ordinances containing the same or greater standards and protections.

25518. This article shall be construed liberally so as to accomplish the intent of the Legislature in protecting the public health, safety, and the environment.

Definitions

25501. Unless the context indicates otherwise, the following definitions govern the construction of this chapter:

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

Summary of Hazardous Material Area Plan Requirements

(c) "Business" means all of the following:

(1) An employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, or association.

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

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

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

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

(d) "Business plan" means a separate plan for each facility, site, or branch of a business that meets the requirements of Section 25505.

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

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

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

(4) The UPAs also have the responsibility and authority, to the extent provided by this article and Article 2 (commencing with Section 25531) and Sections 25404.1 and 25404.2, to implement and enforce the regulations adopted to implement the requirements of this chapter listed in paragraphs (4) and (5) of subdivision (c) of Section 25404. After a CUPA has been certified by the secretary, the unified program agencies shall be the only local agencies authorized to enforce the requirements of this chapter listed in paragraphs (4) and (5) of subdivision (c) of Section 25404 within the jurisdiction of the CUPA.

(j) "Emergency rescue personnel" means a public employee, including, but not limited to, a firefighter or emergency rescue personnel, as defined in Section 245.1 of the Penal Code, or personnel of a local emergency medical services (EMS) agency, as designated pursuant to Section 1797.200, or a poison control center, as defined by Section 1797.97, who responds to any condition caused, in whole or in part, by a hazardous material that jeopardizes, or could jeopardize, public health or safety or the environment. (k) "Handle" means to use, generate, process, produce, package, treat, store, emit, discharge, or dispose of a hazardous material in any fashion.

(l) "Handler" means any business that handles a hazardous material.

(m) "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to,

Summary of Hazardous Material Area Plan Requirements

hazardous substances, hazardous waste, and any material that a handler or the unified program agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

(n) "Hazardous substance" means any substance or chemical product for which one of the following applies:

(1) The manufacturer or producer is required to prepare a MSDS for the substance or product pursuant to the Hazardous Substances Information and Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.

(2) The substance is listed as a radioactive material in Appendix B of Chapter 1 (commencing with section 10.1) of Title 10 of the Code of Federal Regulations, maintained and updated by the Nuclear Regulatory Commission.

(3) Hazardous materials or substances listed in Part 172 (commencing with Section 172.1) and Part 173 (commencing with Section 173.1) of Subchapter C of Chapter I of Subtitle B of Title 49 of the Code of Federal Regulations.

(4) The materials in the listings specified in subdivision (b) of Section 6382 of the Labor Code.

(o) "Hazardous waste" means hazardous waste, as defined by Sections 25115 and 25117 and by subdivision (g) of Section 25316.

(p) "Office" means the California Governor's Office of Emergency Services.

(s) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency.

(r) "Secretary" means the Secretary for Environmental Protection.

(u) "Threatened release" means a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment.

(w) "Unified Program Facility" means all contiguous land and structures, other appurtenances, and improvements on the land that are subject to the requirements of paragraphs (4) and (5) of subdivision (c) of Section 25404.

Implementing Agency

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

(1) If there is a CUPA, the Unified Program Agency.

(2) If there is no CUPA, the agency authorized pursuant to subdivision (f) of Section 25404.3.

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

Summary of Hazardous Material Area Plan Requirements

Regulation Authority

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

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

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

Area Plan Contents

25503. (c) A unified program agency shall, in consultation with local emergency response agencies, establish an area plan for emergency response to a release or threatened release of a hazardous material within its jurisdiction. An area plan is not a statute, ordinance, or regulation for purposes of Section 669 of the Evidence Code. The standards for area plans in the regulations adopted pursuant to subdivision (a) shall provide for all of the following:

- (1) Procedures and protocols for emergency rescue personnel, including the safety and health of those personnel.
- (2) Preemergency planning.
- (3) Notification and coordination of onsite activities with state, local, and federal agencies, responsible parties, and special districts.
- (4) Training of appropriate employees.
- (5) Onsite public safety and information.
- (6) Required supplies and equipment.
- (7) Access to emergency response contractors and hazardous waste disposal sites.
- (8) Incident critique and followup.
- (9) Requirements for notification to the office of reports made pursuant to Section 25510.

Area Plan Submittal, Review, and Updates

25503. (d) The unified program agency shall submit a copy of its proposed area plan, within 180 days after adoption of regulations by the office establishing area plan standards, to the office for review. The office shall notify the unified program agency as to whether the area plan is adequate and meets the area plan standards. The unified program agency

Summary of Hazardous Material Area Plan Requirements
shall within 45 days of this notice submit a corrected area plan.

The unified program agency shall certify to the office every three years that it has conducted a complete review of its area plan and has made any necessary revisions. Any time a unified program agency makes any substantial changes to its area plan, it shall forward the changes to the office within 14 days after the changes have been made.

Inspection and Enforcement

25503. (e) The inspection and enforcement program established pursuant to paragraphs (2) and (3) of subdivision (a) of Section 25404.2, shall include the basic provisions of a plan to conduct onsite inspections of businesses subject to this article by the unified program agency. These inspections shall ensure compliance with this article and shall identify existing safety hazards that could cause or contribute to a release and, where appropriate, enforce any applicable laws and suggest preventative measures designed to minimize the risk of the release of hazardous material into the workplace or environment. The requirements of this paragraph do not alter or affect the immunity provided to a public entity pursuant to Section 818.6 of the Government Code.

Local Government Fees

25513. Each administering county or city may, upon a majority vote of the governing body, adopt a schedule of fees to be collected from each business required to submit a business plan pursuant to this article that is within its jurisdiction. The governing body may provide for the waiver of fees when a business, as defined in paragraph (3), (4), or (5) of subdivision (c) of Section 25501, submits a business plan. The fee shall be set in an amount sufficient to pay only those costs incurred by the unified program agency in carrying out this article. In determining the fee schedule, the unified program agency shall consider the volume and degree of hazard potential of the hazardous materials handled by the businesses subject to this article.

Severable Provisions

25519. If any provision of this article or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to that end the provisions of this article are severable.

Section 2

Regulatory Requirements for Hazardous Material Area Plans

Excerpts from: CALIFORNIA CODE OF REGULATIONS

Title 19. Public Safety

Division 2. California Governor's Office of Emergency Services

Chapter 4. Hazardous Material Release Reporting, Inventory, and
Response Plans

Article 1. Definitions

Article 3. Minimum Standards for Area Plans

Article 1. Definitions

Section 2660. Pesticide Drift Exposure Incident.

“Pesticide drift exposure incident” means an unintended airborne transport of a pesticide to non-target areas, potentially resulting in exposures that could affect public health and safety and the environment. For the purposes of this Chapter, the term “pesticide” has the same meaning as “pesticide”, as defined in the Food and Agricultural Code, Section 12753.

NOTE: Authority cited: Section 25503, Health and Safety Code, Section 12997.7, Food and Agricultural Code. Reference: Sections 12753 and 12997.7, Food and Agricultural Code.

Article 3. Minimum Standards for Area Plans

Section 2720. Proposed Area Plans.

The proposed area plan, as required by Section 25503(c) of the Health and Safety Code, shall include:

- (a) a description of the extent to which the unified program agency has met the requirements of this Article, and a schedule for implementing the final area plan to include the provisions of Sections 2722-2736 of this Article;
- (b) provisions for integrating, in the final area plan, information from business plans submitted by handlers within the jurisdiction of a unified program agency;
- (c) protocols for responses to pesticide drift exposure incidents; and

Summary of Hazardous Material Area Plan Requirements

- (d) a form providing information on the elements within the area plan, substantially equivalent to the following optional model reporting form for area plans.

NOTE: Authority cited: Sections 25503 and 25517, Health and Safety Code, Section 12997.7, Food and Agricultural Code. Reference: Section 25503, Health and Safety Code, Section 12997.7, Food and Agricultural Code.

Summary of Hazardous Material Area Plan Requirements

OPTIONAL MODEL REPORTING FORM – AREA PLAN

<p style="text-align: center;">CHECKLIST for AREA PLAN ELEMENT</p> <p style="text-align: center;">and reference section</p>	<p style="text-align: center;">ELEMENT LOCATION</p>	<p style="text-align: center;">ELEMENT NOT PROVIDED, JUSTIFICATION ATTACHED</p>	<p style="text-align: center;">PROPOSED DATE FOR COMPLETION</p>
Section 2660 – Pesticide Drift Exposure Incident			
Section 2722 – Emergency Response Procedures			
Approach, Recognition, and Evacuation			
Personnel Monitoring and Decontamination			
Equipment Monitoring and Decontamination			
Section 2723 – Pre-Emergency Planning			
Pre-incident Site Surveys			
Planning and Coordination			
Emergency Funding Access			
Disposal Facility Access			
Emergency Response Contractor Access			
Integrated Response Management System			
Section 2724 – Notification and Coordination			
Notification and Coordination			
Emergency Communications			
Responsibility Matrix			
Cal OES Notification			
Section 2725 – Training			
Emergency Response Personnel Training			
Training Documentation			
Training Exercises			
Section 2726 – Public Safety and Information			
Site Perimeter Security			
Safety Procedure Information			
Information Release Responsibility			
Medical Notification			
Evacuation Plans			
Section 2727 – Supplies and Equipment			
Listing and Description			
Testing and Maintenance			
Section 2728 – Incident Critique and Follow-up			

Summary of Hazardous Material Area Plan Requirements

Section 2722. Procedures and Protocols for Emergency Rescue Personnel.

Area plans shall include procedures and protocols to ensure the health and safety of emergency response personnel, such as, but not limited to:

- (a) guidelines for approach, recognition, and evaluation of releases and threatened releases of hazardous materials by emergency response personnel; and
- (b) monitoring and decontamination guidelines for emergency response personnel and equipment.

NOTE: Authority cited: Section 25503, Health and Safety Code. Reference: Section 25503, Health and Safety Code.

Section 2723. Pre-Emergency Planning.

Area plans shall include, but not be limited to:

- (a) provisions for pre-incident surveys of business sites by first responders for the purpose of site familiarization, if deemed necessary by the unified program agency;
- (b) provisions for pre-emergency planning and coordination among emergency responders within the jurisdiction of an unified program agency. Pre-emergency planning shall include coordination of emergency response and emergency assistance between contiguous jurisdictions;
- (c) procedures to access local, state and federal funding and emergency response assistance;
- (d) procedures, developed in consultation with the Local Health Officer, to inform medical providers regarding eligibility for reimbursement pursuant to Section 12997.5 of the Food and Agricultural Code, where applicable;
- (e) provisions for access to state approved and permitted hazardous waste disposal facilities and emergency response contractors;
- (f) development of an integrated response management system providing standardized organizational structure, terminology, and procedures for use during any release or threatened release of hazardous materials, to include pesticide drift exposure incidents. The unified program agency shall incorporate into the area plan specific agency roles within the Standardized Emergency Management System, including procedures for agency notification and responsibility for public safety and information pursuant to Section 2726 for all emergency responses, to include pesticide drift exposure incidents. The unified program agency shall consult with the County Agricultural Commissioner and the Local Health Officer when incorporating

Summary of Hazardous Material Area Plan Requirements

their statutory duties into a pesticide drift response, and when assigning other specific agency responsibilities for pesticide drift exposure incidents; and

- (g) procedures, established in consultation with the County Agricultural Commissioner and the Local Health Officer, with assistance from the Department of Pesticide Regulation, to provide immediate access to pesticide-specific information for responders to pesticide releases. This information will assist emergency response and emergency medical services personnel in identifying and characterizing any pesticides which have the potential to come into contact with one or more individuals as the result of a pesticide drift exposure incident within the jurisdiction.

NOTE: Authority cited: Section 25503, Health and Safety Code; Sections 12997.7(b)(1), 12997.7(b)(2) and 12997.7(b)(6), Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code.

Section 2724. Notification and Coordination.

Area plans shall include, but not be limited to:

- (a) provisions for notification of, and coordination with, emergency response personnel, such as, but not limited to, law enforcement, fire service, medical and public health services, poison control centers, hospitals, and resources for the evacuation, reception and care of evacuated persons;
- (b) identification and utilization of alternative forms of emergency communications (such as amateur radio services), in the event of a loss of primary communications;
- (c) a responsibility matrix or listing of specific emergency responsibilities of responding organizations. This matrix or listing shall be developed in coordination with the listed responding organizations;
- (d) provisions for notification to the California Governor's Office of Emergency Services of all reports received pursuant to Article 2 of this subchapter. These notifications shall be submitted, at least monthly, on forms specified by the California Governor's Office of Emergency Services; and
- (e) procedures, developed in consultation with the Local Health Officer, to ensure access to health care within 24 hours of an exposure resulting from a pesticide drift exposure incident and up to a week after the incident.

NOTE: Authority cited: Section 25503, Health and Safety Code; Section 12997.7(b)(5), Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code.

Section 2725. Training.

Summary of Hazardous Material Area Plan Requirements

- (a) At a minimum, area plans shall establish provisions for training of emergency response personnel in the following areas:
- (1) emergency procedures for first response to a release or threatened release of hazardous materials, to include pesticide drift exposure incidents;
 - (2) health and safety procedures for response personnel, including those procedures required by Section 2724 of this Article;
 - (3) use of emergency response equipment and supplies;
 - (4) procedures for access to mutual-aid resources;
 - (5) identification of medical facilities capable of providing treatment appropriate for hazardous material incidents, to include pesticide drift exposure incidents;
 - (6) evacuation plans and procedures;
 - (7) monitoring and decontamination procedures for emergency response personnel and equipment;
 - (8) first-aid procedures for hazardous material incidents, including pesticide exposure;
 - (9) procedures for informing the public during emergencies; and
 - (10) psychological stress that may be encountered during disaster operations.
- (b) Area plans shall include, but not be limited to:
- (1) provisions for documenting personnel training described in subsection (a) of this section; and
 - (2) provisions for joint field or table-top exercises, with affected organizations, with voluntary participation of business representatives.

NOTE: Authority cited: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code. Reference: Section 25503, Health and Safety Code, Section 12997.7, Food and Agricultural Code.

Section 2726. Public Safety and Information.

Area plans shall include, but not be limited to:

- (a) site perimeter security procedures for use during a release or threatened release of hazardous material;

Summary of Hazardous Material Area Plan Requirements

- (b) provisions for informing business personnel and the affected public of safety procedures to follow during a release or threatened release of a hazardous material;
- (c) procedures, developed in consultation with the County Agricultural Commissioner, to notify residents of a pesticide drift exposure incident and a procedure to assist in the coordination of an evacuation, if deemed necessary by the emergency response personnel;
- (d) procedures to identify all languages known to be spoken in the unified program agency's county or city, as the case may be, and ensure that any individual is able to access services in their native language as required by Section 11135 of the Government Code. The area plan will outline what these services are and how they will be provided in the languages identified;
- (e) designation of responsibility for the coordinated release of safety information to the public and to the local Emergency Broadcast System;
- (f) provisions for informing medical and health facilities of the nature of the incident and the substance(s) involved in an incident; and
- (g) provisions for evacuation plans. Evacuation planning shall provide for the following elements:
 - (1) determination of the necessity for evacuation;
 - (2) centralized coordination of information with local law, fire, public health, medical, and other emergency response agencies;
 - (3) timely notification of the affected public, including release of messages prepared pursuant to subsections (e) and (f) of this section;
 - (4) properties of hazardous materials, such as quantity, concentration, vapor pressure, density, and potential health effects;
 - (5) possible release scenarios;
 - (6) facility characteristics, topography, meteorology, and demography of potentially affected areas;
 - (7) ingress and egress routes and alternatives;
 - (8) location of medical resources trained and equipped for hazardous material response;
 - (9) mass-care facilities, reception areas, and sheltering; and

Summary of Hazardous Material Area Plan Requirements

- (10) procedures for post-emergency period population recovery.

NOTE: Authority cited: Sections 25503 and 25517, Health and Safety Code; Section 12997.7(b)(2) and 12997.7(b)(4), Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code.

Section 2727. Supplies and Equipment.

- (a) Area plans shall contain a listing and description of available emergency response supplies and equipment specifically designated for the potential emergencies presented by the hazardous materials which are handled within the jurisdiction of the unified program agency. This information shall be presented to reflect response capability.
- (b) Area plans shall outline the provisions for regular testing, if applicable, and proper maintenance of emergency response equipment under the direct control of the county or city, as the case may be.

NOTE: Authority cited: Section 25503, Health and Safety Code. Reference: Section 25503, Health and Safety Code.

Section 2728. Incident Critique and Follow-Up.

Area plans shall describe provisions for the critique and follow-up of major incidents of a release or threatened release of hazardous material, including pesticide drift exposure incidents. The critique shall include an interagency meeting to evaluate the response, to improve future response, and to determine if any area plan revisions are required.

NOTE: Authority cited: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code. Reference: Section 25503, Health and Safety Code; Section 12997.7, Food and Agricultural Code.