

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2012.

Application No. 10-12-005
(Filed December 15, 2010)

Application of Southern California Gas Company (U904G) for authority to update its gas revenue requirement and base rates effective on January 1, 2012.

Application No. 10-12-006
(Filed December 15, 2010)

**SAN DIEGO GAS & ELECTRIC COMPANY (U902M) AND
SOUTHERN CALIFORNIA GAS COMPANY'S (U904G) RESPONSE IN OPPOSITION
TO THE DIVISION OF RATEPAYER ADVOCATES' RULE 1 MOTION**

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I. INTRODUCTION

Pursuant to Rule 11.1(e) of the Commission’s Rules of Practice and Procedure, San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SCG)¹ (collectively, Applicants) hereby timely file this response to the April 10, 2012, *Motion of the Division of Ratepayer Advocates [DRA] Requesting that the Commission Levy Penalties Against San Diego Gas & Electric and/or the Southern California Gas Company for Violating Rule 1.1 of the Commission’s Rules of Practice and Procedure* (Motion). As shown below, there is no basis or merit for any of the Motion’s claims. SDG&E’s attached declarations and supporting documents to this response show SDG&E’s CUPA² fee forecasts were reasonably developed based on facts available to SDG&E at the time they were made.³ And, SDG&E does pay CUPA

¹ The Motion included SCG but raised no specific claims against it. The Motion’s claims against SCG should be summarily dismissed and/or rejected on the bases stated herein.

² CUPA is the Certified Unified Program Agency that implements various environmental laws statewide. SDG&E/Haines Exhibit (Exh.) 327 at DRH-5; *see generally* <http://www.calepa.ca.gov/CUPA/>.

³ *See* facts stated in the attached Declaration of Deanna Haines (Appendix (Appx.) A), Declaration of Pamela Jackson (Appx. B), and Declaration of Kelly Hunt (Appx. C); and the exhibits attached thereto.

fees related to its Hazardous Materials Business Plan for electric substations, as Ms. Haines testified.⁴

However, following Ms. Haines' hearing testimony, she initiated a review and discovered that an incorrect cost matrix had been mistakenly used when SDG&E prepared its workpapers in early 2010.⁵ The incorrect matrix had been ambiguously marked "CUPA fees"⁶ and reflected similar total amounts as a contemporaneously prepared Hazardous Materials Business Plan forecast,⁷ thus unintentionally masking the error and creating confusion during and after the evidentiary hearing.⁸ Out of concern that the workpapers did not support the \$54,000 forecast, and at Ms. Haines' request, *SDG&E removed the costs at issue in its February 17, 2012 update testimony.*⁹ This change was reflected in SDG&E's RO (Results of Operations) model and was confirmed in its March 2, 2012, comparison exhibit, which DRA reviewed.¹⁰

DRA thus either knew or should have known that SDG&E had removed the costs at issue from the case before filing the Motion.¹¹ If DRA had communicated with SDG&E prior to filing the Motion – and they did not – DRA would have been informed that the costs at issue had been

⁴ Haines, Appx. A at paragraph (P.)8; Haines, Appx. A at Exhibit 2; SDG&E/Haines Transcript (Tr.) Volume (Vol.) 26 at 3411:11-3413:5; *See also, id.* at 3362:13-3363:10; *See also*, Hunt, Appx. C at P.10 and Exhibit 8.

⁵ Haines, Appx. A at P.7-P.9; Hunt, Appx. C at P.11 and P.12.

⁶ The term "CUPA fees" could refer to any type of fees charged by that regulatory agency, under various statutes. *See generally*, http://www.co.san-diego.ca.us/deh/hazmat/hmd_cupa.html; SDG&E/Haines Tr. Vol. 26 at 3381:27-3382:15 and 3391:8-3392:8.

⁷ Haines, Appx. A at P.7-P.9; Hunt, Appx. C at P.11 and P.12.

⁸ Haines, Appx. A at P.7; Jackson, Appx. B at P.22; *see* SDG&E/Haines Tr. Vol. 26 at 3381:18-3382:22. This inadvertent error (which happened while SDG&E was developing its direct case) also appears to have been masked by the change of the Environmental Services witness from Lisa Gomez (who resigned as SDG&E's Director – Environmental Services on May 21, 2011) to Deanna Haines (who became SCG's Director – Environmental Services on January 8, 2011). Haines, Appx. A at P.2 and P.4; Jackson, Appx. B at P.2.

⁹ Haines, Appx. A at P.7-P.9; Jackson, Appx. B at P.7; SDG&E's Update Testimony dated February 17, 2012, Exh. SDG&E/SCG-600 at UP-127. This change was reflected in SDG&E's RO model. *Id.* at UP-1. SDG&E's March 2, 2012 Litigation Comparison Exhibit also reflected this modification (a \$0.054M reduction from the cost center 1EV000-000, for CUPA fees). DRA and other parties reviewed, modified and approved the comparison exhibit before it was filed.

¹⁰ *Id.*

¹¹ A term search on "CUPA" in the update testimony would have been all DRA needed to do to check its facts. Alternatively, DRA could have contacted SDG&E. Rules 1.1 and 1.8 arguably should require such diligence prior to accusing another party of a Rule 1.1 violation.

removed. Moreover, SDG&E immediately alerted DRA that the CUPA fees had been removed from the case after DRA filed the Motion,¹² yet DRA chose not to withdraw or correct the Motion to reflect that fact.¹³ The Commission has stated its expectation that DRA work cooperatively with regulated utilities;¹⁴ but that did not happen in this case, as shown below. DRA's filing of the Motion, its unwillingness to work with SDG&E to reasonably resolve this issue and the attendant circumstances are disappointing, at best.

The Motion reveals no misrepresentation, artifice, or false statement – and certainly not an intentional one. Notably, Ms. Haines' hearing testimony and citation to California law (that DRA claims is inapposite) is consistent with comments SDG&E made jointly with other electric utilities in November 2010, in the Commission's "[OIR] to Implement Commission Regulations Relating to the Safety of Electric Utility Substations," where no question was raised regarding the statement's accuracy or reasonableness:

For SDG&E, *a site safety plan is already implemented in its Hazardous Materials Business Plan*, which identifies hazardous materials and is completed for each substation as required by *California Health and Safety Code Section 25500, et seq.* The County of San Diego performs periodic inspections of SDG&E's substations including the Business Plan, also in accordance with the Code.¹⁵ [Emphasis added.]

The Commission's Consumer Public Safety Division (CPSD) took no issue with SDG&E's above-mentioned implementation of this safety requirement, in accordance with San Diego County CUPA's interpretation of Section 25500, et seq. In contrast, DRA claims "it is

¹² In SDG&E's prior GRC (A.06-12-009), it similarly adjusted its cost forecast downward in the update testimony (and in fact in much larger amounts), without DRA or any other party raising a complaint. *See* Update Testimony of SDG&E and SoCalGas dated August 31, 2007, Exh. SDG&E/SCG-300 at Attachments E and F.

¹³ DRA found out that the costs had been removed from the case prior to filing its opening brief. While DRA did not withdraw the Motion upon discovering its error, interestingly, no mention of any of the Motion's alleged facts, testimony, law or other allegations can be found anywhere in DRA's opening brief – which was late-filed three days after the Motion had been filed.

¹⁴ Decision (D.)00-02-046, 2000 Cal. PUC LEXIS 239 ("In the normal course of business, we expect ORA [DRA's predecessor] to work cooperatively with utilities, just as we expect utilities to work cooperatively with ORA.").

¹⁵ Joint Surreply at 5 filed in Rulemaking (R.)10-09-001 on November 5, 2010.

abundantly clear that section 25503.5 is inapposite,”¹⁶ with no analysis as to why,¹⁷ and implies that, if SDG&E adheres to CUPA requirements under Section 25503.5, this would constitute “wasting of ratepayer money.”¹⁸ DRA’s opinion only serves to demonstrate that agencies and agency divisions interpret laws differently, and the complexity of environmental laws can indeed create confusion, overlap, differences of opinion and evolving interpretations. A Rule 1.1 motion should not be based on competing agency interpretations of complex environmental laws, as this Motion is. The important facts are this: The Motion reveals no intent to mislead, as a Rule 1.1 claim must. SDG&E *does* pay CUPA fees related to its Hazardous Materials Business Plan for electric substations.¹⁹ Ms. Haines testified truthfully. *SDG&E removed the \$54,000 request* upon discovering confusion in its workpapers. The Motion contains incorrect statements and speculative legal theories, omits crucial information, is lacking in support, and should be rejected.

¹⁶ Motion at 3.

¹⁷ The Motion also potentially suggests that mineral oil is not regulated as a hazardous material (Motion at p. 2, fn.11), without analysis. The Health and Safety Code does not call out or name a specific chemical or hazardous material. Mineral oil which is classified as “oil” does meet the definition of a hazardous material as shown in Section 25502.(p) because it is regulated by other state and federal regulations identified in this section, and the manufacturer of mineral oil is required to prepare a Materials Safety Data Sheet.

¹⁸ Motion at 8, fn.37. Because this practice promotes substation safety, it is difficult to understand what DRA means by this.

¹⁹ Haines, Appx. A at P.8 and Exhibit 2; SDG&E/Haines Tr. Vol. 26 at 3411:11-3413:5; *See also, id.* at 3362:13-3363:10; *See also*, Hunt, Appx. C at P.10 and Exhibit 8. DRA also incorrectly claims that proof of paying CUPA fees under Section 25503.5 is no defense to the Motion, because “DRA has shown [that] SDG&E is exempt from paying most if not all of these fees.” Motion at 8, fn.37. But DRA has cited no authority for the premise that either DRA or the Commission has the authority to override the San Diego CUPA’s interpretation of environmental and health and safety laws that DRA admits the CUPA is tasked with enforcing. Motion at 2. Nor has DRA cited authority that its legal theories may excuse SDG&E from paying invoiced CUPA fees.

II. SDG&E AND SCG ACTED IN ACCORDANCE WITH THE HIGHEST ETHICAL STANDARDS THROUGHOUT THIS PROCEEDING, CONTRARY TO DRA'S CLAIMS

SDG&E and SCG have endeavored throughout this proceeding to thoroughly identify each cost category and provide full justification as to why each activity and associated cost is necessary, required by law, and/or otherwise beneficial to our customers. In doing so, SDG&E and SCG witnesses and support teams built a sound, comprehensive Test Year 2012 General Rate Case (GRC) business case for each of the utilities, such that the forecasted activities and/or projects have been demonstrated as necessary, undertaken at a reasonable cost, and result in ratepayer benefit. Witnesses carefully developed informative and complete workpapers that clearly support expense requests.²⁰ SDG&E and SCG witnesses understand that the creation of workpapers is among the more crucial aspects of witnesses' efforts, because they provide detail of how estimated costs are derived.

The above-described process – which SDG&E and SCG carefully designed and executed with respect to every witness, in order to ensure a professional, accurate, and *ethical* GRC – helps demonstrate why SDG&E finds DRA's Motion surprising. All of the many witnesses and team members – approximately 200 total – in this very large case have worked long and hard to ensure fairness and accuracy in *every* cost request, down to the minute detail. And, in this instance, the facts show that the individuals involved in presenting the Motion's subject \$54,000 CUPA fee request performed their duties to this same standard, contrary to DRA's unsupported allegations.

²⁰ Indeed, careful and informative workpapers are in the Applicants' best interest, as they can reduce the number of discovery questions and eliminate entire areas of dispute.

A. SDG&E Discovered Confusion in Its Workpapers and Removed the CUPA Request in Update Testimony.

Contrary to the Motion’s speculative, unsupported theories, SDG&E did nothing to intentionally mislead the Commission. In short, Ms. Deanna Haines adopted Environmental Services direct testimony and workpapers at the evidentiary hearing that had been prepared originally by Ms. Lisa Gomez²¹ and her support team. Ms. Haines also supported her own rebuttal testimony, which depended in part on Ms. Gomez’s prepared direct testimony and workpapers.²² Ms. Pamela Jackson supported Ms. Gomez (and later Ms. Haines) in her capacity as “Witness Planner” and carefully and honestly collected information from subject matter experts on estimates for environmental-related upward and downward pressures to the base year expenses for Environmental Services.²³ Ms. Kelly Hunt also supported Ms. Gomez as “Witness Planner” and assisted in preparing the cost estimates that were ultimately used in Ms. Gomez’s workpapers.²⁴ Ms. Hunt contemporaneously developed two forecasts for potential fees applicable to electric substations: one based on the Hazardous Materials Business Plan fees – about which Ms. Haines testified and which are paid by SDG&E,²⁵ and one based on APSA,²⁶ which ultimately did not to apply to SDG&E’s substations.²⁷ By inadvertent omission, the cost estimates for CUPA fees related to SDG&E’s Hazardous Materials Business Plan for electric substations²⁸ were not used to develop Ms. Gomez’s workpapers, and the incorrect APSA

²¹ Ms. Gomez is no longer with SDG&E and SCG. SDG&E/Haines, Tr. Vol. 26 at 3359:27-3360:3; Haines, Appx. A at P.2 and P.4; Jackson, Appx. B at P.2. Ms. Haines became the Director – Environmental Services of SCG in January 2011, after SDG&E and SCG workpapers and direct testimony were prepared and served but before rebuttal testimony was prepared. Haines, Appx. A at P.2 and P.4; Jackson, Appx. B at P.2. She was not involved in the preparation of Ms. Gomez’s direct testimony or workpapers. Haines, Appx. A at P.4.

²² SDG&E/Haines, Exh. 327 (Ms. Haines Rebuttal Testimony); Hunt, Appx. C at P.3 (stating Ms. Haines adopted Ms. Gomez’s workpapers marked as SDG&E Exh. 326).

²³ Jackson, Appx. B at P.2 and P.3.

²⁴ Hunt, Appx. C at P.2-P.3 and P.7-P.12.

²⁵ Haines, Appx. A at P.7 and P.8; Hunt, Appx. C at P.7-P.12.

²⁶ “APSA” refers to California’s Aboveground Petroleum Storage Act.

²⁷ Hunt, Appx. C at P.11-P.12.

²⁸ *Id.*

forecast was used instead.²⁹ This caused confusion at the evidentiary hearing, because the workpapers were marked “CUPA,” not “APSA” (even though an APSA fee schedule indeed had been inadvertently provided).³⁰

After the evidentiary hearings, Ms. Haines initiated a review of the CUPA cost schedules on which she had been cross-examined, and discovered a mismatch in Ms. Gomez’s workpapers (which had been adopted in the rebuttal testimony phase by Ms. Haines).³¹ Although Ms. Haines’ testimony was correct that SDG&E pays CUPA fees related to Hazardous Materials Business Plans for SDG&E’s electric substations,³² she discovered that SDG&E had inadvertently supplied the wrong supporting workpaper material to support the \$54,000 request.³³ Upon this discovery, *SDG&E withdrew its entire request in its update testimony.*³⁴ These facts show that (1) the workpaper confusion was inadvertent; (2) once the inadequate workpaper support had been discovered, SDG&E removed its entire request at the first available opportunity;³⁵ (3) no unsupported APSA funds were intended to be requested, as DRA claims throughout the Motion; and (4) *only SDG&E was harmed by its own, inadvertent, omission – which was quickly corrected.*

²⁹ *Id.* See also, Haines, Appx. A at P.7 and P.8; Jackson, Appx. B at P.8-P.25. This error was perhaps due to and/or complicated by the fact that Ms. Hunt transferred into the role of Land Services Manager in SDG&E’s Corporate Real Estate and Planning Department in April 2010. Hunt, Appx. C at P.1-P.3.

³⁰ Haines, Appx. A at P.7; Jackson, Appx. B at P.22-P.24; see SDG&E/Haines Tr. Vol. 26 at 3381:18-3382:22. This evidentiary hearing confusion was certainly compounded by the fact that Ms. Gomez resigned from the company in May 2011, and that Ms. Hunt was no longer a part of Environmental Services or its GRC witness team.

³¹ Jackson, Appx. B at P.19, *citing* Haines Rebuttal Exhibit 327, p. DRH-5; see also Haines Rebuttal Exhibit 327, p. DRH-1.

³² SDG&E/Haines, Tr. Vol. 26 at 3387:10-13 and 3411:11-3413:5; See also, *id.* at 3362:13-3363:10; Haines, Appx. A at P.7-P.8 and Exhibit 2; Jackson, Appx. B at P.11-P.14; See also, Hunt, Appx. C at P.10 and Exhibit 8.

³³ Haines, Appx. A at P.7 and P.9; Jackson, Appx. B at P.14-P.15, P.18-P.19 and P.25; Hunt, Appx. C at P.11-P.12.

³⁴ SDG&E Update Testimony, Exh. SDG&E/SCG-600 at UP-127; Haines, Appx. A at P.9; Jackson, Appx. B at P.7, P.15-P.16 and P.24.

³⁵ The update testimony filing was the next scheduled opportunity for SDG&E to remove this request.

Moreover, Ms. Haines’ testimony at hearing was truthful and not misleading. Ms. Haines never claimed that the CUPA fee request was attributable to APSA – only Mr. Sher did.³⁶ For a statement to mislead, “it must affirmatively create an impression of a state of affairs that differs in a material way from the one that actually exists.”³⁷ Here, Ms. Haines correctly stated that the requested CUPA fees stemmed from business plan regulations stated in California’s Health and Safety Code § 25503.5.³⁸ A statement is not misleading unless it conveys a false or misleading impression “when read in light of *all the information then available*.”³⁹ SDG&E understands DRA’s confusion, because proper support for the costs had not been provided in Ms. Haines’ workpapers, and the support provided does indeed track the APSA fee schedule⁴⁰ – even though there is no mention of “APSA” in the workpapers or the request.⁴¹ This confusion is why the cost request was quickly and appropriately removed.⁴² If anything, this shows that SDG&E acted in accordance with Rule 1.1 in dealing with this issue – SDG&E quickly removed a cost request upon discovering that it inadvertently had failed to sufficiently support the request in its workpapers.⁴³ Again, only SDG&E was harmed by the omission.

³⁶ SDG&E/Haines, Tr. Vol. 26 at 3381:19-3385:3.

³⁷ *Brody v. Transitional Hosps. Corp.*, 280 F.3d 997, 1006 (9th Cir. 2002).

³⁸ SDG&E/Haines, Tr. Vol. 26 at 3387:3-13. *See also, id.* at 3411:11-28, 3414:20-25 and 3418:19-3419:12; *see also* Haines, Appx. A at P.7-P.8 and Exh. 2; Jackson, Appx. B at P.11-P.14; Hunt, Appx. C at P.10-P.12.

³⁹ *In re Convergent Techs. Sec. Litig.*, 948 F.2d 507, 512 (9th Cir. 1991) (emphasis added); *cf. People v. Van Winkle*, 75 Cal. App. 4th 133, 147 (1999) (“In order to prevail on a claim that the jury instructions are misleading, the claimant must prove a reasonable likelihood that the jury misunderstood the instructions *as a whole*.”) (emphasis added).

⁴⁰ Ms. Hunt explains why this APSA fee schedule was useful in preparing cost estimates in the late 2008 – early 2009 time frame, when Ms. Gomez’s workpapers were prepared. Hunt, Appx. C at P.8.

⁴¹ This in turn explains SDG&E’s hearing room confusion regarding Mr. Sher’s APSA-related line of questions.

⁴² Jackson, Appx. B at P.22-24; Haines, Appx. B at P.7-P.9.

⁴³ Haines, Appx. A at P.7 and P.9; Jackson, Appx. B at P.14-P.15, P.18-P.19 and P.25.

While DRA's confusion is understandable, the Motion does not explain why DRA waited until Ms. Haines was on the stand at the evidentiary hearing to raise the issue. SDG&E understands its responsibility to support its revenue requirement request in its direct case which is why the request was removed upon discovery of an error. However, SDG&E was unaware of this issue prior to the evidentiary hearing, in part because it was not raised in discovery, testimony, or provision of cross-examination exhibits to the witness prior to her hearing testimony.⁴⁴ The Motion does not say when DRA discovered a discrepancy in SDG&E's workpapers, but Mr. Sher's lengthy cross-examination of Ms. Haines on the issue suggested it was not an eleventh-hour revelation. And if DRA *had* asked SDG&E about the workpaper or fee schedule during the year-and-a-half discovery period, or questioned the fees in one of its testimony reports, or even provided its cross-examination exhibits on the issue to SDG&E in advance of Ms. Haines' evidentiary hearing testimony – SDG&E would have certainly attempted to discover any discrepancy and to correct it as soon as possible. But DRA gave no such notice.⁴⁵ Ms. Haines was understandably confused regarding the APSA line of questioning (as was counsel for SDG&E, and perhaps others),⁴⁶ because her workpapers and testimony did not

⁴⁴ Jackson, Appx. B, P. 23. Ms. Jackson explains it would have been helpful to have had the cross-exhibits in advance in order to examine the issue and possibly address concerns at the evidentiary hearing stage.

⁴⁵ DRA makes no claim of such notice in the Motion – but it does incorrectly imply (at 3-8) that SDG&E had a lengthy period of time and “numerous opportunities” (at 8) in which to discover and correct what turned out to be a very confusing and complex omission in Ms. Gomez's workpapers – the support for which was prepared some time ago, by an employee who is no longer in the Environmental Services department (Hunt, Appx. C at P.2 and P.3), for a witness who is no longer with SDG&E and/or SCG. Haines, Appx. A at P.4; Jackson, Appx. B at P.2; Hunt, Appx. C at P.2. In truth, the Motion's “numerous opportunities” only took place in few short hours on January 17, 2012, during which Ms. Haines was on the witness stand or on lunch break. (*See* Motion at 3-8.) The phrase “numerous opportunities” mischaracterizes the facts, and would more appropriately refer to the significant discovery, testimony, hearing, and briefing periods in this case of such lengthy duration. Moreover, SDG&E quickly investigated the issue and removed the cost request from the case at its *earliest* opportunity. SDG&E's Update Testimony dated February 17, 2012 (Exhibit SDG&E/SCG-600), at UP-127.

⁴⁶ Haines, Appx. A at P.7-P.9; SDG&E/Haines, Tr. Vol. 26 at 3381:19-3385:3.

mention APSA, the fees were not related to APSA, and DRA had given her no prior notice that she would be cross-examined on any APSA issues.⁴⁷

Confusion is not grounds for a Rule 1.1 violation. In D.04-04-065, for example, the Commission found no violation of Rule 1.1, noting that while there may have been some confusion in the party's communications, any confusion or miscommunication did not meet the high showing of purposeful intent, recklessness, or gross negligence required by Rule 1.1.⁴⁸ In D.01-11-017, the Commission dismissed a complaint seeking sanctions against a party where communications were arguably unclear but not intended to mislead, reflecting only the facts of which the party was aware.⁴⁹ In numerous Commission decisions, the Commission has found that "purposeful intent, recklessness or gross negligence" is required to show a Rule 1.1 violation.⁵⁰ Here, there is no such showing.

Moreover, Ms. Haines investigated the confusion, and, upon discovering the discrepancy, withdrew the cost request at the earliest opportunity, which further demonstrates no purposeful intent, recklessness, or gross negligence. For example, in D.02-08-063, the Commission found that the required showing of purposeful intent, recklessness, or gross negligence had not been

⁴⁷ DRA was correct that the "Published CUPA Fees" schedule inadvertently included in Ms. Gomez's workpapers (SDG&E Exh. 326) were, in fact, the same as the San Diego CUPA's APSA fees (which are also administered by CUPA). But DRA has alleged nothing to show that Ms. Haines knew that while she was on the stand. Indeed, Ms. Haines admitted her unfamiliarity with APSA. SDG&E/Haines, Tr. Vol. 26 at 3382:16-22. She also admitted she could be wrong about the CUPA fee schedule. *Id.* at 3383:5-17.

⁴⁸ D.04-04-065 at 36.

⁴⁹ D.01-11-017 at 6. *See also* D.04-11-017 at 13-14 (finding a Rule 1.1 violation because it was the intent of the party to misrepresent facts to the Commission); D.06-04-048 at 18 (finding a Rule 1 violation because the party intentionally and "knowingly provided false information to the Commission."). *But see* D.03-01-079 at 7 (stating "a finding that Respondents have misled us does not require a finding of intent"); D.01-08-019 at 9 (stating "lack of direct intent to deceive does not necessarily, however, avoid a Rule 1 violation."). Although some Commission decisions have found no intent is required to find a Rule 1 violation, intent is a necessary element because Rule 1.1 is akin to a fraudulent misrepresentation, which requires knowledge of the misrepresentation and an intention to induce reliance. *City of Atascadero v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 68 Cal. App. 4th 445, 482 (1998); *Vogelsang v. Wolpert*, 227 Cal. App. 2d 102, 109 (1964); *Doran v. Midland Dev. Co.*, 159 Cal. App. 2d 322, 324 (1958).

⁵⁰ *See* D.04-04-065 at 35; *See also*, D.02-08-063 at 20.

made on the record because the party had attempted to provide complete disclosure.⁵¹ ALJ Wong and the Commission should rule similarly here.

The purpose of an evidentiary hearing is to elicit the truth. The purpose is not to blindside a witness with issues not previously raised. A “gotcha” hearing room strategy has potential to confuse the witness, the parties, the ALJ, and anyone else in the hearing room – thus muddying the fact-finding process. And it is certainly unfortunate to later claim a Rule 1.1 violation based on nothing more than everyone’s resulting, understandable confusion – including the movant’s.

As discussed below, the Commission’s Rules and ALJ Wong’s hearing room procedures would have protected against this type of litigation tactic, if differently followed.

B. DRA’s Allegations Lack the Support, Candor and Due Diligence a Rule 1 Motion Should Require.

DRA’s Rule 1 accusation is quite serious, but the Motion lacks the conscientious support Rule 1 would seem to require. The Commission does not take Rule 1 lightly; nor does SDG&E, and nor should any party, especially DRA. SDG&E is surprised that DRA did not show the customary, regulatory courtesy of contacting SDG&E prior to filing the Motion, and that it otherwise gave SDG&E no hint that any such Motion or allegations were in the works. DRA’s statutory charter arguably requires such communication before filing a Rule 1 claim, which raises serious ethical allegations and could bring significant penalties against a regulated utility:

[DRA] shall *meet and confer* in an informal setting with a regulated entity *prior to issuing a report or pleading to the commission regarding alleged misconduct, or a violation of a law or a commission rule or order*, raised by the division in a complaint. The meet and confer process shall be utilized *in good faith* to reach agreement on issues raised by the division regarding any regulated entity in the complaint proceeding.⁵²

⁵¹ D.02-08-063 at 19.

⁵² California Public Utilities Code (P.U. Code) § 309.5(h) (emphasis added).

If DRA does not believe that the above section of its enabling statute should apply to claiming Rule 1.1 violations against a regulated utility, perhaps it should reconsider.⁵³ Rule 1.1 motions carry with them significant weight – arguably more significant than a report or complaint case – because the charge is one of serious ethical misconduct. And while the Motion attacks the Applicants specifically – which is damaging and unfair in and of itself – it cannot avoid also implicitly attacking the personal and professional reputations of all the over 200 SDG&E and SCG employees involved in this case, who have diligently worked to execute a professional, honest, ethical, and meticulously prepared GRC. Rule 1.1 claims should not be raised lightly, and not without due diligence on the part of the movant. In this case, due diligence arguably *should have* included a good faith meet and confer between DRA and SDG&E prior to filing.⁵⁴ SDG&E did not receive the customary professional courtesy of a phone call or email.

In addition to DRA’s failure to meet and confer, the numerous facts showing due diligence that arguably should be included in a charge of this importance are notably missing from the Motion:

- DRA made no mention of any discovery regarding an APSA or CUPA issue in the Motion – and in fact, in the year-and-a-half plus since SDG&E filed its Notice of Intent (NOI), DRA did not conduct request information on the Motion’s issue (thus showing SDG&E discovered the issue, researched it, and removed the costs within a reasonable time period after learning about the issue at the evidentiary hearing);
- DRA cites no sworn testimony from any of its own witnesses on this issue – and it did not prepare any;

⁵³ Perhaps the Commission should instruct DRA to communicate in good faith before raising such serious allegations against a regulated utility and its employees.

⁵⁴ In comparison, the Commission’s Rules require a good faith effort to meet and confer to informally resolve disputes prior to filing a motion to limit or to compel discovery (Rule 11.3(a)). Given that a Rule 1.1 motion could result in penalties, a good faith effort to meet and confer seems appropriate in this case.

- DRA failed to provide SDG&E with cross-examination exhibits on this issue *until cross-examination of Ms. Haines was underway*, not 24 hours in advance as instructed by ALJ Wong⁵⁵ and as would have been helpful to the witness team;⁵⁶
- DRA's cross-examination exhibits consisted of a few sheets from entire documents that SDG&E was given no opportunity to examine, as required by Rule 13.7(d).⁵⁷

The examples above are not meaningless hoop-jumping – these are the procedural tools that allow DRA, parties, the Applicants, the ALJ, and the Commission to get to the truth of the matter in any particular proceeding. Perceived lack of support for fees should be the subject of discovery, testimony, proper cross-examination and briefing – not an unsupported Rule 1.1 motion for sanctions.⁵⁸ If DRA had really wanted to get at the truth of this matter, it certainly did not use all of the tools that it had at its disposal.⁵⁹ Out of the year-and-a-half DRA had to explore all GRC issues, DRA's *factual* investigation of this particular issue consisted of cross-examining a witness for a couple of hours, under oath, on the stand, with no advance warning of the issue. If DRA had instead taken any one of the above-listed steps in this proceeding, it may very well have never seen the need to file the Motion.

As noted, DRA did not act in accordance with Rule 13.7(d), which requires parties entering only a portion of a document into evidence to allow other parties to examine the entire document first:

If relevant and material matter offered in evidence is embraced in a document containing other matter, *parties shall be afforded opportunity to*

⁵⁵ SDG&E/Garcia, Tr. Vol. 18 at 2019:19-2020:6.

⁵⁶ Jackson, Appx. B, P.22-P.24.

⁵⁷ For example, DRA's cross-examination Exhibit 333 (attached as Appx. E) consisted of four pages of a 66-page document from the San Diego County website: http://www.sdcounty.ca.gov/deh/hazmat/pdf/hmd_apsa_and_you.pdf (Attached as Hunt, Appx. C, Exhibit 2). DRA gave SDG&E, the ALJ, and other parties no opportunity to examine the entire document prior to its use as a cross-examination exhibit and/or prior to its being entered into evidence, as Rule 13.7(d) requires.

⁵⁸ Indeed, the Motion raises more questions than it answers, and demonstrates why DRA should have conducted discovery on or briefed this issue.

⁵⁹ For example, the telephone.

examine the document, and to offer in evidence other portions thereof believed material and relevant. [emphasis added]

Under Rule 13.7(d) and ALJ Wong’s instructions, DRA presumably should have given SDG&E the notice and opportunity to review both DRA’s cross-examination Exhibit 333⁶⁰ (consisting of four pages containing limited information from a 66-page power point document from December 11, 2008, titled “APSA, SPCC, & YOU: All you’ve ever wanted to know . . . and more!”⁶¹), as well as the entire document itself. In this case, this would have been as easy as providing SDG&E with a link to the online document. But here, DRA did not do so, thus leading to further confusion.

If the witness and counsel had been allowed to review the entirety of the excerpted document, they (at the very least) would have been able to better understand the context of DRA’s APSA-related cross questions. SDG&E (and other parties, and ALJ Wong) would have seen San Diego County’s December 2008 understanding of APSA’s relation to the federal SPCC law (under which SDG&E’s substations are regulated),⁶² as well as statements suggesting that APSA was still in its nascent stages in December 2008 and the interplay between the variously applicable statutes was still being analyzed and interpreted by regulatory agencies and regulated entities. For example, slide 4 of the document states: “*This is a new law, we realize there are grey areas – Our goal is to work with facilities to implement the requirements – Industry participation as this program develops is VERY important.*”⁶³ (Emphasis added.) The entirety of the document supports SDG&E’s position that the applicable laws are intertwined and complex, and their interplay was in the process of being analyzed and interpreted during the time

⁶⁰ Attached as Appendix D.

⁶¹ Available at http://www.sdcountry.ca.gov/deh/hazmat/pdf/hmd_apsa_and_you.pdf.

⁶² Hunt, Appx. C at P.8.

⁶³ Hunt, Appx. C at Exhibit 2.

period in which SDG&E prepared its workpapers.⁶⁴ Moreover, the entire document confirms that SDG&E must work with the CUPA to comply with and implement new laws. In comparison with the full document from which it was plucked, DRA's 4-page exhibit presents a very different, incomplete picture.⁶⁵

The Motion presents no true "evidence" in support of its claim – only speculative, cursory, and almost completely inapplicable legal argument more appropriately suited for a brief.⁶⁶ For example, DRA offers this non-sequitur as a central argument: "It is clear that when looking at the APSA fee schedule, SDG&E is trying to mislead the Commission into believing that SDG&E has an obligation to pay for certain inspection fees and that ratepayers are thus required to fund them."⁶⁷ This argument is speculative, unclear, and, as shown herein, incorrect.

Paradoxically, the Motion itself contains several misstatements and fails to inform ALJ Wong and the Commission of several important, material facts – the omissions of which are, arguably, misleading. For example:

- DRA failed to mention that the \$54,000 sum that it claims SDG&E is trying to "take" is no longer part of the case (and did not correct this error, when contacted by SDG&E);
- DRA failed to mention that Ms. Haines was a substitute witness for Ms. Gomez and thus did not prepare her workpapers or direct testimony⁶⁸ – an important fact in determining the serious accusation of an *intent* to mislead;
- DRA failed to mention that Ms. Haines only became the Environmental Services witness between SDG&E's filing of its Application and the rebuttal phase of the case;⁶⁹

⁶⁴ Hunt, Appx. C at P.8.

⁶⁵ Compare Appx. D with "APSA, SPCC, & YOU: All you've ever wanted to know . . . and more!," available at http://www.sccounty.ca.gov/deh/hazmat/pdf/hmd_apsa_and_you.pdf.

⁶⁶ And, as mentioned, no related claims or legal argument appears in DRA's opening brief.

⁶⁷ Motion at 3.

⁶⁸ SDG&E/Haines, Tr. Vol. 26 at 3358:14-23; *Id.* at 3359:27-3360:3; Haines, Appx. A at P.4; Hunt, Appx C. at P.3.

⁶⁹ SDG&E/Haines, Appx. A, P.4.

- DRA failed to mention that Ms. Haines had only become the Director – Environmental Services of SCG “a little over a year,” prior to her hearing testimony,⁷⁰ and instead implied that she had held the position for 10 years;⁷¹
- DRA failed to clarify that the “numerous opportunities” SDG&E had to “correct its [allegedly] incorrect assertions” all occurred during an approximate three-hour window when Ms. Haines was on the stand or at lunch (according to the Motion’s timeline).⁷²

In sum, DRA did not appropriately seek out facts to adequately analyze or support its claims; it did not follow rules and procedures that would have assisted DRA, the ALJ and the Commission in arriving at the truth of this matter; and it did not candidly state facts in the Motion that would present the ALJ and the Commission with a fair, complete and accurate picture of the factual record on this issue. This helps demonstrate that the Motion’s claimed suspicions are not reasonable and should be rejected.

C. Rule 1 Is an Ethics Requirement that Does Not Require a Standard of Absolute Perfection; if It Did, No Party Could Meet It

In a case of this size, length, and magnitude, every party will make mistakes. We are all human. Typically, such mistakes are vetted through the Commission’s procedures and fact-finding process. Since the NOI was filed in August 2010, DRA, SDG&E, SCG, and many other parties have had and taken the opportunity to alert other parties to mistakes, miscalculations, misunderstandings, etc., in order to resolve and narrow the issues prior to and during hearings.

This allows parties to clarify and limit the scope of issues that must be decided by the

⁷⁰ SDG&E/Haines, Tr. Vol. 26 at 3358:25-3359:3.

⁷¹ Ms. Haines did serve in management roles in the Environmental Services departments of SDG&E and SCG for a decade, as she stated at the hearing, but it was from 1998-2008. Haines, Appx. A at P.3. Ms. Haines did not work in either SDG&E’s or SCG’s Environmental Services department between early 2008 – December 2010, when Ms. Gomez’s workpapers were being developed; when APSA was still in its nascent stages; and when interpretation guidance was still being developed by CUPA. *Id.* at P.2; Hunt, Appx. C at P.2-P.3 and P.8; *see also* “APSA, SPCC, & YOU: All you’ve ever wanted to know . . . and more!,” *available at* http://www.sdcounty.ca.gov/deh/hazmat/pdf/hmd_apsa_and_you.pdf (dated December 11, 2008). Ms. Haines offered to elaborate on this work experience at the evidentiary hearing, but Mr. Sher only requested information regarding her environmental experience. SDG&E/Haines, Tr. Vol. 26 at 3358:20-3359:17.

⁷² Motion at 3-8.

Commission and/or resolved through settlement negotiations. Although parties may ultimately disagree on particular facts or policy-related issues, such issues typically are hashed out through the briefing or settlement process. Mistakes are typically noted (and admitted) earlier in the normal course of a proceeding.

Unfortunately, that is not what happened here. In this particular instance, DRA did not point out a perceived “mistake” through discovery, testimony, or informal communication, as is typical and expected.⁷³ Instead, DRA chose to elevate SDG&E’s inadvertently incorrect support in its workpapers (on which early clarification could have only helped SDG&E) supporting \$54,000 in fees (which SDG&E removed from this case after discovering the mismatch, at its earliest opportunity) to the extraordinary level of a Rule 1.1 claim and motion for penalties. DRA offered no reason for waiting to ask about the perceived mistake until the evidentiary hearing (and then, cryptically) or for filing the Motion in the middle of the briefing schedule. Even worse, DRA claims that “mistake” is no defense to a Rule 1.1 violation – while citing no Commission decision for support.⁷⁴

If “no mistakes allowed” were the true Rule 1.1 standard, no party would meet it. But this is not the case. The Commission looks at the totality of the circumstances when determining whether a “mistake” rises to the level of an ethical violation.⁷⁵ Facts matter – such as whether an omission or error was an inadvertent mistake and/or was timely acknowledged and corrected – in determining whether a Rule 1.1 violation has occurred. For example:

- In a Southern California Edison rate case decision, the Commission declined to penalize SCE for failing to justify a non-controversial capital addition in its direct case, concluding, in relevant part, that “SCE obviously made a simple mistake.

⁷³ DRA’s cross-examination of the witness on this issue reveals simply confusion. *See generally*, SDG&E/Haines, Tr. Vol. 26 at 3357-3402.

⁷⁴ Motion at 3.

⁷⁵ *See, e.g.*, D.10-10-016 at 21-22 and Finding of Fact 12.

Its failure to include the justification with the application was not part of a litigation strategy whereby SCE would wait until rebuttal to spring this information on unsuspecting parties.”⁷⁶

- Regarding a CPSD claim that Skynet Communications, Inc. should be fined for Rule 1.1 violations for erring in initial assertions that it earned no intrastate revenue, the Commission found no Rule 1.1 violation, in part because Skynet “made an honest mistake and promptly amended its pleadings as soon as it became aware.”⁷⁷
- In D.09-03-025, the Commission found that a claimant failed to establish a prima facie case of a Rule 1.1 violation where the claim was based on a narrow versus broad interpretation of a legal requirement description, finding that “SCE’s explanation in its rebuttal testimony is reasonable and sufficiently clarifies the extent of the involvement of FERC.”⁷⁸

Certainly SDG&E and SCG work to achieve a very high standard of accuracy and professionalism in all operations, including and particularly with respect to matters at the Commission. When mistakes occur, SDG&E and SCG strive to correct them and mitigate any potential harm. In this particular case, upon Ms. Haines’ discovery that there was confusion in her workpapers, SDG&E removed the request at issue from the case, at its earliest opportunity.⁷⁹

As in the above-cited decisions, the ALJ and the Commission should find that no Rule 1.1 violation occurred.⁸⁰

III. CONCLUSION

For the reasons stated herein, SDG&E and SoCalGas request that DRA’s motion be denied. As shown above, the Motion is without merit. SDG&E would have expected DRA to

⁷⁶ D.04-07-022 at 157.

⁷⁷ D.09-01-017 at 6.

⁷⁸ D.09-03-025 at 30.

⁷⁹ SDG&E’s Update Testimony dated February 17, 2012, Exh. SDG&E/SCG-600 at UP-127; Haines, Appx. A at P.7 and P.9; *See also*, Jackson, Appx. B at P.14-P.15, P.18-P.19 and P.25.

⁸⁰ Even if the CPUC were to find a Rule 1.1 violation (and it should not, as shown above), penalties do not automatically follow; nor should they, under the facts at hand.

conduct a more thorough, careful and balanced examination before heedlessly jumping to Rule 1.1 conclusions. For the reasons stated herein, the ALJ and the Commission should not only reject the Motion, but send a strong message to DRA that evidentiary support, due diligence and candor is required in raising a Rule 1.1 claim. And for all parties, especially DRA, a meet and confer in good faith should be required. Baseless, harmful, and distracting claims such as this should be avoided.

Respectfully submitted,

SAN DIEGO GAS & ELECTRIC COMPANY and
SOUTHERN CALIFORNIA GAS COMPANY

By: /s/ LAURA M. EARL
LAURA M. EARL
KEITH W. MELVILLE
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April 25, 2012

APPENDIX A

DECLARATION OF DEANNA R. HAINES

**BEFORE THE PUBLIC UTILITIES
COMMISSION OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2012.	Application No. 10-12-005 (Filed December 15, 2010)
Application of Southern California Gas Company (U904G) for authority to update its gas revenue requirement and base rates effective on January 1, 2012.	Application No. 10-12-006 (Filed December 15, 2010)

DECLARATION OF DEANNA R. HAINES

I, Deanna R. Haines, do declare as follows:

1. I am the Director – Environmental Services for Southern California Gas Company (SCG). I am the same Deanna R. Haines who testified on behalf of SCG and San Diego Gas & Electric Company (SDG&E) in the above-captioned General Rate Case (GRC) proceeding. I am personally familiar with the facts and representations in this Declaration and, if called upon to testify, I could and would testify to the following based upon my personal knowledge and/or belief.
2. I became the Director – Environmental Services of SCG on January 8th, 2011 and currently serve in this position. Before becoming Director – Environmental Services, I was the Manager of the Engineering and Analysis Center from February 21st, 2009 through January 7th, 2011. I was the Transmission Technical Services – Technical Services Manager from March 22nd, 2008 through February 20th, 2009.
3. I served in management roles in the Environmental Services departments of SDG&E and SCG from 1998-2008.
4. I first became involved with this proceeding as the Environmental Services witness for SCG and SDG&E (the Utilities) when I replaced Lisa Gomez, who resigned from the Company on May

21st, 2011. I thereafter adopted Ms. Gomez's testimony as my own and familiarized myself with the facts and methodology stated therein. I did not, however, assist in preparing Ms. Gomez's direct testimony or workpapers at the time they were prepared.

5. At all times during this proceeding, I have performed my responsibilities with honesty and integrity. I endeavored to apply the highest ethical standard in preparing written rebuttal testimony, data request responses, and evidentiary hearing testimony to support the Utilities' GRC request.

6. I am familiar with the allegations in the Division of Ratepayer Advocates' (DRA) pending motion. These allegations are incorrect, as I describe below.

7. After my January 17th testimony, I learned that SDG&E developed two forecasts for potential fees applicable to substations. One of the forecasts was based on APSA and the other on the Hazardous Materials Business Plan requirements. Unfortunately, the incorrect forecast was used for the workpapers, which has caused confusion. I discovered the workpaper mismatch when I initiated an internal review right after the January 17th testimony and was able to remove the fee from our rate case.

8. I learned that the incorrect forecast supplied in the workpapers was developed based on the potential at one time that the substations would be charged fees under APSA. As DRA stated, APSA exempts in-service electric oil filled equipment under certain circumstances. SDG&E has not been charged for APSA fees at its substations. However, as stated in my testimony on January 17th, the fees being charged at the substations are not based on APSA but rather the Hazardous Materials Business Plan requirements. As an example, attached are the latest San Diego CUPA fee schedule (Exhibit 1) and an invoice from one of the substations, Penasquitos (Exhibit 2). As seen in Exhibit 2, Penasquitos substation's 2011 invoice, SDG&E pays CUPA fees based on the CUPA fee schedule category "Hazardous Materials Response Plans and Inventory Operating Permit" and not the APSA section.

9. Although my oral testimony was correct on the basis of the upward pressure, SDG&E had inadvertently supplied the wrong supporting workpaper material and thus DRA did not have the correct materials to properly assess their reasonableness. Consequently, I appropriately removed the CUPA fee request in the February 17th update testimony.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 25th day of April, 2012, at Los Angeles, California.

A handwritten signature in black ink, appearing to read "Deanna Haines", written over a horizontal line.

Deanna Haines
Director – Environmental Services
Southern California Gas Company

Haines Exhibit 1



DEPARTMENT OF ENVIRONMENTAL HEALTH - HAZARDOUS MATERIALS DIVISION

P O BOX 129261, SAN DIEGO, CA 92112-9261; (858) 505-6700

<http://www.sdcdeh.org>

INFORMATION BULLETIN

THE COUNTY OF SAN DIEGO, DEPARTMENT OF ENVIRONMENTAL HEALTH, HAZARDOUS MATERIALS DIVISION INSPECTS BUSINESSES OR FACILITIES THAT HANDLE OR STORE HAZARDOUS MATERIALS; GENERATE HAZARDOUS WASTE; GENERATE MEDICAL WASTE; AND/OR HAVE UNDERGROUND STORAGE TANKS. THIS BULLETIN IS INTENDED TO PROVIDE INFORMATION REGARDING INSPECTIONS CONDUCTED BY THIS DEPARTMENT. IT IS FOR INFORMATION PURPOSES ONLY, AND IS DESIGNED TO BRIEFLY EXPLAIN WHAT ISSUES A TYPICAL INSPECTION WILL ADDRESS WHEN WE VISIT YOUR SITE.

These inspections will be conducted on a routine basis and will focus on five general areas:

1. Site Inspection: An inspection of the facility by a Hazardous Materials Specialist (including buildings, equipment, storage areas, work areas, etc.)
 - Observe hazardous materials and waste storage; handling; container labeling; and waste disposal procedures
 - Review spill control procedures and spill reporting
 - Review and evaluate discloseable quantities of hazardous materials that are stored or handled on-site
2. Review of the Hazardous Materials Business Plan: (Site Map, Emergency Response Procedures, and Employee Training Plan)
3. Review of the hazardous materials training program and documentation (written records)
4. Review of hazardous waste disposal receipts and manifests
5. Review of underground storage tank monitoring procedures; records; and leak detection equipment

Please feel free to contact the County of San Diego, Hazardous Materials Division, Duty Specialist, at (858) 505-6880, Monday through Friday, from 8 am to 5 pm, if you have any general questions regarding hazardous material inspections.

FEE SCHEDULE

The Hazardous Materials Division (HMD) fee structure is designed to cover the cost of implementing the Unified Program. The fees are based on the number and quantity of hazardous materials and wastes handled, and the number of underground tanks. **Your invoice contains adjusted permit fees approved by the County of San Diego Board of Supervisors.** More information about these fees is available on the County of San Diego Department of Environmental Health web site <http://www.sdcdeh.org>.

The following Hazardous Materials permit fees are effective starting **September 1, 2010**.

(A) Medical Waste: Sites generating less than 200 pounds per month. (No other base fee required).	\$ 174	6HMED--EHO
Medical Waste: Sites generating 200 pounds or more per month	\$ 228	6HLQMED--O
Limited Quantity Medical Waste Hauler Exemption (LQHE) up to 4 persons	\$ 30	6HLQHE-EHO
Limited Quantity Medical Waste Hauler Exemption each additional person (Maximum Fee is \$25)	\$ 5	
Payment of the LQHE fee will meet the annual renewal as specified in section 118030 of the California Medical Waste Management Act. If there are significant changes to the LQHE, submit a revised application. The application is available at: http://www.sdcounty.ca.gov/deh/hazmat/hmd_permits.html		
(B) Limited Hazardous Waste/Materials Operating Permit for businesses handling only one (1) discloseable material <u>or</u> one (1) waste stream. (No other base fee required).	\$ 257	6HK18--EHO
(C) Remote Site or Site with Photoprocessing Waste Only. An annual notification from the site is required. Only verification and complaint inspections are conducted at these sites. (No other base fee required).	\$ 53	6HPHOTOEHO 6HREMOEHO
(D) Operating Permit Base Fee	\$ 228	6HBASE-EHO
(E) Hazardous Waste Generator Operating Permit:		6HWASTEHO
Waste oil recycled by recycling company using State sanctioned modified manifesting procedures (flat rate)	\$ 84	
Per Waste - Less than 5 tons per year	\$ 84	
Per Waste - 5 to 50 tons per year	\$ 186	
Per Waste - Greater than 50 tons per year	\$ 318	
(F) Hazardous Materials Response Plans & Inventory Operating Permit (Maximum Fee is \$2,391):		6HMAT--EHO
Fees are based on maximum quantity per material		
Per material less than 550 gallons, 5,000 pounds or 5,000 cubic feet of compressed gas	\$ 71	
Per material 550 to 5,500 gallons, 5,000 to 50,000 pounds or 5,000 to 20,000 cubic feet of compressed gas	\$ 112	
Per material greater than 5,500 gallons, 50,000 pounds or 20,000 cubic feet of compressed gas	\$ 203	
(G) Underground Hazardous Materials Storage Operating Permit Per Tank	\$ 433	6HUST--EHO
(H) Tiered Permitting: Onsite Treatment Conditionally Exempt (CE) (Per Facility)	\$ 102	6HTCE--EHO
Tiered Permitting: Onsite Treatment Conditionally Authorized (CA) (Per Facility)	\$ 450	6HTCA--EHO
Tiered Permitting: Onsite Treatment Permit By Rule (PBR) (Per Facility)	\$ 679	6HTPBR-EHO
(I) Reinspection Fee	\$ 228	6HRINSPEHO
Permit Non-Notification Fee. Charged to facilities that failed to notify of Unified Program activities	\$ 228	6HNONOTIFO
(J) Risk Management Program Level I (Per Facility)	\$ 238	6HRMP1-EHO
Risk Management Program Level II or III (Per Facility)	\$ 598	6HRMP2-EHO
(K) Aboveground Petroleum Storage Act Fee - Program Levels are Per Facility and are based on petroleum storage shell capacity		6HAPSA--O
APSA Program Level I (≥1,320 – 9,999 gallons)	\$ 125	
APSA Program Level II (10,000 – 100,000 gallons)	\$ 460	
APSA Program Level III (100,001 – 1,000,000 gallons)	\$ 855	
APSA Program Level IV (1,000,001 – 10,000,000 gallons)	\$ 2,500	
APSA Program Level V (10,000,001 – 100,000,000 gallons)	\$ 6,000	

UNIFIED PROGRAM STATE SURCHARGES

The Unified Program consolidates six hazardous materials programs at a single local agency. Each local Certified Unified Program Agency (CUPA) must collect the state service charge, which covers the State's Unified Program Costs, through its CUPA billing system.

The Surcharge is for the management of the following activities:

Coordinating the State's Unified Program activities; developing federally mandated rules and simplifying state regulations; streamlining data reporting requirements and eliminating duplicative data requirements; reviewing CUPA performance, as required by law, to ensure effective and even-handed implementation of these programs statewide; providing CUPAs training and technical support; and coordinating State activities with local CUPAs.

State Surcharge Rates for Current Fiscal Year

Program Oversight-Hazmat	\$ 24.00 (Per Facility)	6HCUPA1EHO
California Electronic Reporting Surcharge	\$ 25.00 (Per Facility, Per Year for 3 years - July 2009 through June 2012)	6HCUPA6EHO
Underground Storage Tanks	\$ 15.00 (Per Tank)	6HCUPA2EHO
California Accidental Release Program CalARP	\$ 270.00	6HCUPA3EHO

JAN

Haines Exhibit 2
COUNTY OF SAN DIEGO

2013

**DEPARTMENT OF ENVIRONMENTAL HEALTH
UNIFIED PROGRAM FACILITY PERMIT**

P.O. BOX 129261, SAN DIEGO, CA 92112-9261 1-800-253-9933 / 858-505-6700 FAX 858-505-6848 www.sdcdeh.org

OWNER/OPERATOR NAME: **SAN DIEGO GAS & ELECTRIC**
FACILITY NAME: **SDG&E - PENASQUITOS SUBSTATION**
FACILITY LOCATED AT: **10940 OCEAN AIR**



Jack Miller
DIRECTOR, DEH

Mailing Address **SDG&E - PENASQUITOS SUBSTATION
SAN DIEGO GAS & ELECTRIC
SEMPRA ENERGY
8315 CENTURY PARK CT, CP21L
SAN DIEGO CA 92123**

PERMIT: **HK07-205846**

PID: 636237

* * * * *
*** ATTENTION ***
* * * * *

THIS IS AN OFFICIAL DOCUMENT

- DO NOT DISCARD -

THIS PERMIT DOES NOT EXCUSE ANY OWNER OR OPERATOR FROM COMPLYING WITH ALL APPLICABLE FEDERAL, STATE, COUNTY OR LOCAL LAWS, ORDINANCES OR REGULATIONS. THE OWNER OR OPERATOR IS REQUIRED TO DETERMINE IF ANOTHER PERMIT OR APPROVAL FROM ANY OTHER AGENCY OR DEPARTMENT IS NECESSARY. THE COUNTY, BY ISSUING THIS PERMIT, DOES NOT RELINQUISH ITS RIGHT TO ENFORCE ANY VIOLATION OF LAW.

Issue Date below is the date of initial Permit billing. This is NOT an Underground Storage Tank Operating Permit.

ISSUE DATE: 21-SEP-2005

EXPIRATION DATE: 31-JAN-2013, RENEWAL IS REQUIRED BEFORE EXPIRATION DATE.

ANY CHANGES IN THE ABOVE OWNER, LOCATION OR NOTIFICATION(S) MUST BE REPORTED BY SUBMITTING A NEW UNIFIED FACILITY PERMIT APPLICATION
VERIFY THE ABOVE MAILING ADDRESS AND REPORT ANY CHANGES

PERMIT IS NOT VALID FOR ANY FACILITY LOCATION OR OWNER NOT LISTED ABOVE
POST IN A CONSPICUOUS PLACE
A COPY OF THIS PERMIT MUST BE MAINTAINED AT THE FACILITY LOCATION

This permit is provisional. The Director or designee of the Director may order that the Unified Program Facility Permit or any permit element be denied, suspended or revoked for violation of any relevant requirement established or provided by law.



COUNTY OF SAN DIEGO Business Exhibit 2
DEPARTMENT OF ENVIRONMENTAL HEALTH

P.O. BOX 129261, SAN DIEGO, CA 92112-9261
 Invoice/Billing Inquiries (858) 505-6930
 All Other Inquiries 1-800-253-9933. (858) 505-6700 . Fax (858) 505-6848

INVOICE/RENEWAL NOTICE

Bill for: **GENERAL HAZARDOUS MATERIALS PERMIT**

Permit Type: **HK07**
 Permit Number: **205846**

Business Name and Mailing Address

**SDG&E - PENASQUITOS SUBSTATION
 SAN DIEGO GAS & ELECTRIC
 SEMPRA ENERGY
 8315 CENTURY PARK CT, CP21L
 SAN DIEGO CA 92123**

Owner Information

Name(s): **SAN DIEGO GAS & ELECTRIC**
 Business Location: **10940 OCEAN AIR**

DUE DATE
01/31/2012

PERMIT RENEWAL PERIOD 01/31/2012 - 01/31/2013

DATE	FEE CODE	DESCRIPTION	AMOUNT
17-NOV-2011	6HBASE-EHO	BASE FEE FOR NON-MEDICAL HAZ	\$228.00
17-NOV-2011	6HCUPA1EHO	GENERAL STATE CUPA OVERSITE/SITE	\$24.00
17-NOV-2011	6HCUPA6EHO	GENERAL STATE CUPA E-REPORTING PROJECT	\$25.00
17-NOV-2011	6HMAT--EHO	HAZ MAT INVENTORY FEE	\$345.00

APPROVED FOR PAYMENT

P.O.# NON-P0
 I.O. NO. FA9210002100
 ACCT. NO. 6405713
 COST CEN 2100-3301
 DATE 12/9/11
 SIGNED _____

COMPLETED
 SUBMITTED TO A/P
 VIA EMAIL 12/13/11

\$50 penalty fee will be assessed if payment is received after 01/31/2012
\$100 additional assessment after 30 DAYS.

TOTAL AMOUNT DUE: **\$622.00**

For online credit card payments go to: <http://www.dehpay.com> . Click on "Pay Fees" and enter the Permit Type and Number listed on the upper right corner of this invoice. In the Permit Summary page click on "Pay Outstanding Fees". For other payment options, see back of invoice.

RETURN BOTTOM PORTION WITH YOUR PAYMENT *Make check payable to: COUNTY OF SAN DIEGO, DEH*

Check here if this is a change in Business Location or Ownership. **PERMITS ARE NOT TRANSFERABLE.** Please apply for a new permit. See reverse side for additional instructions.

Permit Number: **HK07 - 205846**
 Scope Code: **6HK52**
 Business Name: **SDG&E - PENASQUITOS SUBSTATION**
 Owner Name: **SAN DIEGO GAS & ELECTRIC**
 Business Location: **10940 OCEAN AIR**

To better serve you, please provide your E-mail address:

PAYMENT DUE DATE:	01/31/2012
AMOUNT DUE:	\$622.00

AMOUNT PAID: _____

**COUNTY OF SAN DIEGO
 DEPARTMENT OF ENVIRONMENTAL HEALTH
 P.O. BOX 129261
 SAN DIEGO, CA 92112-9261**

If payment is made by Credit Card, Please write your Confirmation # _____

APPENDIX B

DECLARATION OF PAMELA JACKSON

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2012.	Application No. 10-12-005 (Filed December 15, 2010)
Application of Southern California Gas Company (U904G) for authority to update its gas revenue requirement and base rates effective on January 1, 2012.	Application No. 10-12-006 (Filed December 15, 2010)

DECLARATION OF PAMELA JACKSON

I, Pamela Jackson, do declare as follows:

1. I am the Environmental Strategy Manager for San Diego Gas & Electric Company (SDG&E). I am personally familiar with the facts and representations in this Declaration and, if called upon to testify, I could and would testify to the following based upon my personal knowledge and/or belief.

2. I have acted as the "Witness Planner" for the Environmental Services witness in the above-captioned proceeding since the process started in 2008. At that time, Lisa Gomez was the Director – Environmental Services for SDG&E and Southern California Gas Company (SCG) (collectively, the Utilities). Deanna R. Haines became the Director – Environmental Services for SCG in January 2011. Lisa Gomez became the Director of Environmental Services for SDG&E and remained the witness on behalf of the Utilities until she left the company in May of 2011. At that time, Ms. Haines became the witness supporting Environmental Services costs on behalf of the Utilities. I supported both Ms. Gomez and Ms. Haines as a witness planner during their respective time periods as witnesses in this case.

3. In my capacity as witness planner, I collected information from subject matter experts on estimates for environmental-related upward and downward pressures to the base year expenses for Environmental Services. I supported the development of testimony, workpapers, rebuttal and data responses for SDG&E and SCG Environmental Services departments.

4. At all times during this proceeding, I have performed my responsibilities with honesty and integrity. I endeavored to support both Ms. Gomez and Ms. Haines at the highest of ethical standards, providing accurate, complete, and timely information to both witnesses.

5. I am familiar with both Ms. Gomez's and Ms. Haines' testimony in this proceeding, and I was present for Ms. Haines' evidentiary hearing testimony on January 17, 2012.

6. I am familiar with the allegations in the Division of Ratepayer Advocates' pending motion and it is my opinion that Ms. Haines' testimony was truthful.

7. Upon Ms. Haines and my return to the office after the hearings, we examined the issue of Certified Unified Program Agency (CUPA) permit fees upward pressure and found an error in SDG&E's workpapers, which we then corrected by removing the related upward pressures line item in the amount of \$54,000 in SDG&E's RO model filing, as described further below.

8. Each line item upward and downward pressure was prepared with detailed documentation to support the estimates at the time to the best of our ability. For the CUPA fee upward pressure line item of \$54,000, I worked with Kelly Hunt, who was then the manager of the Environmental Operations group in Environmental Services.

9. SDG&E received no data requests from DRA specific to the CUPA permitting fees and Aboveground Petroleum Storage Act (APSA) fee applicability at electrical substations at any time during this case.

10. SDG&E received no cross-examination exhibits from DRA for Ms. Haines' review prior to the evidentiary hearing.

11. Ms. Haines' description of the upward pressures for CUPA fees was to the best of my understanding truthful when she stated that the CUPA required us to pay these fees under their hazardous materials business plan requirements (Vol. 26, Tr. 3387: lines 10-13).

12. This information was confirmed during the hearing lunch break in Ms. Haines' hearing testimony. I called the SDG&E office and confirmed with the current Environmental Operations manager that CUPA fees for electric substations were triggered because of the hazardous materials business plan requirement. It was also confirmed that APSA-related fees do not apply to electric substations.

13. Shortly after the hearing, Ms. Haines had a conference call with me and subject matter experts in the department to review the CUPA permit fee issue and to conduct further examination of the issues on which she was cross-examined during the hearing.

14. We confirmed per my understanding that the upward pressures for CUPA fees at electric substations are because of the hazardous materials business plan and CUPA inspection fees related to the business plan. Some electric substations have Spill Pollution Control and Countermeasure Plans (SPCC) if certain thresholds of oil storage are met. The increase in the CUPA fees at electric substations is *not* due to an APSA fee because electric substations are exempt from APSA. This is consistent with Ms. Haines' testimony.

15. We also identified that the workpaper supporting the CUPA permit fee increase for electric substations (SDG&E-21-WP/Witness: L. Gomez, pgs. 17-22 of 184) was in error. The workpaper had a chart of oil volumes that is consistent with the APSA fee schedule and that the line item description (SDG&E-21-WP/Witness: L. Gomez, pgs. 6-8 of 184) referenced the Long Beach Dept of Env Health

proposed fees for the new CUPA AST (aboveground storage tank) program. Because the workpapers were inconsistent with the applicable business plan hazardous material fee schedule, Ms. Haines and I agreed that we should remove our \$54,000 CUPA fee upward pressure line item in total to correct the error.

16. I provided the needed information to remove the CUPA permit fee increase of \$54,000 which was submitted in SDG&E's RO model, SDG&E's Updated testimony dated February 17, 2012, Exhibit SDG&E/SCG 600 at UP-127.

17. It was my understanding that the RO model correction resolved the issue until receipt of DRA's Rule 1.1 motion.

18. Because of the DRA Rule 1.1 motion, we did additional examination into the CUPA permit fee workpaper. I spoke with Kelly Hunt during the week of April 9, 2012. Ms. Hunt, who had developed the original forecasts for the workpapers, was able to identify that the incorrect workpaper document was included in SDG&E's workpaper submittal for the CUPA permit fee upward pressure. As I understand it, the correct forecast was very similar in appearance and had the estimates for the upward pressures based on CUPA inspection fees for the hazardous material business plan requirement.

19. I also supported the development of Ms. Haines' rebuttal testimony and referenced the CUPA permit fee workpaper with the understanding that it supported upward pressures based on the inspection fees and hazardous materials storage associated with the Hazardous Materials Business Plan requirement (Haines Rebuttal Exhibit 327, p. DRH-5). This is the same CUPA permit fee workpaper that was found to be in error. There was no intent to mislead the Commission by that reference.

20. As I understand it, the DRA's motion argues that APSA fees do not apply to electric substations, that the business plan health and safety code reference to the hazardous material business plan is inapposite and that misstatements were made by Ms. Haines.

21. As described above, it is my opinion that the SDG&E CUPA permit fee workpapers were prepared in good faith to the best of my ability and the ability of our subject matter expert at the time. The SDG&E rebuttal was also prepared in good faith and to the best of my ability at the time.

22. The concern and confusion for SDG&E's CUPA permit fee upward pressures were brought up during the hearing with questioning from Nicholas Sher. The concern being, as I understand it, that electric oil-filled equipment is exempt from CUPA inspection APSA fees and the SDG&E workpaper for the CUPA permit fee upward pressures appeared to be based on the APSA fee program.

23. Mr. Sher provided information to my witness on the stand from a powerpoint developed by the San Diego Department of Environmental Health on "APSA, SPCC & YOU: All you've ever wanted to know." However, Mr. Sher did not provide my witness with a 24-hour advance notice of his concern as it related to the CUPA permit fee upward pressure which would have been helpful to me and my witness to be able to examine the issue in advance and possibly address his concerns during the hearing.

24. As described above, upon return to the office after the hearing and examination into the issue, an error in SDG&E CUPA permit fee upward pressure workpaper was identified and corrected at the first opportunity by removing the \$54,000 line item in total in SDG&E's RO model filing.

25. Additionally, upon receipt of the DRA's Motion dated April 10, 2012, we did further examination on this issue. The original subject matter expert, Ms. Hunt, explained to me that an error was made by including the wrong supporting document in SDG&E's original workpapers and that the correct upward pressure forecast for CUPA permit fees contained estimates based on business plan requirements for the electric substations and did not include any APSA-related costs.

26. At all times during this proceeding, I have performed my responsibilities with honesty and integrity and I believe that to be true of Ms. Haines as well.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 25th day of April, 2012, at San Diego California.

A handwritten signature in black ink, appearing to read 'P. Jackson', is written over a horizontal line.

Pamela Jackson
Environmental Strategy Manager
San Diego Gas & Electric

APPENDIX C
DECLARATION OF KELLY HUNT

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2012.

Application No. 10-12-005
(Filed December 15, 2010)

Application of Southern California Gas Company (U904G) for authority to update its gas revenue requirement and base rates effective on January 1, 2012.

Application No. 10-12-006
(Filed December 15, 2010)

DECLARATION OF KELLY HUNT

I, Kelly Hunt, do declare as follows:

1. I am the Land Services Manager for San Diego Gas & Electric Company (SDG&E). I am personally familiar with the facts and representations in this Declaration and, if called upon to testify, I could and would testify to the following based upon my personal knowledge and/or belief.
2. In January of 2008 through April of 2010, I was the Environmental Operations Manager for SDG&E. In this capacity, prior to April 2010, I served as the “witness planner” for Lisa Gomez, who, at the time, was the Director – Environmental Services for SDG&E and Southern California Gas Company (SCG) (collectively, the Utilities) and the witness supporting Environmental Services costs in this proceeding. Upon my transfer within SDG&E in April 2010, Pamela Jackson assumed my responsibilities as the “witness planner”. I am not a lawyer, but I worked with applicable regulations in my capacity as Environmental Operations Manager.
3. As Ms. Gomez’s witness planner, I was responsible for developing workpapers and forecasting estimated upward pressures on costs for Environmental Services. I forecasted the costs that are shown in pages 17 through 22 of Ms. Gomez’s workpapers, which were eventually adopted by the

now Director – Environmental Services for SCG, Deanna Haines and marked as Exhibit 326 in this proceeding.

4. I am familiar with the allegations in the Division of Ratepayer Advocates' pending motion and it is my opinion that Ms. Haines' testimony was truthful.

5. I am preparing this declaration to explain how the cost forecasts (for CUPA payments) at issue were developed, that the methodology I used in developing the costs forecasts is correct, that Ms. Haines' testimony on the cost forecast regulatory drivers were accurate, and that SDG&E's actual CUPA payments have proven to track at or above the cost forecasts.

6. At all times during this proceeding, I have performed my responsibilities with honesty and integrity. I endeavored to support Ms. Gomez at the highest ethical standard, providing accurate, complete, and timely information.

SDG&E accurately developed the forecasts at issue based on facts available at the time.

7. In 2008, SDG&E concurrently evaluated three programs managed or verified by the San Diego County Department of Environmental Health (CUPA) that potentially impacted our electrical substations; Hazardous Materials Business Plans (HMPBs), Spill Prevention, Control and Countermeasures (SPCC) Plan and Aboveground Petroleum Storage Act (APSA). I was asked to evaluate the applicability of the regulations related to our operations, identify required actions to ensure compliance and estimate the upward pressure for each program.

8. I found the implementation of the APSA program challenging as there was very little guidance published by the CUPA prior to the "APSA, SPCC & YOU" presentation (Exhibit 2), with the exception of the "Important Information Please Read: Aboveground Petroleum Storage Act" brochure originally published in 2008 and revised on 2/15/2011 (Exhibit 3). In my opinion, the CUPA's brochure contained guidance that added to my confusion and did not directly exempt SDG&E from the APSA

program requirements. For example the brochure states, “Which facilities are subject to APSA? Facilities that have aboveground storage tank(s) with an aggregate storage capacity (shell capacity) of greater than or equal to (\geq) 1,320 gallons of petroleum.” (Exhibit 3). Also, SDG&E had not yet determined whether the substations with more than 10,000 gallons of mineral oil had PCBs less than 50 parts per million to confirm their exemption under APSA.

9. At the time of the upward pressure estimate calculations, the San Diego CUPA had not published the APSA fee schedule, so I used the Long Beach CUPA fee schedule to estimate potential costs. The APSA fee schedule was published by the San Diego CUPA in 09/2010 (Exhibit 4) and was not reflected on prior fee schedules (Exhibits 5&6).

10. I estimated the HMBP CUPA Fees forecast of \$55,717 by identifying the costs for inspections, base fees, and surcharges (Exhibit 7). After reviewing the Division of Ratepayer Advocates’ Motion, I verified paid invoices for SDG&E’s HMBP CUPA fees and created a chart showing a total sum (\$56,891) of the available actual invoices (Exhibit 8).

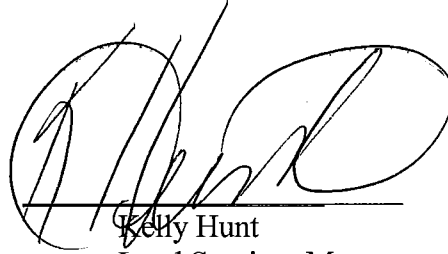
11. Eventually, SDG&E did determine that APSA did not apply; however, unfortunately, the APSA estimates I prepared were inadvertently used in the Non-Shared Service Workpapers titled “2010 Estimated CUPA Fees” instead of the actual upward pressures as testified by Deanna Haines for HMBP CUPA Fees (Exhibit 7).

Ms. Haines provided accurate testimony at the January 17, 2012 evidentiary hearing.

12. I have reviewed the transcript of Ms. Haines’ testimony at hearing. In my opinion, her testimony was accurate as it did not reference the APSA program. The matrix of HMBP CUPA fees upward pressures was unintentionally not used in the workpapers, adding to the confusion during cross examination. However, Deanna Haines was accurate in her testimony of the regulatory driver for the HMBP CUPA estimated fees under H&SC Chapter 6.95.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 25th day of April, 2012, at San Diego California.

A handwritten signature in black ink, appearing to read 'Kelly Hunt', is written over a horizontal line. The signature is stylized and somewhat cursive.

Kelly Hunt
Land Services Manager
San Diego Gas & Electric Company



County of San Diego

DEPARTMENT OF ENVIRONMENTAL HEALTH
 HAZARDOUS MATERIALS DIVISION
 P.O. BOX 129261, SAN DIEGO, CA 92112-9261
 (858) 505-6700 FAX (858) 505-6848
www.sdcdeh.org



HAZARDOUS MATERIALS BUSINESS PLAN Full Version

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F	1, 2 & 3	Complete and submit to the Hazardous Materials Division (HMD). Keep copy onsite for review.
O	4 & 5	Complete. Keep onsite. *Return to HMD, with forms 1, 2 & 3, for Plan Check submissions.
R	6, 7 & 8	Complete. Keep onsite.
M	9	Complete and submit to HMD in the event of a Reportable Release. Keep copy onsite.
S	2 & 10	Complete and submit with revisions to the inventory, site map, or emergency contacts. Keep copy onsite.

"Environmental and public health through leadership, partnership and science"

HAZARDOUS MATERIALS BUSINESS PLAN

OVERVIEW

CHAPTER 6.95-HEALTH AND SAFETY CODE, DIVISION 20, (AB 2185 & AB 2189)

Hazardous Materials Business Plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state. Chapter 6.95 of the Health and Safety Code establishes minimum statewide standards for Hazardous Materials Business Plans (HMBPs).

The Hazardous Materials Division (HMD) of the Department of Environmental Health (DEH) is the local Certified Unified Program Agency (CUPA) responsible for implementing and enforcing the California state hazardous materials laws and regulations. For more information about the Unified Program and CUPAs, please refer to <http://www.calepa.ca.gov/CUPA/>.

The HMD periodically conducts inspections to:

- Ensure compliance with existing laws and regulations concerning HMBP requirements.
- Identify existing safety hazards that could cause or contribute to an accidental spill or release.
- Suggest preventive measures designed to minimize the risk of a spill or release of hazardous materials.

When completely implemented, HMBPs will meet EPCRA Tier II Reporting requirements. The Emergency Planning and Community Right-to-Know Act known as EPCRA was enacted by Congress to help local communities protect public health, safety, and the environment from chemical hazards. See <http://www.epa.gov/oem/content/epcra/index.htm>. Read Subchapter III, Section 11023.

Each business shall prepare an HMBP if that business uses, handles, or stores a hazardous material (including hazardous waste) or an extremely hazardous material in discloseable quantities greater than or equal to the following:

- 500 pounds of a solid substance
- 55 gallons of a liquid
- 200 cubic feet of compressed gas
- A hazardous compressed gas in any amount (highly toxic with a Threshold Limit Value of 10 parts per million or less)
- Extremely hazardous substances in threshold planning quantities

After the initial submission, the business must review and recertify the Hazardous Materials Business Plan every year by submitting a completed Certification Statement (HM-953), available at HMD's web site http://www.sdcounty.ca.gov/deh/hazmat/hmd_forms.html. Only revisions to the inventory, site map, or emergency contacts need to be submitted with the annual Certification Statement. A current copy of the Business Plan must be maintained at the site where the hazardous materials are stored. If any section of the Plan is found to be deficient, it must be amended and submitted to HMD within 30 days. The Plan must also be amended and submitted to the HMD within 30 days for any of the following:

- A 100% or greater increase in quantity of a hazardous material provided in the inventory.
- Any handling of a discloseable quantity of a previously undisclosed hazardous material.
- Deleting a previously disclosed hazardous material.
- Any change in the storage, location or use of hazardous materials, which could affect an emergency response.
- Any change in business name, ownership or address.

Overview (continued)

The Hazardous Materials Business Plan includes three sections:

- I. Inventory and Site Map
- II. Emergency Response Plan and Owner/Operator Identification
- III. Employee Training

The Plan will also serve to better prepare emergency response personnel for handling emergencies which could occur at your facility. The attached format contains the necessary information for the creation of a useful Plan for your facility. When completed, your Plan will become a valuable tool, aiding you and your employees to manage emergencies at your facility.

The pages you will need to complete and submit to this office are included as Section V. Instructions for completing the forms in Section V are detailed in Section I (Inventory), Section II (Emergency Response Plan), and Section III (Employee Training). If you need additional space you may include properly labeled attachments as necessary.

Keep a copy of the Plan for your records. Submit the originals, as applicable, (Section V), to the County of San Diego Department of Environmental Health, Hazardous Materials Division, P. O. Box 129261, San Diego, CA 92112-9261. For additional information or forms, contact your Area Specialist, visit HMD’s Web site at http://www.sdcounty.ca.gov/deh/hazmat/hmd_forms.html, or call the Hazardous Materials Duty Desk at 858-505-6880.

EMERGENCY CONTINGENCY PLANS

If you generate hazardous wastes in any quantity in the State of California, you are required to prepare an emergency contingency plan. The complexity of the contingency plan will depend on the type and extent of the operations at your particular business site. The forms in this packet meet the requirements of an emergency contingency plan.

CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM (CalARP)

On January 31, 1994 the U.S. EPA promulgated a final rule under provisions of the Clean Air Act (CAA) Amendments section 112(r) for the prevention of accidental releases of hazardous substances (i.e., regulated substances). The rule establishes a list of chemicals and threshold quantities that identify facilities subject to subsequent accidental prevention regulations. In October 1996 California passed Senate Bill 1889 (now known as Health & Safety Code, Sections 25531-25534.3). This bill merged in law the federal and state programs for the prevention of accidental releases of regulated toxic and flammable substances.

The incorporation of the federal and state requirements has been designated as the California Accidental Release Prevention Program (CalARP). An owner or operator of a stationary source (non-transportation) with more than a threshold quantity of a regulated substance in a process is required to prepare a risk management program and submit a risk management plan. Regulated substances are toxic chemicals (e.g., chlorine gas and ammonia) and flammable chemicals (e.g., methane and propane) found listed on tables in the regulations at [http://www.oes.ca.gov/Operational/OESHHome.nsf/PDF/CalARPregs/\\$file/CalARPregs.pdf](http://www.oes.ca.gov/Operational/OESHHome.nsf/PDF/CalARPregs/$file/CalARPregs.pdf) If you are subject to CalARP or need additional information please ask for the CalARP Specialist at 858-505-6880.

SPILL REPORTING - REPORTING A RELEASE

Release reporting is required by several state and federal laws. If there is a release at your facility, you are responsible for making an accurate report in a timely manner. For more information on what is a reportable release and how to make an accurate report, see Form HM-951 on Section V of this packet.

BUSINESSES SUBJECT TO HAZARDOUS MATERIALS BUSINESS PLAN REQUIREMENTS

FORMS TO BE COMPLETED, RETAINED ON SITE AND/OR MAILED TO DEH-HMD

This table only lists forms that are required to meet Hazardous Materials Business Plan (HMBP) requirements. Additional forms may be required for your business to be in compliance with other Unified Program regulatory requirements. You can find all Unified Program forms on HMD's web site at: http://www.sdcountry.ca.gov/deh/hazmat/hmd_forms.html. NOTE: A Unified Program Facility Permit (formerly Health Permit) Application, **HM-906**, is required from all businesses that are subject to HMBP requirements.

HM: Hazardous Materials **HW:** Hazardous Waste **MW:** Medical Waste

Discloseable Quantities: HM, HW or MW in quantities equal to or greater than 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of a compressed gas (at STP).

SQG: Small Quantity Generator: Generates greater than or equal to (≥) 220 lbs (100 kg) but less than (<) 2,200 lbs (1000 kg)/month

LQG: Large Quantity Generator: Generates greater than or equal to (≥) 2,200 lbs (1000 kg)/month

FORMS TO COMPLETE	HAZARDOUS MATERIALS BUSINESS PLAN CATEGORIES				
	(1) Discloseable Quantities of HM Only	(2) Discloseable Quantities of HW Only	(3) Discloseable Quantities of MW Only	(4) HW Generators with HM in Discloseable Quantities	
				SQG ^{1,2}	LQG
Site Map (page 31)	M, R	M, R	M, R	M, R	M, R
Emergency Response Plan (page 33) (or equivalent written information)	R	R	R	R	R
Employee Training Description (page 35) (or equivalent written information)	R	R	R	R	R
Contingency Plan for SQG ² (page 37) (or equivalent written information)	REQUIRED ONLY FOR SQGs OF HW HANDLING/STORING HAZARDOUS MATERIALS/WASTES BELOW DISCLOSABLE QUANTITIES				
Contingency Plan for LQG (Full HMBP plus pages 39 & 41)	-	LQG Only	-	-	R
HM/HW Training Program	← R E Q U I R E D →				
Training Documentation	Suggested	SQG: Suggested LQG: R	Suggested	Suggested	R

M: Mail a copy to HMD (for brand new submissions, mail site map, emergency response plan and employee training description)

R: Retain copy for inspection **-:** Not Applicable **Suggested:** Not required but highly recommended for documentation

NOTES: ¹**Photo-Waste Only Generators:** If you generate only silver waste from photo processing and the silver is reclaimed, then you only need to complete the Photo Processing Disclosure Form (HM-9281), available at HMD's website. Site map, employee training description & emergency response pages are not required. If you generate 100 kg (220 lb) or more of reclaimed silver waste in any month, you must complete the Contingency Plan for SQG requirements (form HM-9099 A).

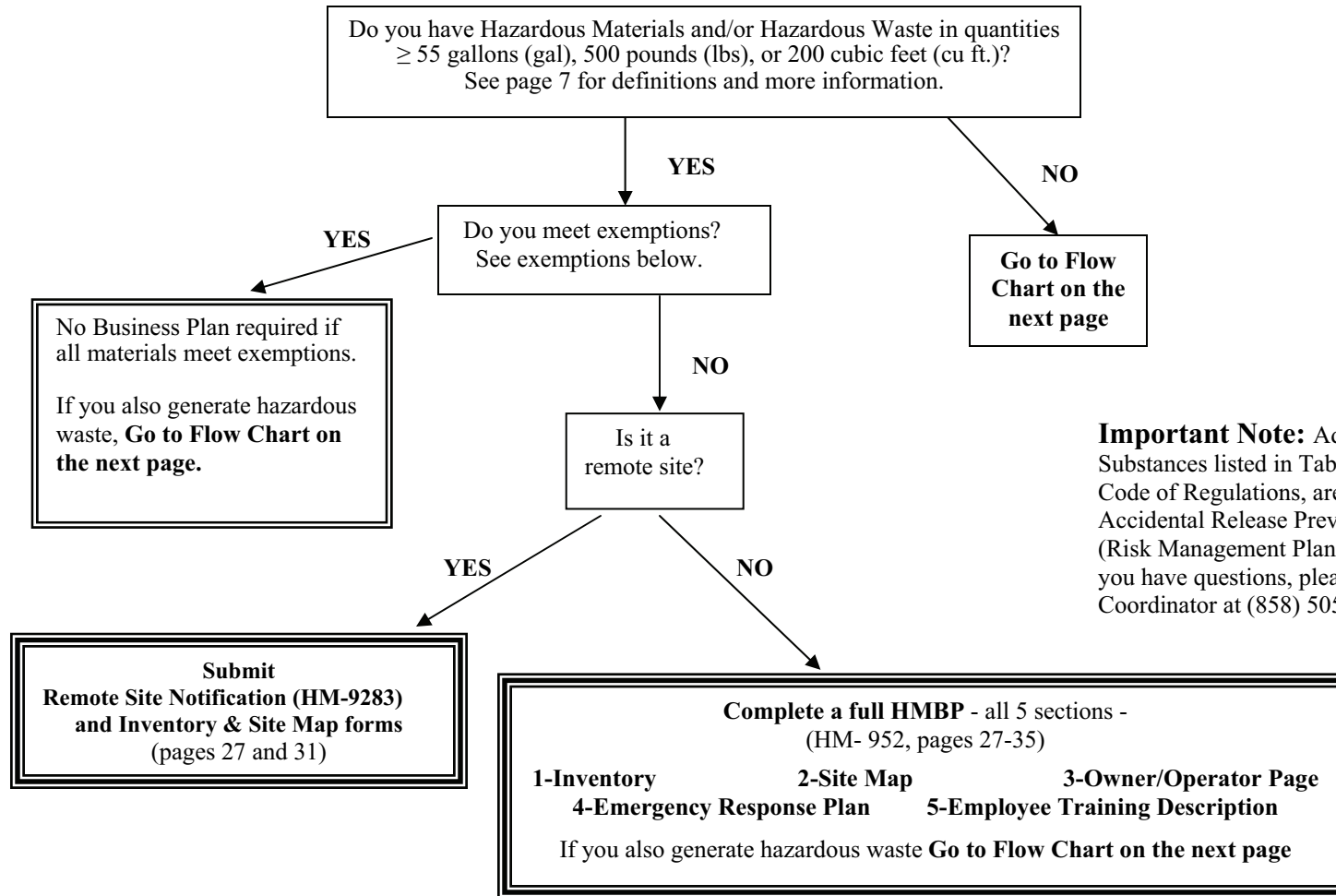
²**SQGs with Non-Discloseable HMs:** Complete the Contingency Plan for SQG requirements (form HM-9099 A on page 37) only. Site map, employee training description & emergency response pages are not required.

HAZARDOUS MATERIALS BUSINESS PLAN FLOW CHART

Hazardous Materials

This diagram will assist you in determining if you are required to submit a Hazardous Materials Business Plan (HMBP). To determine Contingency Plan requirements for hazardous waste generators, see Hazardous Waste Flow Chart on the next page.

- If you store only Hazardous Materials in discloseable quantities, follow this flow chart.
- If you store Hazardous Materials and generate Hazardous Waste, follow this flow chart first, then go to the Hazardous Waste Flow Chart on the next page.
- If you generate and store only hazardous waste, skip this diagram and go to Hazardous Waste Flow Chart on the next page.



Important Note: Additional Regulated Substances listed in Table 3 of Title 19, California Code of Regulations, are subject to the California Accidental Release Prevention (Cal/ARP) Program (Risk Management Plans). For a copy of this list or if you have questions, please contact the Cal/ARP Coordinator at (858) 505-6842.

EXEMPTIONS: For additional details on exemptions see page 7.

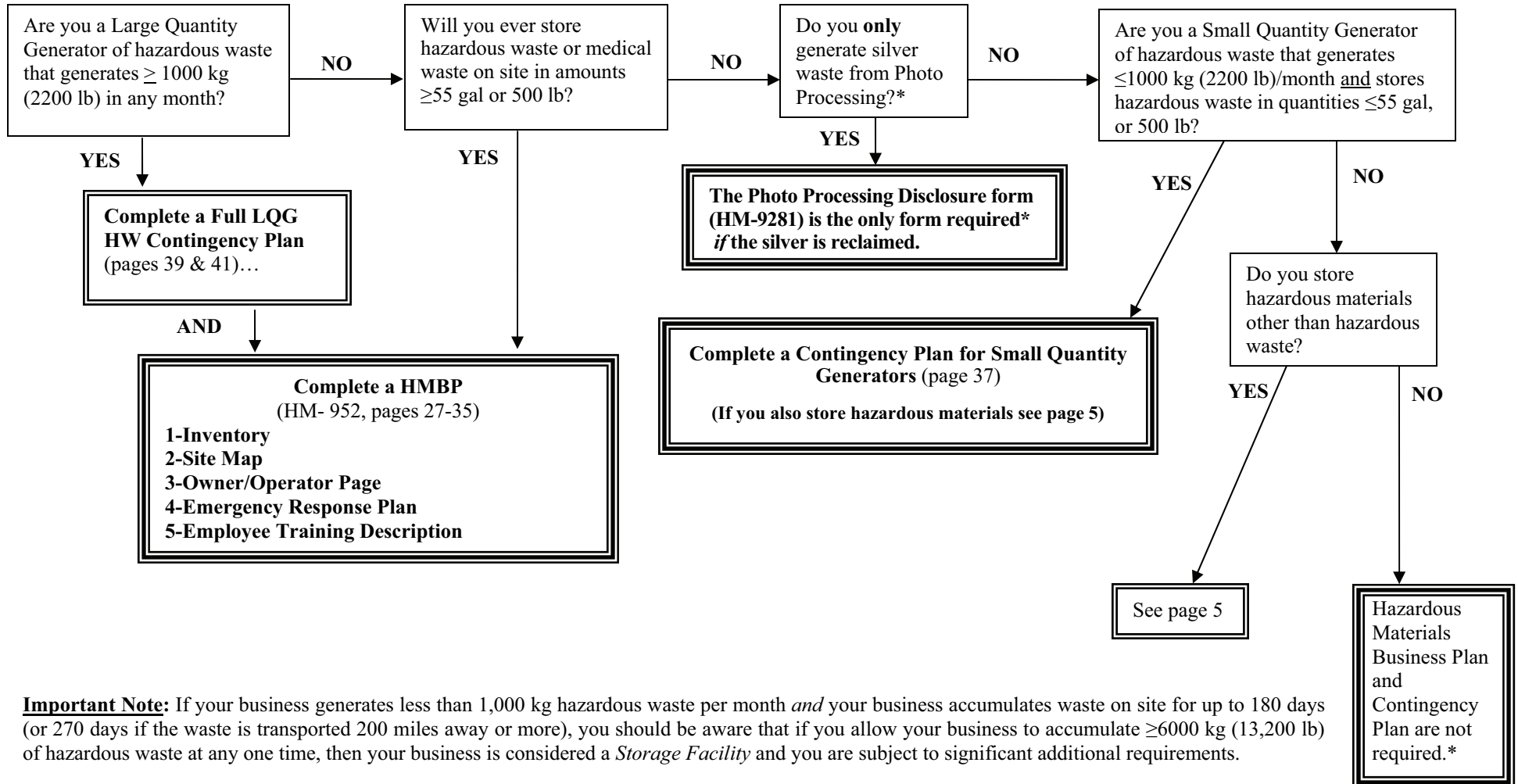
- **Propane** for heating, cooking, or cooling in quantities up to and including 1000 gal.
- **Carbon Dioxide** for beverages - Cryogenic ≤ 3500 cuft. Non-cryogenic ≤ 6000 cuft
- **Breathing Air & Oxygen** for emergency response by government agencies incl. fire departments
- **Compressed Gases used in Closed Fire Suppression Systems**
- **New Lubricating Oil:** Not to exceed 275 gal total volume and not more than 55 gal of any grade of oil
- **Helium** for inflating balloons in quantities up to and including 1000 cuft.
- **Medical Gases:** ≤1000 cuft- limited to oxygen, nitrogen and nitrous oxide in a *medical office or clinic*
- **Compressed Gases used in Closed Refrigeration Systems**

HAZARDOUS MATERIALS BUSINESS PLAN/CONTINGENCY PLAN FLOW CHART

Hazardous Waste

This diagram will assist you in determining if you are required to complete a Hazardous Materials Business Plan (HMBP) and a Contingency Plan. If you generate and store hazardous waste...

Start Here



Important Note: If your business generates less than 1,000 kg hazardous waste per month *and* your business accumulates waste on site for up to 180 days (or 270 days if the waste is transported 200 miles away or more), you should be aware that if you allow your business to accumulate ≥6000 kg (13,200 lb) of hazardous waste at any one time, then your business is considered a *Storage Facility* and you are subject to significant additional requirements.

*If you generate silver waste from photo processing and the silver is reclaimed, then the Photo Processing Disclosure Form (HM-9281) is the only form to be submitted. If the silver waste is disposed or not reclaimed, then full hazardous waste requirements must be met. If you generate 100kg (220 lb) or more of reclaimed silver waste in any month, you must complete a Contingency Plan for Small Quantity Generators (page 37).

HAZARDOUS MATERIALS BUSINESS PLAN

I. INVENTORY

DEFINITION: A hazardous material is any material that, because of its quantity, concentration, physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or the environment.

The following hazardous materials and extremely hazardous substances must be listed on the Inventory form:

1. Hazardous Substances or Compounds:

Includes hazardous substances or compounds which are at your establishment at any time in the following quantities:

- a. 55 gallons of a liquid
- b. 500 pounds of a solid substance
- c. 200 cubic feet of a compressed gas (at standard temperature and pressure)

Hazardous substances include hazardous materials and hazardous waste, including hazardous substances in underground storage tanks. Hazardous substances include all chemicals or products for which a manufacturer or producer is required by law to prepare a **Material Safety Data Sheet (MSDS)**. A MSDS is a document containing the following information: Chemical Composition, Fire and Explosive, Health Hazard, Reactive, Emergency Procedures, Special Protection and Precautions. A Material Safety Data Sheet can be obtained from a supplier for each particular substance. A hazardous substance also includes materials requiring placard warnings during transportation. Additionally, a hazardous substance includes radioactive materials as referenced in the California Health and Safety Code, Division 20, Chapter 6.95.

2. Extremely Hazardous Substances

List extremely hazardous substances in quantities equal to or greater than the Threshold Planning Quantities, as established in the Federal Register, on April 22, 1987 and as amended on February 25, 1988.

A list of Extremely Hazardous Substances is available upon request from this office or on the EPA website. See 40 CFR part 355.

3. Highly Toxic Compressed Gases (Gases with a Threshold Limit Value of 10 ppm or less).

List in any quantity all gases with Threshold Limit Values-Time Weighted Averages (TLV-TWA) or Threshold Limit Value-Short Term Exposure Limit (TLV-STEL) of 10 parts per million (ppm) or less. Review the Material Safety Data Sheet or contact the distributor of the gases to verify these values. For a list of toxic gases visit HMD's web site and see HM-9243 (Disclosure of Hazardous Materials Information Bulletin) or contact the Hazardous Materials Duty Desk at 858-505-6880.

Do not include the following in your inventory:

Hazardous Materials contained solely in consumer products for direct distribution and use by the general public. These materials are packaged and available to the public in a typical retail outlet (e.g., supermarket, nursery or hardware store).

HAZARDOUS MATERIALS BUSINESS PLAN

I. INVENTORY (continued)

Tier II Reporting (EPCRA)

The Emergency Planning Community Right to Know Act (EPCRA) requires industry to disclose chemical storage and use including chemical releases. Local government must develop emergency response plans incorporating information provided by industry. For more information about EPCRA see <http://www.epa.gov/emergencies/content/epcra/index.htm>

EPCRA has two requirements which affect businesses:

- I. Businesses must notify releases of chemicals into the environment; the notification for certain chemicals is then published in the Toxic Release Inventory, and
- II. Businesses must notify state and local agencies of the quantities and type of toxic chemicals stored.

Businesses that do not comply with EPCRA may be subject to civil penalties and be required to cover costs of litigation and/or environmental remediation actions. EPCRA has four provisions important to businesses:

1. Hazardous Chemical Storage Reporting Requirements (EPCRA):

EPCRA facilities must annually submit emergency contacts and hazardous chemical inventory. This information includes the following:

1. Hazardous chemicals at or above 10,000 pounds,
2. Extremely hazardous substances above 500 pounds or above a defined Threshold Planning Quantity (TPQ) (whichever is less),
3. Chemicals at or above TPQs handled during the last calendar year.

2. Emergency Planning (EPCRA):

The emergency planning section of the law is designed to help communities prepare and respond to emergencies involving hazardous substances. Every community in the United States must be part of a comprehensive plan. Plans are based on information provided in reports from EPCRA facilities. In San Diego County, the Hazardous Incident Response Team (HIRT) is an integral part of emergency planning. The team consists of members from the County of San Diego, Department of Environmental Health and City of San Diego, Fire and Rescue Department. The information provided by businesses allows HIRT to respond efficiently to chemical emergencies and protect human health and the environment.

3. Emergency Release Notification (EPCRA):

Facilities must immediately notify the Local Emergency Planning Committee (LEPC) and the State Emergency Response Commission (SERC) if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations. This requirement covers the 356 extremely hazardous substances. It also covers the more than 700 hazardous substances subject to the emergency notification requirements under CERCLA Section 103(a) (40 CFR 302.4). Some chemicals are common to both lists. Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, by calling the operator. In California, any release or threatened release requires reporting. For more information on spill reporting visit the California Emergency Management Agency (Cal EMA) Web Site at <http://www.oes.ca.gov> and see section II of this package.

HAZARDOUS MATERIALS BUSINESS PLAN

I. INVENTORY (continued)

4. Toxic Release Inventory Reporting (EPCRA):

Toxic Release Inventory Report must be submitted to the Federal Environmental Protection Agency by July 1 each year. This requirement applies to facilities that manufacture, process, or otherwise use a listed toxic chemical above the TPQ, and have 10 or more employees. More information on EPCRA can be found at: <http://www.epa.gov/oem/content/lawsregs/epcraover.htm>

How to comply with EPCRA Tier II and Hazardous Materials Business Plan reporting:

The California Health and Safety Code, in order to avoid multiple reports to the SERC, LEPC, Fire Departments and the Administering Agency, requires businesses to provide to the Administering Agency an inventory of their chemicals as part of the Hazardous Materials Business Plan (HMBP). The Administering Agency in San Diego County is the Hazardous Materials Division (HMD) of the Department of Environmental Health. The business must provide inventory information if it uses, handles or stores hazardous materials or wastes in quantities equal to or greater than:

- 55 gallons of a liquid
- 500 pounds of a solid substance
- 200 cubic feet of a compressed gas
- A toxic compressed gas in any amount if the Threshold Limit Value is less than 10 parts per million
- Extremely hazardous substances in quantities equal to or greater than the Threshold Planning Quantities

The Health and Safety Code (HSC) also requires that businesses report inventory to the Administering agency on the Unified Program Consolidated forms or equivalent forms from the local Administering Agency. The Business Owner/Operator Identification page (local form HM-9702) and the Hazardous Materials Inventory/Chemical description page (local form HM-9703). Forms must be completed and submitted initially with a complete inventory. Both forms must be submitted with updates within 30 days of changes. Updates are required for:

- Increasing the quantity of a previously disclosed material by one hundred percent or more
- Handling of any previously undisclosed hazardous material subject to the inventory requirements
- Deleting a previously disclosed material.

The business must annually certify to the HMD that the HMBP is current and maintained onsite. If no changes have occurred, the business must send an annual certification indicating that HMBP is current and complete. If there were changes in the HMBP, business must make the changes and submit them with a certification indicating that the HMBP has been reviewed.

Businesses complying with reporting requirements of the Health and Safety Code may be subject to Tier II reporting per Title 40 of the Code of Federal Regulations if the threshold amount of chemicals used reach EPCRA notification requirements. In the State of California, the business is in compliance with EPCRA Tier II reporting requirements if the business has a current permit from the Administering Agency, notifies the Department of changes in its inventory using the forms HM-9702 and HM-9703, and on annual basis certifies that its inventory is current. In San Diego County, the Administering Agency is the Department of Environmental Health-HMD. The local permit for hazardous materials is a Unified Program Facility permit. All Unified Program Consolidated forms can be found in HMD's web site at www.sdcounty.ca.gov/deh/hazmat/hmd_forms.html and hard copies can be obtained by calling the Hazardous Materials Duty Desk at 858-505-6880.

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HAZARDOUS MATERIALS BUSINESS PLAN -INVENTORY

Chemical Description

You must complete a separate Hazardous Materials Inventory - Chemical Description page for each hazardous material (hazardous substances and hazardous waste) that you handle at your facility in aggregate quantities equal to or greater than 500 pounds, 55 gallons, 200 cubic feet of gas (calculated at standard temperature and pressure) or the federal threshold planning quantity for Extremely Hazardous Substances, whichever is less. Also complete a page for each radioactive material handled over quantities for which an emergency plan is required to be adopted pursuant to 10 CFR Parts 30, 40, or 70. The completed inventory should reflect all reportable quantities of hazardous materials at your facility, reported **separately** for each building or outside adjacent area, with **separate** pages for unique occurrences of physical state, storage temperature and storage pressure. (Note: the numbering of the instructions follows the data element numbers that are on the Unified Program Consolidated Form (UPCF) pages. These data element numbers are used for electronic submission and are the same as the numbering used in Division 3, Electronic Submittal of Information. Please number all pages of your submittal. This helps your CUPA or AA identify whether the submittal is complete and if any pages are separated.

1. FACILITY ID NUMBER - Enter your 6 character Permit # from your Unified Program Facility Permit (UPFP). If you do not have one, leave this blank.
3. BUSINESS NAME - Enter the full legal name of the business. This is the same as the terms "Facility Name" or "DBA" - Doing Business As.
200. ADD/DELETE/ REVISE - Indicate if the material is being added to the inventory, deleted from the inventory, or if the information previously submitted is being revised. NOTE: You may choose to leave this blank if you resubmit your entire inventory.
201. CHEMICAL LOCATION – Do not complete this section. Your site map/plan identifies the location of where the hazardous material is stored.
NOTE: This information is not subject to public disclosure pursuant to HSC 25506.
202. CHEMICAL LOCATION CONFIDENTIAL - EPCRA - All businesses which are subject to the Emergency Planning and Community Right to Know Act (EPCRA) must check "Yes" to keep chemical location information confidential. If the business does not wish to keep chemical location information confidential check "No".
203. MAP NUMBER – Do not complete this section. This number is NOT USED. Your site map/plan identifies the location of where the hazardous material is stored.
204. GRID NUMBER - Do not complete this section. Grid coordinates are NOT USED. Your site map/plan identifies the location of where the hazardous material is stored.
205. CHEMICAL NAME - Enter the proper chemical name associated with the Chemical Abstract Service (CAS) number of the hazardous material. This should be the International Union of Pure and Applied Chemistry (IUPAC) name found on the Material Safety Data Sheet (MSDS). NOTE: If the chemical is a mixture, do not complete this field; complete the "COMMON NAME" field instead. For aqueous solutions containing one hazardous component, list the component and the percentage in the "CHEMICAL NAME" and leave the "HAZARDOUS COMPONENT" Section blank.
206. TRADE SECRET - Check "Yes" if the information in this section is declared a trade secret, or "No" if it is not.. State requirement: If yes, and business is not subject to EPCRA, disclosure of the designated trade secret information is bound by HSC §25511. Federal requirement: If yes, and business is subject to EPCRA, disclosure of the designated Trade Secret information is bound by 40 CFR and the business must submit a "Substantiation to Accompany Claims of Trade Secrecy" form (40 CFR 350.27) to USEPA.
207. COMMON NAME - Enter the common name or trade name of the hazardous material or mixture containing a hazardous material. Each hazardous component of the mixture will be listed below in the "HAZARDOUS COMPONENT" Section.
208. EHS - Check "Yes" if the hazardous material is an Extremely Hazardous Substance (EHS), as defined in 40 CFR, Part 355, Appendix A. If the material is a mixture containing an EHS, leave this section blank and complete the section on hazardous components below.
209. CAS # - Enter the Chemical Abstract Service (CAS) number for the hazardous material. For mixtures, enter the CAS number of the mixture if it has been assigned a number distinct from its components. If the mixture has no CAS number, leave this column blank and report the CAS numbers of the individual hazardous components in the appropriate section below. Use the CAS# format with hyphens and do no use leading zeros. Example: 12345-67-8.
210. FIRE CODE HAZARD CLASSES – This information is not required by San Diego County at this time.
211. HAZARDOUS MATERIAL TYPE - Check the one box that best describes the type of hazardous material: pure, mixture or waste. If waste material, check only that box. If mixture or waste, complete hazardous components section.
212. RADIOACTIVE - Check "Yes" if the hazardous material is radioactive or "No" if it is not.
213. CURIES - If the hazardous material is radioactive, use this area to report the activity in curies. You may use up to nine digits with a floating decimal point to report activity in curies.
214. PHYSICAL STATE - Check the one box that best describes the state in which the hazardous material is handled: solid, liquid or gas.
215. LARGEST CONTAINER - Enter the total capacity of the largest container in which the material is stored. Use the units reported in #221. Enter only the numeric value of the units in this box.
216. FEDERAL HAZARD CATEGORIES - Check all categories that describe the physical and health hazards associated with the hazardous material.
217. AVERAGE DAILY AMOUNT - Calculate the average daily amount of the hazardous material or mixture containing a hazardous material, in each building or adjacent/ outside area. Calculations shall be based on the previous year's inventory of material reported on this page. Total all daily amounts and divide by the number of days the chemical will be on site. If this is a material that has not previously been present at this location, the amount shall be the average daily amount you project to be on hand during the course of the year. OR: the amount can be calculated using the following examples: If you order four drums (220 gallons) of a hazardous material every month and use it within the month, your calculated average daily amount would be half the monthly order which is equal to two drums or 110 gallons. OR: If your hazardous material is stored in a process tank that is 500 gallons and the level never changes, then your average daily amount would be 500 gallons. This amount should be consistent with the units reported in box 221 and should not exceed that of maximum daily amount.
218. MAXIMUM DAILY AMOUNT - Enter the maximum amount of each hazardous material or mixture containing a hazardous material, which is handled in a building or adjacent/outside area at any one time over the course of the year. This amount must contain at a minimum last year's inventory of the material reported on this page, with the reflection of additions, deletions, or revisions projected for the current year. This amount should be consistent with the units reported in box 221.
219. ANNUAL WASTE AMOUNT - If the hazardous material being inventoried is a waste, provide an estimate of the annual amount handled.
220. STATE WASTE CODE - If the hazardous material is a waste, enter the appropriate California 3-digit hazardous waste code as listed on the back of the Uniform Hazardous Waste Manifest.
221. UNITS - Check the unit of measure that is most appropriate for the material being reported on this page: gallons, pounds, cubic feet or tons. NOTE: If the material is a federally defined Extremely Hazardous Substance (EHS), all amounts must be reported in pounds. If material is a mixture containing an EHS, report the units that the material is stored in (gallons, pounds, cubic feet, or tons).
222. DAYS ON SITE - List the total number of days during the year that the material is on site.
223. STORAGE CONTAINER - Check all boxes that describe the type of storage containers in which the hazardous material is stored. NOTE: If appropriate, you may choose more than one.
224. STORAGE PRESSURE - Check the one box that best describes the pressure at which the hazardous material is stored.
225. STORAGE TEMPERATURE - Check the one box that best describes the temperature at which the hazardous material is stored.
226. HAZARDOUS COMPONENTS 1-5 (% BY WEIGHT) - Enter the percentage weight of the hazardous component in a mixture. If a range of percentages is available, report the highest percentage in that range. (Report for components 2 through 5 in 230, 234, 238, and 242).
227. HAZARDOUS COMPONENTS 1-5 NAME - When reporting a hazardous material that is a mixture, list up to five chemical names of hazardous components in that mixture by percent weight (refer to MSDS or, in the case of trade secrets, refer to manufacturer). All hazardous components in the mixture present at greater than 1% by weight if non-carcinogenic, or 0.1% by weight if carcinogenic, should be reported. When reporting waste mixtures, mineral and chemical composition should be listed. (Report for components 2 through 5 in 231, 235, 239, and 243). For aqueous solutions containing one component, list the component and the percentage in the "CHEMICAL NAME" and leave the "HAZARDOUS COMPONENT" Section blank.
228. HAZARDOUS COMPONENTS 1-5 EHS - Check "Yes" if the component of the mixture is considered an Extremely Hazardous Substance as defined in 40 CFR, Part 355, or "No" if it is not. (Report for components 2 through 5 in 232, 236, 240, and 244.)
229. HAZARDOUS COMPONENTS 1-5 CAS - List the Chemical Abstract Service (CAS) numbers as related to the hazardous components in the mixture. (Repeat for 2-5.)
246. LOCALLY COLLECTED INFORMATION - Check these boxes if you are subject to the requirements listed.

HAZARDOUS MATERIALS BUSINESS PLAN


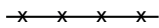







I. SITE MAP

Instructions



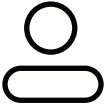




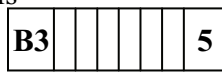

SITE MAP LAYOUT - Use 8-1/2 x 11 size **ONLY**. Use the Standardized Site Map Symbols and the Standardized Hazard Category Symbols only. Provide the following information on your site map:

1. Use 8-1/2 x 11-size paper only. For large facilities, consider using an overall layout on one page, followed by additional 8-1/2 x 11 pages showing individual buildings. (Exceptions to paper size must be approved by the HMD) MAPS ARE NOT REQUIRED TO BE DRAWN TO SCALE.
2. Site Map must be in ink or capable of making legible black and white photocopies. Do not use color coded legends. Do not scale down large documents (such as blue prints) unless the final product is clearly legible.
3. At the top of the Site Map, enter the business name; business site address; zip code; Thomas Brothers map coordinates; date; and Unified Program Facility Permit (UPFP) number.
4. Use a straight-edge, ruler or template to draw the map and symbols. All information (labels, symbols, writing, printing) placed on the site map must be legible and oriented in the same direction as the header.
5. Show structures in plan view from an overhead perspective. Show only the exterior walls of the structures. Indicate all exits and entrances to the structures. (Note: Diagramming of interior walls may be necessary for complex facilities).
6. In the upper left corner, indicate the direction of North by drawing an arrow through the N.
7. For rural areas, include an inset vicinity map of the area.
8. Diagram the streets or roads that provide access to the facility. Include driveway entrances and the nearest cross street.
9. Label internal roads, parking lots, and loading docks.
10. Label adjacent property usages (e.g., school, park, industrial, residential, commercial, vacant, etc.).

USE OF SITE MAP SYMBOLS - Include all applicable site map symbols on site map. Refer to standardized Site Map Symbol as provided in this packet.

- | | |
|--|---|
| <p>1. <u>Entrances/Exits:</u> Use this symbol for all exterior doors of structures, including roll-up doors.</p> |  |
| <p>2. <u>Fences:</u> Use this symbol for fences (e.g. chain link, wood, etc), block walls, or any other barriers that act as a fence. (Note: Include both external and internal fences)</p> |  |
| <p>3. <u>Safe Refuge Area (Evacuation Area, Staging Area):</u> Use this symbol to indicate the location that has been designated as the assembly area where plant or business personnel will assemble in the event of an emergency evacuation.</p> |  |
| <p>4. <u>Sewer Drain:</u> Use this symbol to show all sewer drains, including floor drains to sewer, sewer sumps, etc. (Note: Do not include toilets and sinks).</p> |  |
| <p>5. <u>Fire Hydrants:</u> Use this symbol to identify all fire hydrants in the vicinity of your facility.</p> |  |
| <p>6. <u>Storm Drain or Culvert:</u> Use this symbol to indicate the location of all storm drain inlets, culverts, drainage ditches, etc.</p> |  |
| <p>7. <u>F.D. Sprinkler System Connection:</u> Use this symbol to identify the building/structure fire department sprinkler system connections. (Note: Always located outside of a building accessible to the Fire Department. Do not include landscape sprinkler connections).</p> |  |
| <p>8. <u>F.D. Standpipe Outlet:</u> Use this symbol to identify the fire department standpipe fire hose connection. (Note: These connections are typically found inside buildings and in stairwells).</p> |  |
| <p>9. <u>Knox Box (F.D. Key Box):</u> Use this symbol to indicate the location of the Knox Box (a locked box containing keys and/or pertinent information for the Fire Department).</p> |  |

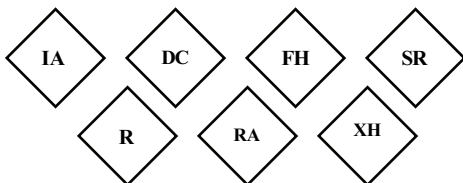
Site Map Instructions (continued)

10. **Underground Storage Tank Capacity:** Use this symbol for underground storage tanks and include the tank capacity within the symbol with the appropriate unit of measure as recorded on the hazardous materials inventory form. 
11. **Aboveground Storage Tank and Capacity:** Use the following symbols as indicated and include the tank capacity within the symbol with the appropriate unit of measure as recorded on the hazardous materials inventory form.
 Use this symbol for all plating and process tanks. 
 Use these symbols for all other aboveground storage tanks and choose the symbol which most appropriately represents the configuration of the aboveground storage tank. 
12. **Electric MAIN Shut Off:** Use this symbol to indicate only the electric **main** shut-off for the entire facility, structure, or building. 
13. **Gas MAIN Shut Off:** Use this symbol to indicate only the natural gas **main** shut-off for the entire facility, structure, or building. 
14. **Water MAIN Shut Off:** Use this symbol to indicate only the water **main** shut-off for the entire facility, structure, or building. 
15. **Annunciator Panel:** Use this symbol to indicate the location of the Annunciator Panel within the facility. An annunciator is equipment which indicates the zone or area of a building from which an alarm has been initiated or the location of an alarm-initiating device and the operational condition of the alarm circuits of the system. 
16. **Stairwell - Range of Floors (e.g., B thru 5):** Use this symbol to indicate stairwells in the interior of a structure or building. Indicate the floor the stairwells begin and end on. For roof access use the abbreviation R. For basement access use the abbreviation B and include the number of basement floors. 
17. **Elevator - Range of Floors (e.g., B thru R):** Use this symbol to indicate the elevators in the interior of a structure or building. Indicate the floor the elevator begins and ends on. For roof access use the abbreviation R and include the beginning floor level. For basement access use the abbreviation B and include the number of basement floors. 

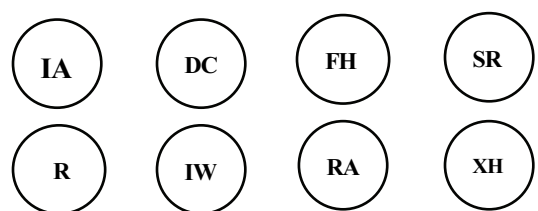
USE OF HAZARD CATEGORY SYMBOLS - Use these symbols to identify the location of hazardous materials stored in inventory quantities and hazardous wastes stored within your facility. (See Map Symbols Page 15).

Use your Material Safety Data Sheet or other available technical resources (i.e., 49 CFR 171.101) to determine the appropriate hazard class for each of your hazardous materials and hazardous wastes you handle on site.

Use the diamond symbol for hazardous materials



Use the circle symbol for hazardous wastes






HINTS FOR A BETTER SITE MAP:




- When drawing streets/intersections, use rounded corners.
- When drawing buildings, use right angles.




HMBP STANDARDIZED SITE MAP SYMBOLS*

SITE MAP SYMBOLS

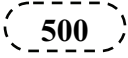


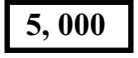
HAZARDOUS MATERIALS STORAGE/USE AREA SYMBOLS

ENTRANCE/EXIT 	FENCE 	SAFE REFUGE (Evacuation Area, Staging Area) 
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SEWER DRAIN 	FIRE HYDRANT 	STORM DRAIN OR CULVERT 
---	--	--




FIRE DEPT. SPRINKLER SYSTEM CONNECTION 	F.D. STANDPIPE OUTLET 	KNOX BOX (FIRE DEPT. KEY BOX) 
--	---	---

STORAGE TANKS AND CAPACITY

UNDERGROUND 	ABOVE GROUND  OR  OR 
---	--

MAIN UTILITY SHUT OFFS

ELECTRICAL 	GAS 	WATER 
--	---	---

ANNUNCIATOR PANEL 	STAIRWELL (i.e. 1 thru 3) 	ELEVATOR Range of Floors 1  3
---	---	--

IMMEDIATE (ACUTE) HEALTH HAZARD
An adverse effect resulting from a short-term exposure to a chemical. Includes highly toxic, toxic, irritant, sensitizers, corrosive chemicals. Examples: cyanide, hydrochloric acid, sodium hydroxide, chlorine gas.

DELAYED (CHRONIC) HEALTH
An adverse health effect resulting from long-term exposure to a substance. The effects could be a skin rash, bronchitis, cancer or any other medical condition. Examples include carcinogens such as benzene, formaldehyde, and methylene chloride.

FIRE HAZARD
Includes flammable liquids and solids, combustible liquids, pyrophorics and oxidizers. Examples include solvents like acetone and alcohol, solvent based paints, gasoline, naphtha solvent, acetylene gas cylinders, propane gas.
















SUDDEN RELEASE OF PRESSURE
This category includes explosives, blasting agents and compressed gases. Examples: nitrogen, oxygen, acetylene, helium, carbon dioxide, etc.

REACTIVE
This category includes unstable air reactive, water reactive or shock materials. Examples: organic peroxides, fine metal dusts like magnesium, aluminum, phosphorous, cyanides, sulfides and picric acid.

MEDICAL (INFECTIOUS) WASTE
Medical (Infectious) wastes generated in medical, dental and lab settings. Typically needles and syringes in sharps containers, infectious materials in biohazard bags, clinical and microbiological lab specimens and some pharmaceutical waste.

RADIOACTIVES
Includes mixed waste and radioactive sources used in labs and industrial settings. Examples include: Scintillation materials, nuclear medicine waste and R & D materials and waste.

EXTREMELY HAZARDOUS
Includes materials listed in Appendix A of Part 355 of Subchapter J of Chapter 1 of Title 40 of the Code of Federal Regulations. Examples include: Fluorine gases, Silane, Fumigation gases.

MATERIALS	WASTE
	
	
	
	
	
	Use the appropriate symbol from this column.
	
	
	

NOTE: Only use the above listed symbols on the site map. These symbols have been standardized throughout San Diego County and are meaningful to the local Fire Departments and Public Health Officials that will be responding in the case of an emergency.

THOMAS BROS COORDINATES 1262-F4

SITE MAP (Page 1 of 1)

UPFP# 123456

BUSINESS NAME Joe's Automotive Repair

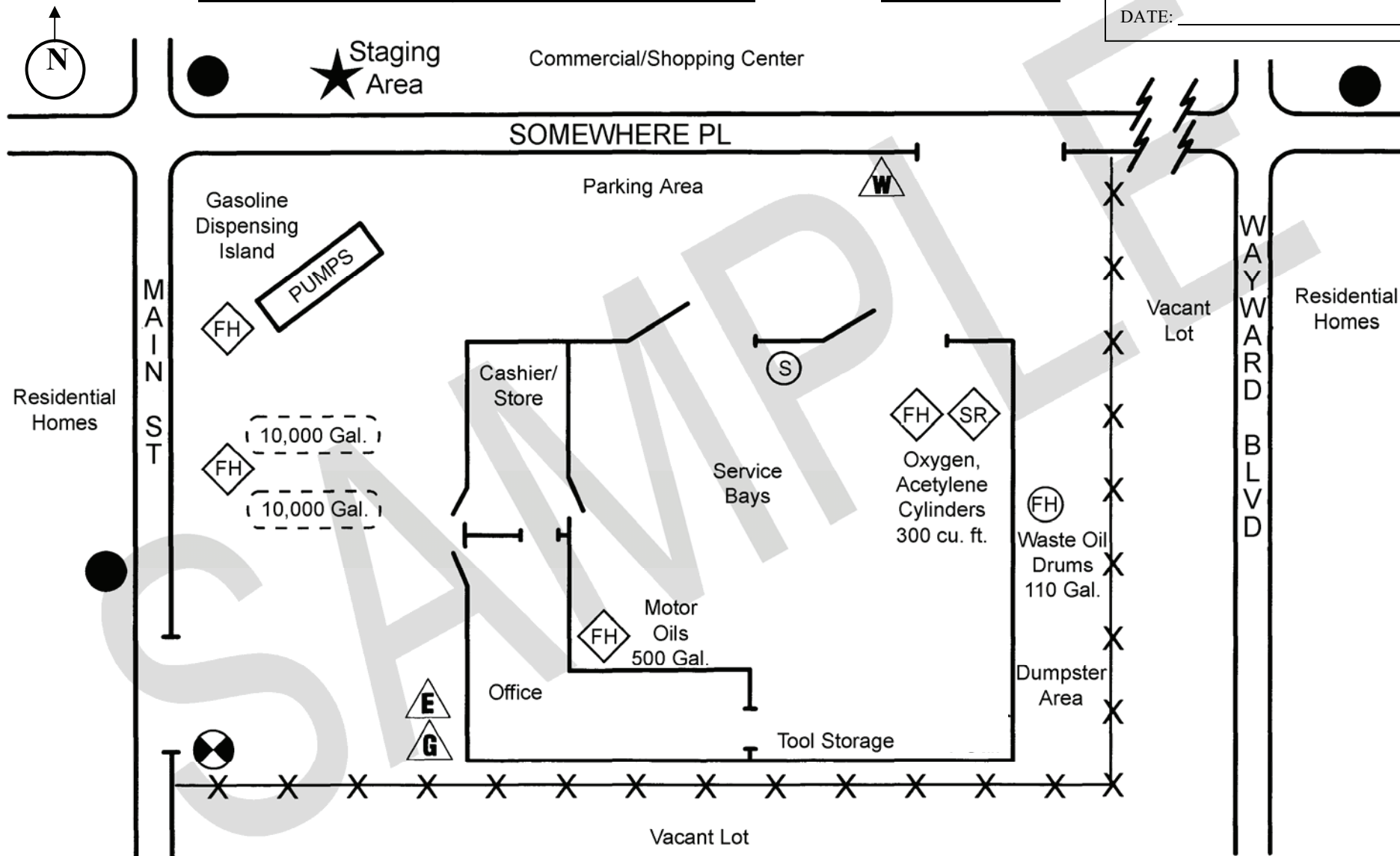
DATE 12-15-2009

BUSINESS ADDRESS 1234 Somewhere Pl., Anywhere, CA

ZIP CODE 91904

OFFICE USE ONLY	
REVIEWED BY:	_____
DATE:	_____

NOT FOR PUBLIC DISCLOSURE



HAZARDOUS MATERIALS BUSINESS PLAN

II. EMERGENCY RESPONSE PLAN

The Emergency Response Plan must include:

1. Procedures for mitigating a hazardous materials release.
2. Procedures and equipment for minimizing the potential damage of a hazardous materials release.
3. Provisions for immediate notification of the HMD, the California Emergency Management Agency (Cal EMA), and other emergency response personnel as required (e.g., local fire department or paramedics).
4. Evacuation plans and procedures for notification of personnel at the business site.

Instructions for completing the Emergency Response Plan

At the top of the Emergency Response Plan enter the date. Spaces are provided for your Unified Program Facility Permit (UPFP) number, please enter the number if known.

1. Enter business name.
2. Enter business site address.
3. Enter business telephone, including area code. Include a 24-hour number, if applicable.
4. Enter a brief description of product manufactured and/or business operations. For example: electroplating, storage, automotive repair, hospital, medical device manufacturing, etc.
5. Outline procedures for immediate evacuation of the facility. Include the following:
 - a. Type of alarm signals (bells, horns, sirens, shouting, etc.) used to start an evacuation and indicate what alarms are used to give the all-clear signal.
 - b. If your facility is large or has several buildings, describe any different alarms used for specific parts of the facility.
 - c. Evacuation routes, emergency exits, and staging areas. Include alternate routes, exits, and staging areas. Clearly note them on your site map.
 - d. Identify areas of the facility where releases could occur or which would require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.
 - e. Identify mechanical systems where releases could occur or which would require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.
 - f. Indicate if periodic evacuation drills are practiced to help employees become better prepared for emergencies.
6. Enter the name of the person(s) responsible for completing emergency notifications. Identify the local emergency medical assistance appropriate for potential accident scenarios.
7. Describe procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment. Include equipment and resources for use in emergency situations such as communications and containment equipment, automatic monitoring or fire control devices, onsite spill response teams or prearranged contracts with a spill response company. If procedures are different for spills/emergencies of different magnitude, outline the procedures to be followed in each situation, including the criteria for using a particular procedure. Indicate the personnel who will assist emergency response agencies onsite and any information that would assist them when they arrive.

HAZARDOUS MATERIALS BUSINESS PLAN

II. EMERGENCY RESPONSE PLAN

SAMPLE

Date: MONTH-DAY-YEAR

UPFP#: 123456

1. Business Name: JOE'S AUTOMOTIVE REPAIR
2. Business Site Address: 1000 FIRST AVENUE, ANY CITY, CA 92000
3. Business Telephone: (619) 555-1212 24-Hour: (619) 555-1255
4. Brief description of product manufactured and/or service provided: AUTO REPAIR
5. Evacuation Procedures: Notify employees to evacuate by shouting or fire alarm. Employees will exit through nearest exterior door and meet at staging area located across Fern street in front of grocery store. Emergency Coordinators will be available at staging area to assist Emergency Responders.
6. Notification Procedures: In the event of a release or threatened release of a hazardous material the following agencies are to be notified.

	Phone #
A. Local Emergency Response Agencies	911
B. Hazardous Materials Division (HMD)	(858) 505-6657 (after hours follow recorded instructions)
C. California Emergency Management Agency (Cal EMA) (California State Warning Center)	(916) 845-8911; (800) 852-7550
D. _____ (Local Hospital or Medical Center)	_____

Name of person(s) responsible for completing notifications JOE JONES/JOHN SMITH

Describe notification procedures:

- Notify agencies and call Clean-Up contractor as needed.

Contractor's Name/Phone: Select a Clean-Up contractor and indicate Name & Phone No.

7. Emergency Procedures: Main Concerns: Fire Or Chemical Spill.

FIRE

- Evacuate site if necessary.
- Employees will notify local fire department.
- If safe, employees will shut off power and attempt to control fire using fire extinguishers.

SMALL SPILL

- Chemicals will be picked up with absorbent materials by employees using proper protective clothing and safety equipment.
- Waste will be placed in a labeled waste drum.

LARGE SPILL

- Evacuate site if necessary. Employers will notify fire department.
- If safe, trained employees using proper safety equipment will attempt to prevent spill from entering storm drain or running off-site. Contact Clean-Up contractor to remove spill as necessary.

Reporting the Release of Hazardous Materials

Release reporting is required by several state and federal laws. The Hazardous Materials Division, as the local CUPA, is responsible for ensuring that persons, who are required by law or regulation to report a release, do make an accurate report in a timely manner.

What is a reportable release of hazardous materials?

There are two types of hazardous materials releases that must be reported; a threatened release and a significant release.

A threatened release is not a release. It is a condition that creates a substantial probability of harm and makes it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment. For example:

- *A hazardous material or waste storage tank becomes unstable, and it begins to tilt off center or lean to one side. The tank is in danger of falling over and releasing its contents to the floor or ground.*
- *A valve on a tank or on piping has corroded and it could fail under normal operating conditions.*

A significant release is subjective. All significant releases must be reported.

Whether a release is significant depends on a variety of factors, including the following: *the amount, the hazardousness of the material or waste, and/or the proximity of sensitive receptors such as schools, nursing homes, etc.* See checklist below for examples of reportable and non-reportable releases.

Reporting a release

After the initial immediate measures have been taken to protect human health and the environment, *report the release at once to the following agencies in accordance with State and Federal law.

1. Call 911 for emergency assistance. This usually results in a fire department response and the local CUPA
2. Call California Emergency Management Agency (Cal EMA), 800-852-7550, 916-845-8991
3. Call the local CUPA at 858-505-6657
4. If a release exceeds the federal reportable quantity (RQ), call the National Response Center (NRC), 800-424-8802.

Mandatory release reports

A release of a reportable quantity (RQ) of a hazardous material must be reported. RQs are listed in the CERCLA "List of Lists". This document is maintained by the United States Environmental Protection Agency and is available at <http://www.epa.gov/ceppo/pubs/title3.pdf> Another way to determine if a RQ has been exceeded is to use the Department of Energy's RQ calculator, an online tool at <http://homer.ornl.gov/rq/>

NOTE: Ensure that adequate and appropriate spill containment and mitigation equipment is on hand. It is advisable to periodically check all the hazardous materials stored or used at a facility. Determine the RQs and likely release reporting scenarios in advance. This information could be included in the facility release reporting notification procedures. Flow charts or a list of questions might aid facility personnel in this task.

Determining if a release is reportable. These sample questions can be used to determine if a release is reportable:

- Is it a hazardous material?**

This can be any hazardous substance used in your business or any hazardous waste that is generated by your business.

- Is there a threatened release?**

Was it necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment?

- Is there an actual significant release?**

- Is the release reportable per federal or state laws and/or regulations?**

Examples of significant releases	Examples of Releases <u>within</u> a facility's boundaries that that may not be significant:
<ul style="list-style-type: none"> <input type="checkbox"/> <i>Hazardous material releases that exceed reportable quantities, or</i> <input type="checkbox"/> <i>Result in an emergency response, or</i> <input type="checkbox"/> <i>Cause injury, or</i> <input type="checkbox"/> <i>Go offsite, or</i> <input type="checkbox"/> <i>Are released into the environment</i> 	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Present no health or safety hazard, or</i> <input type="checkbox"/> <i>Do not harm environment, or</i> <input type="checkbox"/> <i>Do not enter atmosphere, or</i> <input type="checkbox"/> <i>Are completely contained onsite</i> <input type="checkbox"/> <i>Are completely recovered or removed quickly, or</i> <input type="checkbox"/> <i>Do not require additional PPE to be worn</i>

How to follow up after a release:

- Revise the initial release report as necessary to accurately portray the situation.
- Review and revise release response plans if they were not completely effective tools during the emergency.

*For additional hazardous materials release reporting information, review the 2010 California Emergency Management Agency's Hazardous Materials Spill/Release Notification Guidance at: [http://www.oes.ca.gov/WebPage/oeswebsite.nsf/ClientOESFileLibrary/Hazardous%20Materials/\\$file/Spill%20Notification%20Booklet%20Aug-2010.pdf](http://www.oes.ca.gov/WebPage/oeswebsite.nsf/ClientOESFileLibrary/Hazardous%20Materials/$file/Spill%20Notification%20Booklet%20Aug-2010.pdf) or you may call the Hazardous Materials Duty Desk for San Diego County for a referral to your area's inspection staff at 858-505-6880.

HAZARDOUS MATERIALS BUSINESS PLAN

III. EMPLOYEE TRAINING

The Employee Training program must take into consideration the type of work activity, and the level of responsibility of the employees subject to training. The training program should be reasonable and appropriate for the size of the business and the nature of the hazardous materials handled at this site. This training should include the following topics:

- 1) Procedures for safe handling of hazardous materials, including hazardous wastes
- 2) Procedures for communication and coordination with emergency response agencies
- 3) Use of Emergency Response Equipment
- 4) Emergency Response Plan implementation.

Instructions for completing the Employee Training Description

Complete all sections of the Employee Training Description. For each training topic complete the following training elements:

Persons Trained - List the job classifications or names of the persons that receive training in this topic.

Training Time - State the amount of time spent for this training. Indicate if different employees receive different amounts.

Refresher Frequency - State how often the training is repeated after the initial training (state law requires an annual refresher at a minimum)

Refresher Time - State the amount of time spent for the refresher training.

Training Content - Briefly describe the information covered in the training on this topic. If different information is covered for employees with different job duties, indicate this in your description.

Small Quantity Generator {Less than 1,000 kg (2,200 lb)/month}.

If a business generates hazardous waste, then the business owner/operator must ensure all employees are thoroughly familiar with proper waste handling and emergency procedures. Although the business owner/operator is not required to document or record training sessions related to hazardous waste management, written documentation with signatures of training is strongly recommended. For more information about the types of hazardous waste generators, please see full definition in the General Hazardous Waste Requirements publication HM-9097.

Large Quantity Generator {1,000 kg (2,200 lb)/month} or more.

If a business generates more than 1000 kg (2,200 lbs) of hazardous waste per month, the business owner/operator must have a hazardous waste training program. This program may include classroom training or on the job instructions.

At a minimum, the training program must be designed to ensure facility personnel are able to respond effectively to emergencies by familiarizing them with emergency systems. Furthermore, if applicable, the program shall include procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems, response to fire or explosion; response to ground water contamination incidents; and shutdown of operations. The program must include job titles, job descriptions, and specific training for each position.

All employees must be trained within six months from the date of employment or assignment to facility or new position at a facility. The business owner/operator must conduct an annual “refresher” training session on hazardous waste management and emergency procedures. All training sessions must be documented and the training records must be kept on-site. These records will be reviewed during compliance inspections.

HAZARDOUS MATERIALS BUSINESS PLAN

SAMPLE

III. EMPLOYEE TRAINING

Date: MONTH-DAY-YEAR
UPFP#: 123456

EMPLOYEE TRAINING DESCRIPTION

The following describes the employee training provided for all employees that handle hazardous substances.

1. **Training Topic** - Procedures for handling hazardous materials, including hazardous wastes:

Persons Trained: MECHANICS

Training Time: 1-2 HOURS **Refresher Frequency:** ANNUALLY **Refresher Time:** 1 HOUR

Training Content:

- Proper management procedures for hazardous materials, including review of material safety data sheets and safety procedures for materials handling.
- Proper procedures for hazardous waste management, including storage, labeling, and disposal procedures.
- Record keeping requirements.

2. **Training Topic** - Procedures for communication and coordination with emergency response agencies:

Persons Trained: EMERGENCY COORDINATOR, ALTERNATE AND OWNER

Training Time: 1 HOUR **Refresher Frequency:** ANNUALLY **Refresher Time:** 1 HOUR

Training Content:

- Emergency response plan communication and notification procedures.
- Coordination with emergency services: fire department, paramedics and/or clean-up contractor.

3. **Training Topic** - Use of emergency response equipment and materials under the business control:

Persons Trained: MECHANICS

Training Time: 1-2 HOURS **Refresher Frequency:** ANNUALLY **Refresher Time:** 1 HOUR

Training Content:

- Annual inspection and maintenance of safety equipment (fire extinguishers, eye wash stations, gloves, safety glasses, etc.).
- Proper use of safety equipment
- Proper use of spill control equipment (absorbent, hydrophobic mops, etc.)

For a more detailed list of safety and spill control equipment see page xx (formerly known as 24)

Training Topic - Emergency Response Plan implementation:

4. **Persons Trained:** ALL EMPLOYEES

Training Time: 1-2 HOURS **Refresher Frequency:** ANNUALLY **Refresher Time:** 1 HOUR

Training Content:

- Location of the emergency response plan
- Emergency response plan evacuation procedures
- Location of emergency shut-off switches and specific responsibilities of all employees

A drill encompassing safety and spill equipment operation procedures is used by some employers to train employees and improve their emergency response skills.

IV. HAZARDOUS WASTE CONTINGENCY PLAN REQUIREMENTS

Hazardous Waste Generators Only

Every hazardous waste generator is required to have an emergency contingency plan. A written Hazardous Waste Contingency Plan is a program designed to minimize hazards to human health and the environment from fires, explosions or an unplanned sudden release of a hazardous waste. This program is developed by the facility owner or operator and establishes actions that must be immediately implemented during an emergency situation. The type of contingency plan depends on the amount and types of waste generated at the facility.

Contingency Plan Requirements for Large Quantity Generators

A Large Quantity Generator (LQG) must complete a Contingency Plan as described in Title 22 of the California Code of Regulations, including the following components:

1. Emergency Procedure to be initiated by Emergency Coordinator including Spill Notification
2. A Coordination with Emergency Responses agencies
3. List of Emergency Coordinators
4. List of Emergency Equipment and required Maintenance/Testing
5. Evacuation Plan
6. Current phone of the California Emergency Management Agency **(916) 845-8911; 800-852-7550**
7. A written Employee Training Program, including documentation.

This plan must be maintained at your facility and you must coordinate with the Department of Environmental Health, Hazardous Materials Division (DEH-HMD). During routine inspections this plan will be reviewed. It is your responsibility to ensure that the plan is kept current and that emergency coordinator changes are submitted to DEH-HMD within 30 days. The DEH-HMD works in conjunction with first response agencies integrating the information provided into the area emergency response plan.

Contingency Plan Requirements for Small Quantity Generators

Generator must post the following information next to the telephone: (see form on next page)

1. The name and telephone number of the emergency coordinator;
2. Location of fire extinguishers and spill control material, and, if present, fire alarm; and
3. The telephone number of the fire department, unless the facility has an alarm that goes directly to their local fire department.

Training Requirements: To meet the contingency plan requirements, SQGs must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

Emergency Response Requirements: The Emergency Coordinator or the Emergency Coordinator's designee must respond to any emergencies that arise. The applicable responses are as follows:

1. In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
2. In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
3. In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the California Emergency Management Agency (using their 24-hour toll free number (800) 852-7550) and the San Diego County DEH-HMD at (858) 505-6657.

The report must include the following information:

- The name, address, and U.S. EPA Identification Number of the generator;
- Date, time, and type of incident (*e.g.*, spill or fire);
- Quantity and type of hazardous waste involved in the incident;
- Extent of injuries, if any; and
- Estimated quantity and disposition of recovered materials, if any.

**IV. HAZARDOUS WASTE CONTINGENCY PLAN REQUIREMENTS
Hazardous Waste Generators Only**

SAMPLE CONTINGENCY PLAN FOR SMALL QUANTITY GENERATORS

EMERGENCY PROCEDURES - POST NEAR TELEPHONE

In case of a fire, spill, or other emergency involving hazardous chemicals or waste, do the following:

Major Emergency

- Evacuate the affected areas per the facility Evacuation Plan
- Call 911** and report the emergency to DEH-HMD and Cal EMA
- Report the emergency to the facility Emergency Coordinator

Minor Emergency

- Try to control the emergency if you are trained to do so and can do it safely
- Report the emergency to the facility Emergency Coordinator (EC)

For Release Reporting see Emergency Contacts below

Facility Emergency Coordinators	NAME	WORK PHONE	CELLULAR PHONE/PAGER	HOME PHONE
Primary	John Jones	619-123-4567	619-123-4570	619-123-4573
Alternate #1	Charlie Smith	619-123-4568	619-123-4571	619-123-4574
Alternate #2	Gladys Johnson	619-123-4569	619-123-4572	619-123-4575

EMERGENCY CONTACTS

AGENCY	Telephone Number
Fire Department, Ambulance, Police	9 1 1
San Diego County Hazardous Materials Division	(858) 505-6657
California Emergency Management Agency (Cal EMA) (California State Warning Center)	(800) 852-7550 (916) 845-8911
Local Non-emergency Police/Sheriff/Fire (Optional)	(619) 000-0000
Hazardous Waste Clean-Up Contractor (Optional)	(619) 111-1111
Medical Facility (Optional - Hospital, Urgent Care Clinic, etc.)	(619) 222-2222

EMERGENCY EQUIPMENT

Locations of fire extinguishers, fire alarms (if any), and equipment for controlling chemical spills are shown on the facility site plan posted with this notice. Locations (optional) of electrical gas and water shut-offs, are also shown on the posted facility plan.

NOTE: Ensure that employees are familiar with these emergency and evacuation procedures. An emergency coordinator must be available 24-hours to assist emergency response personnel.

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HAZARDOUS MATERIALS BUSINESS PLAN

SECTION V

FORMS TO COMPLETE

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Hazardous Materials Inventory - Chemical Description

You must complete a separate Hazardous Materials Inventory - Chemical Description page for each hazardous material (hazardous substances and hazardous waste) that you handle at your facility in aggregate quantities equal to or greater than 500 pounds, 55 gallons, 200 cubic feet of gas (calculated at standard temperature and pressure) or the federal threshold planning quantity for Extremely Hazardous Substances, whichever is less. Also complete a page for each radioactive material handled over quantities for which an emergency plan is required to be adopted pursuant to 10 CFR Parts 30, 40, or 70. The completed inventory should reflect all reportable quantities of hazardous materials at your facility, reported **separately** for each building or outside adjacent area, with **separate** pages for unique occurrences of physical state, storage temperature and storage pressure. (Note: the numbering of the instructions follows the data element numbers that are on the Unified Program Consolidated Form (UPCF) pages. These data element numbers are used for electronic submission and are the same as the numbering used in Division 3, Electronic Submittal of Information. Please number all pages of your submittal. This helps your CUPA or AA identify whether the submittal is complete and if any pages are separated.

1. FACILITY ID NUMBER - Enter your 6 character Permit # from your Unified Program Facility Permit (UPFP). If you do not have a Unified Program Facility Permit, leave this blank.
3. BUSINESS NAME - Enter the full legal name of the business. This is the same as the terms "Facility Name" or "DBA" - Doing Business As.
200. ADD/DELETE/ REVISE - Indicate if the material is being added to the inventory, deleted from the inventory, or if the information previously submitted is being revised.
NOTE: You may choose to leave this blank if you resubmit your entire inventory.
201. CHEMICAL LOCATION - Do not complete this section. Your site map/plan identifies the location of where the hazardous material is stored. NOTE: This information is not subject to public disclosure pursuant to HSC 25506.
202. CHEMICAL LOCATION CONFIDENTIAL - EPCRA - All businesses which are subject to the Emergency Planning and Community Right to Know Act (EPCRA) must check "Yes" to keep chemical location information confidential. If the business does not wish to keep chemical location information confidential check "No".
203. MAP NUMBER - Do not complete this section. This number is NOT USED. Your site map/plan identifies the location of where the hazardous material is stored.
204. GRID NUMBER - Do not complete this section. Grid coordinates are NOT USED. Your site map/plan identifies the location of where the hazardous material is stored.
205. CHEMICAL NAME - Enter the proper chemical name associated with the Chemical Abstract Service (CAS) number of the hazardous material. This should be the International Union of Pure and Applied Chemistry (IUPAC) name found on the Material Safety Data Sheet (MSDS). NOTE: If the chemical is a mixture, do not complete this field; complete the "COMMON NAME" field instead. For aqueous solutions containing one hazardous component, list the component and the percentage in the "CHEMICAL NAME" and leave the "HAZARDOUS COMPONENT" Section blank.
206. TRADE SECRET - Check "Yes" if the information in this section is declared a trade secret, or "No" if it is not.
State requirement: If yes, and business is not subject to EPCRA, disclosure of the designated trade secret information is bound by HSC §25511.
Federal requirement: If yes, and business is subject to EPCRA, disclosure of the designated Trade Secret information is bound by 40 CFR and the business must submit a "Substantiation to Accompany Claims of Trade Secrecy" form (40 CFR 350.27) to USEPA.
207. COMMON NAME - Enter the common name or trade name of the hazardous material or mixture containing a hazardous material. Each hazardous component of the mixture will be listed below in the "HAZARDOUS COMPONENT" Section.
208. EHS - Check "Yes" if the hazardous material is an Extremely Hazardous Substance (EHS), as defined in 40 CFR, Part 355, Appendix A. If the material is a mixture containing an EHS, leave this section blank and complete the section on hazardous components below.
209. CAS # - Enter the Chemical Abstract Service (CAS) number for the hazardous material. For mixtures, enter the CAS number of the mixture if it has been assigned a number distinct from its components. If the mixture has no CAS number, leave this column blank and report the CAS numbers of the individual hazardous components in the appropriate section below. Use the CAS# format with hyphens and do not use leading zeros. Example: 12345-67-8.
210. FIRE CODE HAZARD CLASSES - This information is not required by San Diego County at this time.
211. HAZARDOUS MATERIAL TYPE - Check the one box that best describes the type of hazardous material: pure, mixture or waste. If waste material, check only that box. If mixture or waste, complete hazardous components section.
212. RADIOACTIVE - Check "Yes" if the hazardous material is radioactive or "No" if it is not.
213. CURIES - If the hazardous material is radioactive, use this area to report the activity in curies. You may use up to nine digits with a floating decimal point to report activity in curies.
214. PHYSICAL STATE - Check the one box that best describes the state in which the hazardous material is handled: solid, liquid or gas.
215. LARGEST CONTAINER - Enter the total capacity of the largest container in which the material is stored. Use the units reported in #221. Enter only the numeric value of the units in this box.
216. FEDERAL HAZARD CATEGORIES - Check all categories that describe the physical and health hazards associated with the hazardous material.

PHYSICAL HAZARDS

Fire: Flammable Liquids and Solids, Combustible Liquids, Pyrophorics, Oxidizers
Reactive: Unstable Reactive, Organic Peroxides, Water Reactive, Radioactive
Pressure Release: Explosives, Compressed Gases, Blasting Agents

HEALTH HAZARDS

Acute Health (Immediate): Highly Toxic, Toxic, Irritants, Sensitizers, Corrosives, other hazardous chemicals with an adverse effect with short term exposure
Chronic Health (Delayed): Carcinogens, other hazardous chemicals with an adverse effect with long-term exposure

217. AVERAGE DAILY AMOUNT - Calculate the average daily amount of the hazardous material or mixture containing a hazardous material, in each building or adjacent/outside area. Calculations shall be based on the previous year's inventory of material reported on this page. Total all daily amounts and divide by the number of days the chemical will be on site. If this is a material that has not previously been present at this location, the amount shall be the average daily amount you project to be on hand during the course of the year. OR: the amount can be calculated using the following examples: If you order four drums (220 gallons) of a hazardous material every month and use it within the month, your calculated average daily amount would be half the monthly order which is equal to two drums or 110 gallons. OR: If your hazardous material is stored in a process tank that is 500 gallons and the level never changes, then your average daily amount would be 500 gallons. This amount should be consistent with the units reported in box 221 and should not exceed that of maximum daily amount.
218. MAXIMUM DAILY AMOUNT - Enter the maximum amount of each hazardous material or mixture containing a hazardous material, which is handled in a building or adjacent/outside area at any one time over the course of the year. This amount must contain at a minimum last year's inventory of the material reported on this page, with the reflection of additions, deletions, or revisions projected for the current year. This amount should be consistent with the units reported in box 221.
219. ANNUAL WASTE AMOUNT - If the hazardous material being inventoried is a waste, provide an estimate of the annual amount handled.
220. STATE WASTE CODE - If the hazardous material is a waste, enter the appropriate California 3-digit hazardous waste code as listed on the back of the Uniform Hazardous Waste Manifest.
221. UNITS - Check the unit of measure that is most appropriate for the material being reported on this page: gallons, pounds, cubic feet or tons. NOTE: If the material is a federally defined Extremely Hazardous Substance (EHS), all amounts must be reported in pounds. If material is a mixture containing an EHS, report the units that the material is stored in (gallons, pounds, cubic feet, or tons).
222. DAYS ON SITE - List the total number of days during the year that the material is on site.
223. STORAGE CONTAINER - Check all boxes that describe the type of storage containers in which the hazardous material is stored. NOTE: If appropriate, you may choose more than one.
224. STORAGE PRESSURE - Check the one box that best describes the pressure at which the hazardous material is stored.
225. STORAGE TEMPERATURE - Check the one box that best describes the temperature at which the hazardous material is stored.
226. HAZARDOUS COMPONENTS 1-5 (% BY WEIGHT) - Enter the percentage weight of the hazardous component in a mixture. If a range of percentages is available, report the highest percentage in that range. (Report for components 2 through 5 in 230, 234, 238, and 242.)
227. HAZARDOUS COMPONENTS 1-5 NAME - When reporting a hazardous material that is a mixture, list up to five chemical names of hazardous components in that mixture by percent weight (refer to MSDS or, in the case of trade secrets, refer to manufacturer). All hazardous components in the mixture present at greater than 1% by weight if non-carcinogenic, or 0.1% by weight if carcinogenic, should be reported. When reporting waste mixtures, mineral and chemical composition should be listed. (Report for components 2 through 5 in 231, 235, 239, and 243). For aqueous solutions containing one component, list the component and the percentage in the "CHEMICAL NAME" and leave the "HAZARDOUS COMPONENT" Section blank.
228. HAZARDOUS COMPONENTS 1-5 EHS - Check "Yes" if the component of the mixture is considered an Extremely Hazardous Substance as defined in 40 CFR, Part 355, or "No" if it is not. (Report for components 2 through 5 in 232, 236, 240, and 244.)
229. HAZARDOUS COMPONENTS 1-5 CAS - List the Chemical Abstract Service (CAS) numbers as related to the hazardous components in the mixture. (Repeat for 2-5.)
246. LOCALLY COLLECTED INFORMATION - Check these boxes if you are subject to the requirements listed.



**COUNTY OF SAN DIEGO CUPA
DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISION
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
(858) 505-6880 FAX (858) 505-6848**

BUSINESS OWNER/OPERATOR IDENTIFICATION

Page ____ of ____

I. IDENTIFICATION

FACILITY ID #	3	7	0	0	0											BEGINNING DATE	100	ENDING DATE	101			
BUSINESS NAME (Same as FACILITY NAME or DBA – Doing Business As)																	3	BUSINESS PHONE		102		
BUSINESS SITE ADDRESS																	103	BUSINESS FAX		102a		
BUSINESS SITE CITY														104	CA	ZIP CODE		105	COUNTY		108	
DUN & BRADSTREET																106	PRIMARY SIC		107	PRIMARY NAICS		107a
BUSINESS MAILING ADDRESS																				108a		
BUSINESS MAILING CITY														108b	STATE		108c	ZIP CODE		108d		
BUSINESS OPERATOR NAME																	109	BUSINESS OPERATOR PHONE		110		

II. BUSINESS OWNER

OWNER NAME																	111	OWNER PHONE		112
OWNER MAILING ADDRESS																				113
CITY														114	STATE		115	ZIP CODE		116

III. ENVIRONMENTAL CONTACT

CONTACT NAME																	117	CONTACT PHONE		118
CONTACT MAILING ADDRESS																	119	CONTACT EMAIL*		119a
CITY														120	STATE		121	ZIP CODE		122

–PRIMARY–

IV. EMERGENCY CONTACTS

–SECONDARY–

NAME												123	NAME		128
TITLE												124	TITLE		129
BUSINESS PHONE												125	BUSINESS PHONE		130
24-HOUR PHONE*												126	24-HOUR PHONE*		131
PAGER #												127	PAGER #		132

ADDITIONAL LOCALLY COLLECTED INFORMATION:																			
E-MAIL: *										E-MAIL: *									

***This information will remain confidential.**
ALWAYS SUBMIT A COPY OF THIS COMPLETED PAGE WITH SUBMITTAL OF ANY OTHER UNIFIED PROGRAM CONSOLIDATED FORM.

Certification: Based on my inquiry of those individuals responsible for obtaining the information, I certify under penalty of law that I have personally examined and am familiar with the information submitted and believe the information is true, accurate, and complete.

SIGNATURE OF OWNER/OPERATOR OR DESIGNATED REPRESENTATIVE												DATE	134	NAME OF DOCUMENT PREPARER		135
NAME OF SIGNER (print)												136	TITLE OF SIGNER		137	

Business Owner/Operator Identification

Please submit the Business Activities page, the Business Owner/Operator Identification page, and Hazardous Materials - Chemical Description pages for all hazardous materials inventory submissions. For the inventory to be considered complete this page must be signed by the appropriate individual. (Note: the numbering of the instructions follows the data element numbers that are on the Unified Program Consolidated Form (UPCF) pages. These data element numbers are used for electronic submission and are the same as the numbering used in Division 3, Electronic Submittal of Information.) Please number all pages of your submittal. This helps your CUPA or AA identify whether the submittal is complete and if any pages are separated.

ALWAYS SUBMIT A COPY OF THIS COMPLETED PAGE WITH SUBMITTAL OF ANY OTHER UNIFIED PROGRAM CONSOLIDATED FORM.

1. FACILITY ID NUMBER - Enter your 6 character Permit # on your Unified Program Facility Permit (UPFP). If you do not have a Unified Program Facility Permit, leave this blank.
 3. BUSINESS NAME - Enter the full legal name of the business. This is the same as the terms "Facility Name" or "DBA" - Doing Business As.
 100. BEGINNING DATE - Enter the beginning year and date (YYYYMMDD) of the inventory report, recyclable materials report, or on-site tiered permitting report for PBR sites.
 101. ENDING DATE - Enter the ending year and date (YYYYMMDD) of the reports identified in #100.
 102. BUSINESS PHONE - Enter the phone number, area code first, and any extension.
 - 102a. BUSINESS FAX - Enter the business fax number, area code first.
 103. BUSINESS SITE ADDRESS - Enter the street address where the facility is located. No post office box numbers are allowed. This information must provide a means to geographically locate the facility. If the mailing address is different, complete #108a- #108d.
 104. CITY - Enter the city or unincorporated area in which business site is located.
 105. ZIP CODE - Enter the zip code of business site. The zip + 4 may also be added.
 106. DUN & BRADSTREET - Enter the Dun & Bradstreet number for the facility. If you do not have one, leave this field blank.
 107. PRIMARY SIC NUMBER - Enter the primary Standard Industrial Classification system number for primary business activity. Required for EPCRA. NOTE: If code is more than 4 digits, report only the first four.
 - 107a. PRIMARY NAICS NUMBER - Enter the primary North American Industrial Classification System number.
 108. COUNTY - Enter the county in which the business site is located.
 - 108a. BUSINESS MAILING ADDRESS - Enter the mailing address to be used for all official business correspondence. This mailing address must be filled in.
 - 108b. BUSINESS MAILING CITY - Enter the name of the city for the business mailing address.
 - 108c. STATE - Enter the two character abbreviation of the state for the business mailing address.
 - 108d. ZIP CODE - Enter the zip code for the business mailing address. The zip + 4 may also be added.
 109. BUSINESS OPERATOR NAME - Enter the name of the business operator which is the name used for mailing correspondence.
 110. BUSINESS OPERATOR PHONE - Enter business operator phone number, if different from business phone, area code first, and any extension.
 111. BUSINESS OWNER NAME - Enter name of business owner, if different from business operator.
 112. BUSINESS OWNER PHONE - Enter the business owner's phone number if different from business phone, area code first, and any extension.
 113. BUSINESS OWNER MAILING ADDRESS - Enter the owner's mailing address where business related correspondence should be sent, if different from business site address.
 114. BUSINESS OWNER CITY - Enter the name of the city for the owner's mailing address.
 115. BUSINESS OWNER STATE - Enter the 2 character state abbreviation for the owner's mailing address.
 116. BUSINESS OWNER ZIP CODE - Enter the zip code for the owner's address. The zip + 4 may also be added.
 117. ENVIRONMENTAL CONTACT NAME - Enter the name of the person who receives all environmental correspondence.
 118. CONTACT PHONE - Enter the phone number at which the environmental contact area code first, and any extension.
 119. CONTACT MAILING ADDRESS - Enter the mailing address where all environmental contact correspondence should be sent.
 - 119a. CONTACT EMAIL - Enter the email address of the environmental contact in 117, if the contact has one.
 120. CONTACT MAILING CITY - Enter the name of the city for the environmental contact's mailing address.
 121. STATE - Enter the 2 character state abbreviation for the environmental contact's mailing address.
 122. ZIP CODE - Enter the zip code for the environmental contact's mailing address. The zip + 4 may also be added.
 123. PRIMARY EMERGENCY CONTACT NAME - Enter the name of a representative that can be contacted in case of an emergency involving hazardous materials at the business site. The contact shall have FULL facility access, site familiarity, and authority to make decisions for the business regarding incident mitigation.
 124. TITLE - Enter the title of the primary emergency contact.
 125. BUSINESS PHONE - Enter the business number for the primary emergency contact, area code first, and any extension.
 126. 24-HOUR PHONE - Enter a 24-hour phone number for the primary emergency contact. The 24-hour phone number must be one which is answered 24 hours a day. If it is not the contact's home phone number, then the service answering the phone must be able to immediately contact the individual stated above.
 127. PAGER NUMBER - Enter the pager number for the primary emergency contact, if available.
 128. SECONDARY EMERGENCY CONTACT NAME - Enter the name of a secondary representative that can be contacted in the event that the primary emergency contact is not available. The contact shall have FULL facility access, site familiarity, and authority to make decisions for the business regarding incident mitigation.
 129. TITLE - Enter the title of the secondary emergency contact.
 130. BUSINESS PHONE - Enter the business telephone number for the secondary emergency contact, area code first, and any extension.
 131. 24-HOUR PHONE - Enter a 24-hour phone number for the secondary emergency contact. The 24-hour phone number must be one that is answered 24 hours a day. If it is not the contact's home phone number, then the service answering the phone must be able to immediately contact the individual stated above.
 132. PAGER NUMBER - Enter the pager number for the secondary emergency contact, if available.
 133. ADDITIONAL LOCALLY COLLECTED INFORMATION - This space may be used for CUPAs or AAs to collect any additional information necessary to meet the requirements of their individual programs. Contact your local agency for guidance.
 134. DATE - Enter the date that the document was signed. (YYYYMMDD)
 135. NAME OF DOCUMENT PREPARER - Enter the full name of the person who prepared the inventory submittal information.
 136. NAME OF SIGNER - Enter the full printed name of the person signing the page. The signer certifies to a familiarity with the information submitted and that based on the signer's inquiry of those individuals responsible for obtaining the information, all the information submitted is true, accurate and complete.
- SIGNATURE OF OWNER/ OPERATOR OR DESIGNATED REPRESENTATIVE - The Business Owner/Operator, or officially designated representative of the Owner/Operator, shall sign in the space provided. This signature certifies that the signer is familiar with the information submitted and that based on the signer's inquiry of those individuals responsible for obtaining the information it is the Signer's belief that the submitted information is true, accurate and complete.
137. TITLE OF SIGNER - Enter the title of the person signing the page.

COUNTY OF SAN DIEGO CUPA
Department of Environmental Health-Hazardous Materials Division

THOMAS BROS COORDINATES _____ SITE MAP (Page ____ of ____) UPFP # _____

BUSINESS NAME _____ DATE _____

BUSINESS ADDRESS _____ ZIP CODE _____

OFFICE USE ONLY
REVIEWED BY: _____
DATE: _____

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HAZARDOUS MATERIALS BUSINESS PLAN
EMERGENCY RESPONSE PLAN

Date: ____ / ____ / ____

UPFP #: _____

1. Business Name: _____
2. Business Site Address: _____
3. Business Telephone: (____) _____ 24-Hour: (____) _____
4. Brief description of product manufactured and/or service provided: _____
5. Evacuation Procedures: _____

6. Notification Procedures: In the event of a release or threatened release of a hazardous material the following agencies are to be notified.

	Phone #
A. Local Emergency Response Agencies	911
B. Hazardous Materials Division (HMD)	(858) 505-6657 (after hours follow recorded instructions)
C. California Emergency Management Agency (CalEMA) (California State Warning Center)	(916) 845-8911 or Toll-Free Number (800) 852-7550
D. _____ (Local Hospital or Medical Center)	_____

Name of person(s) responsible for completing notifications: _____

Describe notification procedures: _____

Contractor's Name/Phone: _____

7. Emergency Procedures: _____

FIRE

- _____
- _____
- _____
- _____

SMALL SPILL

- _____
- _____
- _____

LARGE SPILL

- _____
- _____
- _____
- _____

HAZARDOUS MATERIALS BUSINESS PLAN

EMERGENCY RESPONSE PLAN

The Emergency Response Plan must include:

1. Procedures for mitigating a hazardous materials release.
2. Procedures and equipment for minimizing the potential damage of a hazardous materials release.
3. Provisions for immediate notification of the HMD, the California Emergency Management Agency (Cal EMA), and other emergency response personnel as required (e.g., local fire department or paramedics).
4. Evacuation plans and procedures for notification of personnel at the business site.

Instructions for completing the Emergency Response Plan. (Refer to Sample Emergency Response Plan page 18)

At the top of the Emergency Response Plan enter the date. Spaces are provided for your Unified Program Facility Permit (UPFP) number, please enter the number if known.

1. Enter business name.
2. Enter business site address.
3. Enter business telephone, including area code. Include a 24-hour number, if applicable.
4. Enter a brief description of product manufactured and/or business operations. For example, electroplating, storage, automotive repair, hospital, medical device manufacturing, etc.
5. Outline procedures for immediate evacuation of the facility. Include the following:
 - a. Type of alarm signals (bells, horns, sirens, shouting, etc.) used to start an evacuation and indicate what alarms are used to give the all-clear signal.
 - b. If your facility is large or has several buildings, describe any different alarms used for specific parts of the facility.
 - c. Evacuation routes, emergency exits, and staging areas. Include alternate routes, exits, and staging areas. Clearly note them on your site map.
 - d. Identify areas of the facility where releases could occur or which would require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.
 - e. Identify mechanical systems where releases could occur or which would require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.
 - f. Indicate if periodic evacuation drills are practiced to help employees become better prepared for emergencies.
6. Enter the name of the person(s) responsible for completing emergency notifications. Identify the local emergency medical assistance appropriate for potential accident scenarios.
7. Describe procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment. Include equipment and resources for use in emergency situations such as communications and containment equipment, automatic monitoring or fire control devices, onsite spill response teams or prearranged contracts with a spill response company. If procedures are different for spills/emergencies of different magnitude, outline the procedures to be followed in each situation, including the criteria for using a particular procedure. Indicate the personnel who will assist emergency response agencies onsite and any information that would assist them when they arrive.

HAZARDOUS MATERIALS BUSINESS PLAN

EMPLOYEE TRAINING DESCRIPTION

Date: ____ / ____ / ____

UPFP #: _____

The following describes the employee training provided for all employees that handle hazardous substances.

1. **Training Topic** - Procedures for handling hazardous materials, including hazardous wastes:

Persons Trained: _____

Training Time: _____ **Refresher Frequency:** _____ **Refresher Time:** _____

Training Content:

- _____

- _____

- _____

2. **Training Topic** - Procedures for communication and coordination with emergency response agencies:

Persons Trained: _____

Training Time: _____ **Refresher Frequency:** _____ **Refresher Time:** _____

Training Content:

- _____

- _____

3. **Training Topic** - Use of emergency response equipment and materials under the business control:

Persons Trained: _____

Training Time: _____ **Refresher Frequency:** _____ **Refresher Time:** _____

Training Content:

- _____

- _____

- _____

4. **Training Topic** - Emergency Response Plan implementation:

Persons Trained: _____

Training Time: _____ **Refresher Frequency:** _____ **Refresher Time:** _____

Training Content:

- _____

- _____

- _____

A drill encompassing safety and spill equipment operation procedures is used by some employers to train employees and improve their emergency response skills.

HAZARDOUS MATERIALS BUSINESS PLAN**EMPLOYEE TRAINING**

The Employee Training program must take into consideration the type of work activity, and the level of responsibility of the employees subject to training. The training program should be reasonable and appropriate for the size of the business and the nature of the hazardous materials handled at this site. This training should include the following topics:

- 1) Procedures for safe handling of hazardous materials, including hazardous wastes
- 2) Procedures for communication and coordination with emergency response agencies
- 3) Use of Emergency Response Equipment
- 4) Emergency Response Plan implementation.

Instructions for completing the Employee Training Description

(Refer to Sample Employee Training Description on page 21)

Complete all sections of the Employee Training Description. For each training topic complete the following training elements:

Persons Trained - List the job classifications or names of the persons that receive training in this topic.

Training Time - State the amount of time spent for this training. Indicate if different employees receive different amounts.

Refresher Frequency - State how often the training is repeated after the initial training (state law requires an annual refresher at a minimum)

Refresher Time - State the amount of time spent for the refresher training.

Training Content - Briefly describe the information covered in the training on this topic. If different information is covered for employees with different job duties, indicate this in your description.

Small Quantity Generator {Less than 1,000 kg (2,200 lb)/month}.

If a business generates hazardous waste, then the business owner/operator must ensure all employees are thoroughly familiar with proper waste handling and emergency procedures. Although the business owner/operator is not required to document or record training sessions related to hazardous waste management, written documentation with signatures of training is strongly recommended. For more information about the types of hazardous waste generators, please see full definition in the General Hazardous Waste Requirements publication HM-9097.

Large Quantity Generator {1,000 kg (2,200 lb)/month or more}

If a business generates more than 1000 kg (2,200 lb) of hazardous waste per month, the business owner/operator must have a hazardous waste training program. This program may include classroom training or on the job instructions.

At a minimum, the training program must be designed to ensure facility personnel are able to respond effectively to emergencies by familiarizing them with emergency systems. Furthermore, if applicable, the program shall include procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems, response to fire or explosion; response to ground water contamination incidents; and shutdown of operations. The program must include job titles, job descriptions, and specific training for each position.

All employees must be trained within six months from the date of employment or assignment to facility or new position at a facility. The business owner/operator must conduct an annual "refresher" training session on hazardous waste management and emergency procedures. All training sessions must be documented and the training records must be kept on-site. These records will be reviewed during compliance inspections.

CONTINGENCY PLAN FOR SMALL QUANTITY GENERATORS

EMERGENCY PROCEDURES - POST NEAR TELEPHONE

In case of a fire, spill, or other emergency involving hazardous chemicals or waste, do the following:

Major Emergency

- Evacuate the affected areas per the facility Evacuation Plan
- Call 911** and report the emergency to DEH-HMD and Cal EMA
- Report the emergency to the facility Emergency Coordinator

Minor Emergency

- Try to control the emergency if you are trained to do so and can do it safely
- Report the emergency to the facility Emergency Coordinator (EC)

For Release Reporting see Emergency Contacts below

Facility Emergency Coordinators	NAME	WORK PHONE	CELLULAR PHONE/PAGER	HOME PHONE
Primary		()	()	()
Alternate #1		()	()	()
Alternate #2		()	()	()

EMERGENCY CONTACTS

AGENCY	Telephone Number
Fire Department, Ambulance, Police	9 1 1
San Diego County Hazardous Materials Division	(858) 505-6657
California Emergency Management Agency (Cal EMA) (California State Warning Center)	(800) 852-7550 (916) 845-8911
Local Non-emergency Police/Sheriff/Fire (Optional)	()
Hazardous Waste Clean-Up Contractor (Optional)	()
Medical Facility (Optional-Hospital, Urgent Care Clinic, etc.)	()

EMERGENCY EQUIPMENT

Locations of fire extinguishers, fire alarms (if any), and equipment for controlling chemical spills are shown on the facility site plan posted with this notice. Locations (optional) of electrical gas and water shut-offs, are also shown on the posted facility plan.

NOTE: Ensure that employees are familiar with these emergency and evacuation procedures. An emergency coordinator must be available 24-hours to assist emergency response personnel.

HAZARDOUS WASTE CONTINGENCY PLAN REQUIREMENTS

Hazardous Waste Generators Only

Every hazardous waste generator is required to have an emergency contingency plan. A written Hazardous Waste Contingency Plan is a program designed to minimize hazards to human health and the environment from fires, explosions or an unplanned sudden release of a hazardous waste. This program is developed by the facility owner or operator and establishes actions that must be immediately implemented during an emergency situation. The type of contingency plan depends on the amount and types of waste generated at the facility.

Contingency Plan Requirements for Large Quantity Generators

A Large Quantity Generator (LQG) must complete a Contingency Plan as described in Title 22 of the California Code of Regulations, including the following components:

1. Emergency Procedure to be initiated by Emergency Coordinator including Spill Notification
2. A Coordination with Emergency Responses agencies
3. List of Emergency Coordinators
4. List of Emergency Equipment and required Maintenance/Testing
5. Evacuation Plan
6. Current phone of the California Emergency Management Agency **(916) 845-8911; 800-852-7550**
7. A written Employee Training Program, including documentation.

This plan must be maintained at your facility and you must coordinate with the Department of Environmental Health, Hazardous Materials Division (DEH-HMD). During routine inspections this plan will be reviewed. It is your responsibility to ensure that the plan is kept current and that emergency coordinator changes are submitted to DEH-HMD within 30 days. The DEH-HMD works in conjunction with first response agencies integrating the information provided into the area emergency response plan.

Contingency Plan Requirements For Small Quantity Generators

Generator must post the following information next to the telephone:

1. The name and telephone number of the emergency coordinator;
2. Location of fire extinguishers and spill control material, and, if present, fire alarm; and
3. The telephone number of the fire department, unless the facility has an alarm that goes directly to their local fire department.

Training Requirements: To meet the contingency plan requirements, SQGs must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

Emergency Response Requirements: The Emergency Coordinator or the Emergency Coordinator's designee must respond to any emergencies that arise. The applicable responses are as follows:

1. In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
2. In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
3. In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the California Emergency Management Agency (using their 24-hour toll free number (800) 852-7550) and the San Diego County DEH-HMD at (858) 505-6657.

The report must include the following information:

- The name, address, and U.S. EPA Identification Number of the generator;
- Date, time, and type of incident (*e.g.*, spill or fire);
- Quantity and type of hazardous waste involved in the incident;
- Extent of injuries or exposures, if any; and
- Estimated quantity and disposition of recovered materials, if any.

CONTINGENCY PLAN-EMERGENCY EQUIPMENT

INSTRUCTIONS: In the blank form provided, describe the safety, spill response, communication and structural containment equipment you have in place at your facility for use in emergency situations. If practical, report the equipment according to individual job, shop or work activity area within our facility. If applicable, include the elements listed in the legend.

Personnel Protective & Safety Equipment

Aprons Half/Full face Respirator and Respirator Cartridges
 Gloves Self-Contained Breathing Apparatus
 Coats Apparatus (SCBA)
 Chemical Suits First Aid Kits
 Boots Exhaust Hoods
 Safety Glasses First Aid Stations
 Face Shield Chemical Antidotes
 Hard Hats

Emergency Response Equipment

Fire Extinguishers (Type A, B, C, D)
 Fire Hoses
 Eye Wash, Safety Showers
 Chemical Monitoring Equipment (Type)
 Chemical Alarms - Bells, etc.
 Chemical Spill Equipment - Absorbents,
 Neutralizers, Sand, Leak Repair Kits (Chlorine), Underground
 Tank Leak Detection Monitors

Communications Equipment

Telephones
 Intercoms
 Portable Radio(s)
 Verbal

Structural Equipment

Berms & Dikes
 Tanks (Emergency)
 Over Pack Drum(s)
 Containment Vaults
 Blind Sumps

LOCATION SHOP OR AREA	PERSONNEL PROTECTIVE & SAFETY EQUIPMENT	EMERGENCY RESPONSE SPILL EQUIPMENT	COMMUNICATIONS EQUIPMENT	STRUCTURAL EQUIPMENT	INSPECTION FREQUENCY

EXAMPLE

LOCATION SHOP OR AREA	PERSONNEL PROTECTIVE & SAFETY EQUIPMENT	EMERGENCY RESPONSE SPILL EQUIPMENT	COMMUNICATIONS EQUIPMENT	STRUCTURAL EQUIPMENT	INSPECTION FREQUENCY
PAINT SHOP	CARTRIDGE RESPIRATORS, SHOP COATS, GLOVES, EXHAUST HOOD	FIRE EXTINGUISHER SAND	TELEPHONE - VERBAL	NONE	MONTHLY (Safety Equipment)

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CONTINGENCY PLAN - EMERGENCY NOTIFICATION PHONE ROSTER

UPFP# _____

Date: ____ / ____ / ____

EMERGENCY (TYPE)	ORGANIZATION	PHONE*	REPORTING REQUIREMENTS	REQUIRED NOTIFICATION PERIOD
Injury (any)	(Hospital) _____ (Nearest hospital capable of handling fire and/or chemical emergency)	911*	1. Name and telephone of reporter. 2. Name and address of facility. 3. Time and type of incident (fire, chemical, etc.). 4. Name and quantity of material(s) included to the extent known. 5. The extent of injuries if any. 6. Possible hazards to human health or the environment, outside the facility.	Immediately or within 24 hours. Agencies may request a follow-up report in writing. Consult each agency for their reporting requirements.
	(Paramedics and/or Ambulance Service) _____	911*		
Poisoning	Poison Control	(800) 876-4766*		
Occupational Accident or Exposure (Notification)	OSHA (Occupational Safety & Health)	(619) 767-2280		
Fire/Explosion	(Fire) _____ (Name of your local Fire District)	911*		
	(Police/Sheriff) _____ (Name of Local Fire/Police Agency)	911*		
Hazardous Material Spill/Release Outside Facility	+ (Fire) _____ + San Diego County Hazardous Materials Division (1) + California Emergency Management Agency + National Response Center (U.S. Coast Guard) (Notify only if required by California EMA)	911* (858) 505-6657 (800) 852-7550* (800) 424-8802		
In addition to above if spill reaches:	San Diego Regional Water Quality Control Board	(858) 467-2952		
Storm Drain/Creeks River/Bays	(Sewer District) _____ (Name of Sewer District Serving your Facility)	_____ (Phone)		
Sanitary Sewer	San Diego Air Pollution Control District	(858) 650-4550		
Gaseous Release into Atmosphere	(Fire) _____ (Emergency)	(858) 650-4707 911*		
Underground Storage Tank Leak/Spill	San Diego County Hazardous Materials Division	(858) 505-6657		
	San Diego Regional Water Quality Control Board	(858) 467-2952		
Spill Cleanup (Contractor)	<u>ADDITIONAL RESPONSE RESOURCES</u> (Company Name) _____ (Company of your choosing)	_____	Check with contractor for his requirements.	As soon as possible or As situation requires
Water District	(Utility Name) _____	_____	1, 2, and 3 above.	
Electrical/Gas - Utility	San Diego Gas & Electric (SDG&E)	(800) 611-7343*	1, 2, and 3 above	
Chemical - Emergency Information	CHEMTREC, CHLOREP, Pesticide Safety Team	(800) 424-9300	_____	

* Denotes 24-Hour Number + required notification if hazardous materials emergency extends outside of the facility or requires an evacuation of public areas.

(1) After business hours use 911 to contact the County Environmental Health Department in case of emergency only.

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SPILL OR RELEASE NOTIFICATION

In the event of a spill, have the following information available

State and Local Notification:

1. Name of business: _____

2. Identity of caller: _____

3. Chemical name and quantity released (if known):

4. Description of what happened: _____

5. Was the release contained? Yes No

Please describe if release entered any waterway or storm drains:

6. Information about the spill, release or threatened release:

a. Location: _____

b. Date: ____ / ____ / ____

c. Time: _____

d. Injuries or Fatalities? _____

e. Evacuation conducted? _____

f. Clean-up by: _____

Federal Notification:

Federal Notification required additional information for spills (CERCLA chemicals) that exceed federal reporting requirements, which includes:

- a. Medium or media impacted by the release
- b. Time and duration of the release
- c. Proper precautions to take
- d. Known or anticipated health risks
- e. Name and phone number for more information

Reporting the Release of Hazardous Materials

Release reporting is required by several state and federal laws. The Hazardous Materials Division, as the local CUPA, is responsible for ensuring that persons, who are required by law or regulation to report a release, do make an accurate report in a timely manner.

What is a reportable release of hazardous materials?

There are two types of hazardous materials releases that must be reported; a threatened release and a significant release.

A **threatened release is not a release**. It is a condition that creates a substantial probability of harm and makes it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment. For example:

- *A hazardous material or waste storage tank becomes unstable, and it begins to tilt off center or lean to one side. The tank is in danger of falling over and releasing its contents to the floor or ground.*
- *A valve on a tank or on piping has corroded and it could fail under normal operating conditions.*

A **significant release is subjective**. All significant releases must be reported.

Whether a release is significant depends on a variety of factors, including the following: *the amount, the hazardousness of the material or waste, and/or the proximity of sensitive receptors such as schools, nursing homes, etc.* See checklist below for examples of reportable and non-reportable releases.

Reporting a release

After the initial immediate measures have been taken to protect human health and the environment, *report the release at once to the following agencies in accordance with State and Federal law.

1. Call 911 for emergency assistance. This usually results in a fire department response and the local CUPA
2. Call California Emergency Management Agency (Cal EMA), 800-852-7550, 916-845-8991
3. Call the local CUPA at 858-505-6657
4. If a release exceeds the federal reportable quantity (RQ), call the National Response Center (NRC), 800-424-8802.

Mandatory release reports

A release of a reportable quantity (RQ) of a hazardous material must be reported. RQs are listed in the CERCLA "List of Lists". This document is maintained by the United States Environmental Protection Agency and is available at <http://www.epa.gov/ceppo/pubs/title3.pdf> Another way to determine if a RQ has been exceeded is to use the Department of Energy's RQ calculator, an online tool at <http://homer.ornl.gov/rq/>.

NOTE: Ensure that adequate and appropriate spill containment and mitigation equipment is on hand. It is advisable to periodically check all the hazardous materials stored or used at a facility. Determine the RQs and likely release reporting scenarios in advance. This information could be included in the facility release reporting notification procedures. Flow charts or a list of questions might aid facility personnel in this task.

Determining if a release is reportable. These sample questions can be used to determine if a release is reportable:

- Is it a hazardous material?**

This can be any hazardous substance used in your business or any hazardous waste that is generated by your business.

- Is there a threatened release?**

Was it necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment?

- Is there an actual significant release?**
- Is the release reportable per federal or state laws and/or regulations?**

Examples of significant releases	Examples of Releases <u>within</u> a facility's boundaries that that may not be significant:
<ul style="list-style-type: none"> <input type="checkbox"/> <i>Hazardous material releases that exceed reportable quantities, or</i> <input type="checkbox"/> <i>Result in an emergency response, or</i> <input type="checkbox"/> <i>Cause injury, or</i> <input type="checkbox"/> <i>Go offsite, or</i> <input type="checkbox"/> <i>Are released into the environment</i> 	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Present no health or safety hazard, or</i> <input type="checkbox"/> <i>Do not harm environment, or</i> <input type="checkbox"/> <i>Do not enter atmosphere, or</i> <input type="checkbox"/> <i>Are completely contained onsite</i> <input type="checkbox"/> <i>Are completely recovered or removed quickly, or</i> <input type="checkbox"/> <i>Do not require additional PPE to be worn</i>

How to follow up after a release:

- Revise the initial release report as necessary to accurately portray the situation.
- Review and revise release response plans if they were not completely effective tools during the emergency.

*For additional hazardous materials release reporting information, review the 2010 California EMA Hazardous Materials Spill/Release Notification Guidance at:

[http://www.oes.ca.gov/WebPage/oeswebsite.nsf/ClientOESFileLibrary/Hazardous%20Materials/\\$file/Spill%20Notification%20Booklet%20Aug-2010.pdf](http://www.oes.ca.gov/WebPage/oeswebsite.nsf/ClientOESFileLibrary/Hazardous%20Materials/$file/Spill%20Notification%20Booklet%20Aug-2010.pdf) or you may call the Hazardous Materials Duty Desk for San Diego County for a referral to your area's inspection staff at 858-505-6880.



ATTENTION: HAZARDOUS MATERIALS HANDLER

Chapter 6.95 of the California Health & Safety Code (H&SC) establishes minimum standards for Hazardous Materials Business Plans (HMBP). Each business shall prepare a HMBP if that business uses, handles, or stores a hazardous material/waste in quantities greater than or equal to the following:

- 55 gallons of a liquid.
- 500 pounds of a solid substance.
- 200 cubic feet of compressed gas.
- A toxic compressed gas (TLV \leq 10 ppm) in any amount.
- Extremely hazardous substances in quantities equal to or greater than the Threshold Planning Quantities.

A complete HMBP consists of the following elements as established in H&SC Section 25504:

- Hazardous Materials Inventory
- Site Plan
- List of Emergency Contacts
- Emergency Response Plan
- Employee Training Description

The County of San Diego, Department of Environmental Health, Hazardous Materials Division (HMD), as the administering agency and with the concurrence of all the local fire jurisdictions, requires a business that handles hazardous materials in reportable quantities to submit changes to the hazardous materials inventory, list of emergency contacts, and site plan, in lieu of a complete HMBP, only after the initial submittal of a complete HMBP.

The business must initially certify that a complete HMBP has been prepared and is maintained at the site where the hazardous materials are stored and must also **annually** re-certify that the HMBP is current and maintained on site. If there are no significant changes after the HMBP has been submitted and certified, then follow the instructions below for "Annual Certification without Changes".

Substantial changes as listed below must be submitted to the HMD within 30 days of the change along with a certification that the HMBP is current and maintained on site:

- **A 100% or greater increase or decrease in the quantity of any hazardous material on the inventory**
- **Addition or deletion of a hazardous material to the inventory**
- **Changes in the storage, location, or use of hazardous materials**
- **Any change in business name, ownership, or address**
- **Any change in Emergency Coordinator/Contact information**

Instructions for Completing the Hazardous Materials Business Plan Certification

Note: The numbering of the instructions follows the data element numbers that are on statewide reporting forms. These data element numbers are used for electronic submission and are the same as the numbering used in 27 CCR, Appendix C.

1. FACILITY ID NUMBER - Enter the 6 character Permit Number from your Permit. If you do not have a Permit, leave this blank.
3. BUSINESS NAME - Enter the full legal name of the business. This is the same as the terms "Facility Name" or "DBA" – Doing Business As.
103. BUSINESS SITE ADDRESS - Enter the street address where the facility is located. No post office box numbers are allowed.
104. CITY - Enter the city or unincorporated area in which business site is located.
105. ZIP CODE - Enter the zip code of business site. The extra 4-digit zip may also be added.

CARCINOGEN/REPRODUCTIVE TOXIN ANNUAL RENEWAL WITHOUT CHANGES: Any business which is required to submit a HMBP and handles a material which is a carcinogen or reproductive toxin, is required to submit a list of each such material handled during the previous year to the Director of the Department of Environmental Health. The list must include all carcinogens and reproductive toxins handled in quantities less than 55 gallons or 500 pounds. The list of such materials handled shall be renewed each year. Check this box to certify that the information previously submitted is still correct and no changes, additions or deletions are necessary. See http://www.sdcounty.ca.gov/deh/hazmat/hmd_forms.html and review HM-9243 (Disclosure of Hazardous Materials Information Bulletin) to find out if you are required to submit this list.

INITIAL CERTIFICATION: Check this box if you are submitting a new HMBP.

ANNUAL CERTIFICATION WITHOUT CHANGES: Check this box if you are submitting an annual certification on an existing plan.

CERTIFICATION OF CHANGES/REVISIONS: Check this box if you are submitting changes to the hazardous materials inventory, list of emergency contacts, or the site plan. All pages should include the new submittal date. For multi-page site maps, include all pages with new submittal date.

APSA, SPCC & YOU

All you've ever wanted to
know....

....and more!

Prepared by Sylvia Mosse
San Diego County Dept of Environmental Health

Aboveground Petroleum Storage Act

Assembly Bill 1130
(Laird)
Chaptered October 13, 2007

Welcome & Overview

45 min- APSA Overview

10 min- Break

10 min- APSA SPCC Requirements

50 min- SPCC Rule & Amendments

10 min- Break

20 min- Review FAQs/ Q & A Session

30 min- Tools to Prepare Basic SPCC

We are listening...

- ◆ This is a new law, we realize there are grey areas.
- ◆ Our goal is to work with facilities to implement the requirements.
- ◆ Industry participation as this program develops is VERY important.
- ◆ Please send us your feedback, questions, suggestions, etc.
- ◆ We are very interested in hearing from you!



1,320 gallons of petroleum in containers/tanks 55 gallons or larger



THE LINGO

ACRONYMS
and
DEFINITIONS

ACRONYMS

CalEPA - Calif Environmental Protection Agency

CUPA - Certified Unified Program Agency

EPA - Fed. Environmental Protection Agency

EPTF - Environmental Protection Trust Fund

OES - Gov.'s Office of Emergency Services

RWQCB - Reg. Water Quality Control Board

SWRCB - State Water Resources Control Board

DEFINITIONS

H&SC Chapter 6.67 Definitions

Aboveground storage tank - A tank (or container) with a capacity to store 55 gallons or more of petroleum that is substantially or totally above the surface of the ground.
(Includes drums, totes, portable tanks)

Operator - Person responsible for the overall operation of the tank facility

DEFINITIONS

H&SC Chapter 6.67 Definitions

Owner - Person who owns the tank facility or part of the tank facility

Person - individual, trust, firm, company, corporation, gov't corp., city, county, district, Univ. of Calif., Cal State Univ., state, all state agencies & departments, and the U.S. to the extent authorized by federal law.

DEFINITIONS

H&SC Chapter 6.67 Definitions

Petroleum - Crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit and 14.7 per square inch absolute pressure

Examples: Aviation fuels, automotive and other petroleum-based engine fuels, fuel oils, distillate fuel, heating oils, gasoline, petroleum based lubricating oils, petroleum distillates, solvents, spirits, naphthas, olefins, alkanes, aromatics, biodiesel mixed with any amount of petroleum, etc.

Excludes propane, liquid natural gas (LNG) and LPG



December 11, 2008

DEFINITIONS

H&SC Chapter 6.67 Definitions

Release - any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, or disposing into the environment

Storage - Containment, handling, or treatment of petroleum, for any period of time, including on a temporary basis

Storage capacity - the aggregate **capacity** of all aboveground tanks at a tank facility

DEFINITIONS

H&SC Chapter 6.67 Definitions

Tank facility - Any one, or a combination of, above-ground storage tanks, including any piping that is integral to the tank, that **contains petroleum** and that is used by a single business entity at a single location or site.

DEFINITIONS

H&SC Chapter 6.67 Definitions

Pipe - for purposes of this chapter a pipe is integrally related to the AST if it is connected to the AST and meets any of the following:

- ◆ pipe is within the dike or containment area
- ◆ pipe is between the containment area & first flange or valve outside the containment area
- ◆ pipe is connected to the first flange or valve on the exterior of the tank, if state or fed law does not require a containment area

DEFINITIONS

H&SC Chapter 6.67 Definitions

Tank facility statement - A statement that includes the following information for the tank facility: the facility name and address, a contact person, total storage capacity, and the location, size, age, and contents for each storage tank that exceeds 10,000 gallons in capacity and **holds a substance containing any amount of petroleum.**

AB 1130

SUMMARY

This bill

- ◆ Authorizes the expenditure of a portion of the Environmental Protection Trust Fund (EPTF), in an amount determined by the Secretary for Environmental Protection in consultation with the CUPAs, to a training account established and maintained by the Secretary to be used for purposes of training CUPA personnel in the requirements of the act.

AB 1130

SUMMARY

This bill

- ◆ Transfers the responsibility for the implementation, enforcement, and administration of the Aboveground Petroleum Storage Act (APSA) from the State Water Resources Control Board (SWRCB) to the Certified Unified Program Agencies (CUPAs) effective January 1, 2008.

AB 1130

SUMMARY

This bill

- ◆ Makes changes to ensure consistency with the federal Spill Prevention Control and Countermeasure (SPCC) rule provided in the U.S. Code of Federal Regulations, title 40, part 112 (40CFR112).

What is an SPCC?

Spill Prevention Control & Countermeasure Plan

- ◆ The SPCC rule describes requirements for certain facilities to prepare, amend, and implement plans for the prevention of oil spills to navigable water whenever quantities of petroleum are handled.
 - In California, the SPCC Plan is implemented to prevent spills into the waters of the State.
- ◆ Details the equipment, workforce, procedures and steps to prevent, control and provide adequate countermeasure to a discharge.

AB 1130

PREVIOUS LAW

- ◆ Required the SWRCB and the Regional Water Quality Control Boards (RWQCBs) to administer the program with regard to a tank facility that is subject to specified federal regulations.
- ◆ Required CUPAs to verify that a SPCC plan had been prepared when they conducted the routine Unified Program compliance inspections at tank facilities.

AB 1130

PREVIOUS LAW

- ◆ If an SPCC plan had not been prepared, the CUPAs were required to submit a referral to the appropriate RWQCB for enforcement.
- ◆ It also required a tank facility owner or operator to file a storage statement with the SWRCB and pay the fee specified in law to the SWRCB.



December 11, 2008

APSA Highlights

THE BILL

- ◆ Establishes the California Aboveground Petroleum Storage Act (APSA).
- ◆ Became effective on January 1, 2008.
- ◆ Defines key terms, such as: *aboveground storage tank; petroleum; storage capacity; tank facility; etc.*
- ◆ Identifies when tank facilities are subject to and exempt from the APSA.

APSA Highlights

THE BILL

- ◆ Transfers the authority and responsibility for administration of the APSA from the SWRCB and RWQCBs to the CUPAs.
- ◆ Requires the owner or operator of a tank facility, with an **aggregate storage capacity** of 1,320 gallons or more of **petroleum**, to prepare and implement an SPCC plan in accordance with federal law, 40 CFR 112.

APSA Highlights

THE BILL

- ◆ Requires the CUPAs to conduct inspections at tank facilities with an aggregate storage capacity $\geq 10,000$ gallons of petroleum at least every three years.

APSA Highlights

THE BILL

- ◆ Requires inspectors conducting the inspection to complete an AST training program and satisfactorily pass an examination on the SPCC plan provisions and safety requirements for aboveground storage tank inspections.
- ◆ The training program and examination are to be developed by the Secretary for Environmental Protection.

APSA Highlights

THE BILL

- ◆ Establishes civil penalties
- ◆ Specifies that any penalties assessed and recovered in a civil action by a city or district attorney would be shared 50% to the CUPA and 50% to the city or district attorney.
- ◆ Clarifies that transportation-related tanks regulated by the U.S. Department of Transportation (DOT) and underground storage tanks regulated by HS&C 6.7 and CCR Title 23 are not subject to the APSA.

Aboveground Petroleum Storage Act

So, what do we do now...

REQUIREMENTS OF APSA

The CUPA must inspect each storage tank or a representative sampling of the storage tanks at each tank facility that has a storage capacity of 10,000 gallons or more of petroleum at least once every three years. (*H&SC § 25270.5*)

- A. The purpose of the inspection shall be to determine whether the owner or operator is in compliance with the SPCC Plan requirements of the APSA.

The CUPA will be reviewing the SPCC Plan for all facilities with $\geq 1,320$ gallons of petroleum.

REQUIREMENTS OF APSA

Owner/Operators subject to this Chapter (*H&SC § 25270.4.5(a)*) shall:

A. Prepare a Spill Prevention Control and Countermeasure (SPCC) Plan

- in accordance with U.S. Code of Federal Regulations Title 40, Part 112 (40 CFR 112)

B. Conduct periodic self inspections

- to assure compliance with 40 CFR 112 (Inspections, Tests, and Records)

C. Implement SPCC Plan

- in compliance with 40 CFR 112
- *May require installing secondary containment*

Secondary Containment?

- 1) "Sized Secondary Containment"– applies to bulk storage– 100% of largest container/tank plus freeboard for precipitation
- 2) General Containment 112.7(c)
 - ◆ Provide appropriate containment or diversionary structures or equipment to prevent a discharge.
 - ◆ Options: Dikes, berms, retaining walls, curbs, culverts, gutters or other drainage systems, weirs, booms or other barriers, diversion ponds, retention ponds or sorbent materials.
 - ◆ Applies to:
 - Loading/unloading *areas*(fuel transfers by flex line, not "Loading Racks"which are subject to 112.7(h));
 - Above-ground single-wall piping;
 - Oil-filled operational equipment (unless eligible for new alternatives);
 - Mobile refuelers.



December 11, 2008

REQUIREMENTS OF APSA

On or before January 1, 2009, and on or before January 1 annually thereafter, each owner or operator of a tank facility subject to the APSA shall file with the CUPA a tank facility statement. (*H&SC § 25270.6(a)*)

At this time San Diego County is requesting the submittal of the tank facility statement. In the future, an owner or operator of a tank facility that submits a complete business plan may satisfy the requirement to file a tank facility statement.

Total Facility Capacity

How to Calculate Total Petroleum Capacity for your Facility: $a + b + c = \text{Total Facility Capacity}$

No. of tanks and containers x size = Total Capacity <i>in gallons</i> (e.g., 2 x 550 gal. AST = 1100; 6 x 55 gal. drums = 330; 1100 + 330 = 1430 gals.)		
_____ x 55 gal. = _____	_____ x 1,000 gal. = _____	_____ x _____ gal. = _____
_____ x 100 gal. = _____	_____ x 2,000 gal. = _____	_____ x _____ gal. = _____
_____ x 250 gal. = _____	_____ x _____ gal. = _____	_____ x _____ gal. = _____
_____ x 500 gal. = _____	_____ x _____ gal. = _____	_____ x _____ gal. = _____
Subtotal (a) = _____	Subtotal (b) = _____	Subtotal (c) = _____

TOTAL FACILITY CAPACITY

921. TOTAL FACILITY CAPACITY – Enter the facility’s total petroleum aboveground storage tank capacity (in gallons). Aboveground storage tank means a tank or container that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground. Petroleum includes waste oil. Storage includes **standby storage**, **seasonal storage**, and **temporary storage**. To calculate the capacity of 55 gallon drums on site, use the **maximum** number of drums that would **typically be stored** at your facility.



December 11, 2008

REQUIREMENTS OF APSA

Each year, beginning January 2010, each owner or operator of a tank facility subject to the requirements of Chapter 6.67 shall pay a fee to the CUPA. *(HSC §25270.6(b))*

- A. The governing body of the CUPA shall establish a fee, as part of the single fee system implemented pursuant to Section 25404.5, **sufficient to pay the costs incurred by the CUPA** in administering the APSA, including, but not limited to, inspections, enforcement, and administrative costs.

REQUIREMENTS OF APSA

Each owner or operator of a tank facility shall immediately, upon discovery, notify the **Governor's Office of Emergency Services** and the **CUPA** of the occurrence of a spill or other release of one barrel (42 gallons) or more of petroleum that is required to be reported pursuant to Section 13272(a) of the Water Code. *(H&SC § 25270.8)*

-Remember, the H&SC requires you to report ANY amount of a significant release or threatened release of a hazardous material.



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APSA VIOLATIONS

Violations : Failure to

- ◆ prepare a SPCC Plan
- ◆ file a tank facility statement (or an annual certification of the business plan)
- ◆ submit required annual fee (in 2010)
- ◆ report spills
- ◆ comply with other APSA requirements

(H&SC § 25270.12)

APSA PENALTIES

CIVIL PENALTIES:

- ◆ Not more than \$5,000 for each day the violation continues.
- ◆ Not more than \$10,000 for a second or subsequent violation for each day the violation continues

(H&SC § 25270.12)

EXEMPTIONS

EXEMPTIONS

Exempt from definition of Aboveground Storage Tank:

1. Pressure vessel or boiler subject to Labor Code Division 5 Part 6 §7620 et al
2. Hazardous waste tank with a Hazardous waste facility permit from DTSC
3. Aboveground oil production tank subject to Public Resources Code § 3106

EXEMPTIONS

Exempt from definition of Aboveground Storage Tank:

4. Oil-filled electrical equipment (transformers, circuit breakers, capacitors) if it
 - contains $< 10,000$ gal of dielectric fluid
 - contains $\geq 10,000$ gal of dielectric fluid with PCBs < 50 ppm with appropriate containment to prevent oil from reaching navigable water & visual inspection.

EXEMPTIONS

Exempt from definition of Aboveground Storage Tank:

5. A tank regulated as an underground storage tank under H&SC Chapter 6.7 and 23 CCR Div 3 Ch 16
6. Any transportation-related tank subject to the authority of the U.S. Department of Transportation (DOT) per 40 CFR 112 Appendix A

EXEMPTIONS - Conditional

Exempt from preparing a SPCC:

A tank facility located on a farm, nursery, logging site, or construction site, if

1. No storage tank at the location exceeds 20,000 gallons, and
2. The cumulative storage capacity of the tank facility does not exceed 100,000 gallons

EXEMPTIONS - Conditional

A tank facility located on a farm, nursery, logging site, or construction site, can maintain the exemption if they

1. Conduct a daily visual inspection of any storage tanks storing petroleum
2. Allow the CUPA to conduct periodic inspections
3. Install secondary containment if the CUPA determines that it is necessary for the protection of the waters of the state

Note: There is no exemption for these facilities under the federal law

Please send us your feedback!

San Diego County CUPA
Hazardous Materials Division-APSA Program

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Cal/EPA Unified Program

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Let's Review

Frequently
Asked
Questions



Who is subject to the requirements of APSA?

- ◆ A tank facility is subject to APSA if:
 - the "tank facility" is subject to the oil pollution prevention regulations specified in Part 112 (commencing with section 112. 1) of subchapter D of chapter I of title 40 of the Code of Federal Regulations; or
 - the tank facility has a storage capacity of 1,320 gallons or more of petroleum.

Important Note: The California APSA only regulates tank facilities that store petroleum and not other oils, as does the federal (SPCC) Rule (subject to 40CFR112). The Act's definition of petroleum and tank facility must first be applied before considering the first applicability criteria above.

What is petroleum?

- ◆ The Act defines “petroleum” to mean crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure (normal atmospheric pressure at sea level). Some examples of petroleum products stored in aboveground storage tanks and are subject to APSA are as follows:
- ◆ Petroleum-based liquid fuels, including:
 - Aviation fuels (including jet, turbine, and piston fuels)
 - Automotive and other petroleum-based internal combustion engine fuels
 - Fuel oils and distillate fuels (turbine, boiler, and other types)
 - Heating oil and distillates
- ◆ Illuminating (e.g. lamp) oils
- ◆ Gasoline and other fuel blending stocks
- ◆ Petroleum-based lubricating, tapping, seal, penetrating, machining, and road oils and greases (including waste oils)
- ◆ Petroleum distillates; Petroleum- or petroleum-distillate based additives (including fuel, oil, ink and paint additives)
- ◆ Petroleum solvents
- ◆ Petroleum spirits (e.g. mineral spirits, Stoddard solvent, paint thinners)
- ◆ Hydrocarbon liquids; Naphthas and naphthalenes of all types
- ◆ Olefins, alkanes, alkylates, aromatics; Petroleum-based inks and ink extenders
- ◆ Oil-based paints, coatings, thinners and solvents; Petroleum extender oils; Mineral oils (derived from petroleum); Crude oil

What tank facilities are exempt from the APSA program?

- ◆ A tank facility located on a farm, nursery, logging site, or construction site, while still regulated under APSA, is not subject to the requirement to prepare and implement an SPCC Plan if:
 - no storage tank at the location exceeds 20,000 gallons;
and,
 - the cumulative storage capacity of the tank facility does not exceed 100,000 gallons.

Please note that while farms, nurseries, logging sites, or construction sites are conditionally exempt from the requirement to prepare an SPCC Plan under APSA, these facilities are not exempt from federal SPCC requirements enforced by US EPA.

Does any percentage of petroleum oil content in a mixture (no matter how small) bring the mixture into APSA regulation as 'petroleum'?

- ◆ Yes, all mixtures that contain any amount of petroleum are considered to be petroleum and therefore must be included when determining the tank facilities total storage capacity.

Are businesses with aboveground storage tanks containing vegetable and/or animal oil, which are required under the federal SPCC plan rule, also included under the APSA program?

- ◆ No. The requirements of the California APSA program only regulates petroleum and only applies to “tank facilities that have ASTs that contain or are intended to contain petroleum products.
- ◆ Be aware that EPA’s SPCC rule regulates facilities with ASTs that contain other non-petroleum based oils, which are not captured under APSA, and may be subject to federal regulation and US EPA oversight.
- ◆ For tank facilities with both petroleum and non-petroleum oils subject to both APSA and the federal SPCC rule, a single integrated SPCC Plan can be prepared. A separate SPCC Plan is not required for APSA.

Does the phrase “construction site” as used in section 25270.4.5 (b) of the Health and Safety code include construction “yards” and quarries?

- ◆ No, a construction yard is not considered to be a construction site. A yard is a place where construction equipment is stored and maintained and subject to the requirements of APSA.
- ◆ Yes, quarries are considered to be included in the meaning of “construction site:”

Construction activities are being performed on a portion of a manufacturing, commercial or maintenance facility with aboveground tanks. Is the entire facility considered a “construction site”?

- ◆ No, only the portion of the facility actually undergoing construction would be considered a “construction site.” Only the AST’s associated with the construction activities could be included in a conditional exemption.

If a tank facility has multiple ASTs that are *owned and operated* by different persons, and if the total capacity of the tank(s) for each business is less than 1,320 gallons, but the total for all tanks at this single location exceeds 1,320 gallons, is each business subject to APSA?

- ◆ No. The Health & Safety Code (H&SC), Section 25270.3 states that a "tank facility" that has a storage capacity of 1,320 gallons or more of petroleum is subject to regulation under APSA. However, Section 25270.2 of the H&SC defines "tank facility" as being used by a single business entity at a single location or site. Therefore, the storage capacity would not be the cumulative amount of petroleum on site, but rather the cumulative amount of petroleum that is owned and operated by the same business entity.

What is a storage tank?

- ◆ An “aboveground storage tank” or “storage tank” means a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground.

What is storage capacity?

- ◆ Storage capacity is the shell or design capacity of the aboveground tank. Shell or design capacity may be greater than the actual amount of petroleum a facility routinely stores in that tank.
- ◆ However, it is the rated design or shell capacity of a tank that must be counted, not the actual amount of petroleum actually contained.

If an AST is "empty", is that still an AST?

- ◆ Yes, unless they are closed in a specific manner. If an aboveground storage tank is "empty" but will still or can readily be used to store a petroleum product (usually the same product that it previously contained), then this "empty" AST is still considered an AST, and is regulated under APSA. However, if the "empty" AST container meets the federal SPCC rule definition of "permanently closed", it is not captured under APSA.
- ◆ "Permanently closed," as defined in 40 CFR 112.2, refers to containers "for which (1) All liquid and sludge has been removed from each container and connecting line; and (2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.
- ◆ If the AST can and will no longer be used to store a petroleum product, that AST is no longer subject to APSA, but the AST must be completely emptied, cleaned of all petroleum residuals, and completely physically disconnected from all petroleum-containing piping.
- ◆ The SPCC plan should be updated as necessary to reflect the status of all regulated tanks.



December 11, 2008

Is it a requirement for tank facilities to submit, file or provide their SPCC Plans to the CUPA, or for the CUPA to 'approve' the Plan?

- ◆ No. The APSA only requires a tank facility to submit/file a Tank Facility Statement with the CUPA.
- ◆ There is no requirement in APSA for a tank facility to submit or file its SPCC Plan itself. However the UPA may require a copy of the SPCC Plan to be submitted as part of the UPA's city/county ordinance or policy. There is also no requirement in APSA for a tank facility's SPCC Plan to be approved by the CUPA.
- ◆ Federal regulations (40 CFR 112) also do not require the routine submittal, filing or approval of an SPCC Plan (although a Plan may be required to be submitted to USEPA after certain significant oil spills into navigable waters).

Can a facility use an SPCC Plan template?

- ◆ In general, an SPCC Plan must be prepared in accordance with good engineering practice. No specific format is required, but if the Plan is not organized to follow the sequence of the requirements in 40 CFR 112, it must have a cross-reference.
- ◆ As long as the Plan contains all the required 40 CFR 112 elements, is facility-specific and is prepared in accordance with good engineering practice, any format or template may be used.

Who reviews the SPCC Plan and how often is the SPCC Plan reviewed?

- ◆ The owner or operator is required to review the SPCC Plan at least once every 5 years. Every review must be documented.

When must an SPCC Plan be amended by the facility operator?

- ◆ The owner or operator is required to amend the Plan within 6 months following a review to incorporate more effective control and prevention technologies if the technology will significantly reduce the likelihood of a release, and the technology has been field proven at the time of review.
- ◆ The owner or operator must also amend the SPCC Plan as described in 40 CFR 112.5, whenever there is a change in the facility design, construction, operation or maintenance that materially affects the facility's potential for discharge into navigable waters of the United States or adjoining shorelines. Such amendments must be fully implemented no later than 6 months after the change occurs.
- ◆ Technical amendments must be certified by a licensed Professional Engineer in accordance with Section 112.3(a) of title 40 of the federal code of regulations.

How often must the owner or operator perform visual inspections of their ASTs?

- ◆ The owner or operator of a tank facility that is required to prepare and implement an SPCC Plan pursuant to the Act is required to perform periodic inspections of storage tanks containing petroleum to determine compliance with 40CFR112.
- ◆ The owner or operator of a tank facility that is exempt, pursuant to the Act, from the preparation and implementation of a SPCC Plan are required to conduct a daily visual inspection of any storage tank storing petroleum.

Background

Assembly Bill (AB) 1130 is the Aboveground Petroleum Storage Act (APSA). Signed into law on October 13, 2007, APSA changed the way in which aboveground petroleum storage tanks (AST) are regulated in California.

Effective January 1, 2008, APSA transferred the implementation, enforcement and administration of the AST element of the Unified Program from the State and Regional Water Quality Control Boards to the local Certified Unified Program Agencies (CUPAs).

For additional information, contact the County of San Diego CUPA.



Department of Environmental Health
Hazardous Materials Division

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92112-9261

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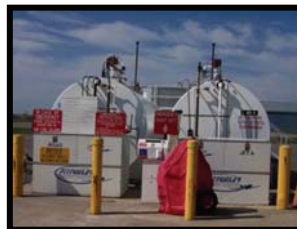
hmdutyeh@sdcounty.ca.gov

<http://www.sdcdeh.org>



Which facilities are subject to APSA?

Facilities that have aboveground storage tank(s) with an aggregate storage capacity (shell capacity) of greater than or equal to (\geq) 1,320 gallons of petroleum.



What is an Aboveground Storage Tank (AST)?



...a tank or container that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground. (HSC 25270.2 (a))

What is petroleum?

"Petroleum" means crude oil, or a fraction thereof, that is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure (normal atmospheric pressure).

Examples:

- * Crude oil
- * Sludge
- * Mineral oil
- * Used oil
- * Diesel
- * Gasoline
- * Lubrication oils
- * Heating oil
- * Biodiesel *

*does not include 100% Biodiesel

**IMPORTANT INFORMATION
PLEASE READ**

Aboveground Petroleum Storage Act

County of San Diego CUPA

Department of Environmental Health Hazardous Materials Division



A California law, affecting the way aboveground petroleum storage tanks are regulated, was passed on October 13, 2007.

What does this mean to you?

If you are the owner of a tank facility with a storage capacity of $\geq 1,320$ gallons of petroleum, you must:

- ✓ *Prepare a Spill Prevention Control & Countermeasure (SPCC) Plan for your facility.*
 - Facilities storing $\geq 1,320$ gallons but $\leq 10,000$ gallons can self-certify the SPCC plan.
 - Facilities with no tank larger than 5,000 gallons in shell capacity (Tier I Facilities) may use the EPA SPCC Tier I template to create the SPCC Plan.
 - Facilities with any individual tank larger than 5,000 gallons (Tier II Facilities) may self-certify or use a licensed Professional Engineer to review and certify the SPCC plan.
 - Facilities storing more than 10,000 gallons of petroleum must have a licensed Professional Engineer review and certify the SPCC plan.
- ✓ *Include your petroleum storage on your hazardous materials business plan (HMBP).*
 - Include your petroleum storage on your HMBP site map.
 - Include the volume of petroleum (shell capacity) onsite in your reportable chemical inventory.
 - Certify your HMBP annually.
- ✓ *Conduct periodic inspections to ensure compliance with Title 40 Code of Federal Regulations, Section 112.*

Your facility will be inspected by the CUPA at least once every three years.

SPCC plan templates, information and training available at www.sdcounty.ca.gov/deh/hazmat/hmd_apsa.html

What is an SPCC Plan?

An SPCC Plan is a document that describes procedures, methods, and equipment in place at the tank facility to prevent discharges of petroleum from reaching navigable waters (including storm drains).

Compliance Dates for SPCC Plan:

If you began handling petroleum:	You must:
On or before 8/16/2002	Amend & implement your plan to 2008 & 2009 amendments by 11/10/2011. Maintain your existing plan onsite.
8/17/2002 - 11/10/2011	Prepare & implement your plan by 11/10/2011.
After 11/10/2011	Prepare & implement your plan before beginning operations.

SPCC Plan Additional Requirements

- ✓ Maintain a copy of your SPCC plan onsite.
- ✓ Implement procedures outlined in your SPCC plan.
- ✓ Amend your SPCC plan with facility changes.
- ✓ Review and update your SPCC plan every five years.



DEPARTMENT OF ENVIRONMENTAL HEALTH - HAZARDOUS MATERIALS DIVISION

P O BOX 129261, SAN DIEGO, CA 92112-9261; (619) 338-2222 or 1-800-253-9933

<http://www.sdcdeh.org>

INFORMATION BULLETIN

THE COUNTY OF SAN DIEGO, DEPARTMENT OF ENVIRONMENTAL HEALTH, HAZARDOUS MATERIALS DIVISION INSPECTS BUSINESSES OR FACILITIES THAT HANDLE OR STORE HAZARDOUS MATERIALS; GENERATE HAZARDOUS WASTE; GENERATE MEDICAL WASTE; AND/OR HAVE UNDERGROUND STORAGE TANKS. THIS BULLETIN IS INTENDED TO PROVIDE INFORMATION REGARDING INSPECTIONS CONDUCTED BY THIS DEPARTMENT. IT IS FOR INFORMATION PURPOSES ONLY, AND IS DESIGNED TO BRIEFLY EXPLAIN WHAT ISSUES A TYPICAL INSPECTION WILL ADDRESS WHEN WE VISIT YOUR SITE.

These inspections will be conducted on a routine basis and will focus on five general areas:

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2. Review of the Hazardous Materials Business Plan: (Site Map, Emergency Response Procedures, and Employee Training Plan)
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5. Review of underground storage tank monitoring procedures; records; and leak detection equipment

Please feel free to contact the County of San Diego, Hazardous Materials Division, Duty Specialist, at (619) 338-2231, Monday through Friday, from 8 am to 5 pm, if you have any general questions regarding hazardous material inspections.

FEE SCHEDULE

The Hazardous Materials Division (HMD) fee structure is designed to cover the cost of implementing the Unified Program. The fees are based on the number and quantity of hazardous materials and wastes handled, and the number of underground tanks. **Your invoice contains adjusted permit fees approved by the County of San Diego Board of Supervisors.** More information about these fees is available on the County of San Diego Department of Environmental Health web site <http://www.sdcdeh.org>.

The following Hazardous Materials permit fees are effective from September 1, 2010 through June 30, 2011.

(A) Medical Waste: Sites generating less than 200 pounds per month. (No other base fee required).	\$ 174	6HMED--EHO
Medical Waste: Sites generating 200 pounds or more per month	\$ 228	6HLQMED--O
Limited Quantity Medical Waste Hauler Exemption (LQHE) up to 4 persons	\$ 30	6HLQHE-EHO
Limited Quantity Medical Waste Hauler Exemption each additional person (Maximum Fee is \$25)	\$ 5	
Payment of the LQHE fee will meet the annual renewal as specified in section 118030 of the California Medical Waste Management Act. If there are significant changes to the LQHE, submit a revised application. The application is available at http://www.sdcounty.ca.gov/deh/hazmat/hmd_permits.html		
(B) Limited Hazardous Waste/Materials Operating Permit for businesses handling only one (1) discloseable material <u>or</u> one (1) waste stream. (No other base fee required).	\$ 257	6HK18--EHO
(C) Remote Site or Site with Photoprocessing Waste Only. An annual notification from the site is required. Only verification and complaint inspections are conducted at these sites. (No other base fee required).	\$ 53	6HPHOTOEHO 6HREMOTEO
(D) Operating Permit Base Fee	\$ 228	6HBASE-EHO
(E) Hazardous Waste Generator Operating Permit: Waste oil recycled by recycling company using State sanctioned modified manifesting procedures (flat rate)	\$ 84	6HWASTEHO
Per Waste - Less than 5 tons per year	\$ 84	
Per Waste - 5 to 50 tons per year	\$ 186	
Per Waste - Greater than 50 tons per year	\$ 318	
(F) Hazardous Materials Response Plans & Inventory Operating Permit (Maximum Fee is \$2,391): Fees are based on maximum quantity per material		6HMAT--EHO
Per material less than 550 gallons, 5,000 pounds or 5,000 cubic feet of compressed gas	\$ 71	
Per material 550 to 5,500 gallons, 5,000 to 50,000 pounds or 5,000 to 20,000 cubic feet of compressed gas	\$ 112	
Per material greater than 5,500 gallons, 50,000 pounds or 20,000 cubic feet of compressed gas	\$ 203	
(G) Underground Hazardous Materials Storage Operating Permit Per Tank	\$ 433	6HUST--EHO
(H) Tiered Permitting: Onsite Treatment Conditionally Exempt (CE) (Per Facility)	\$ 102	6HTCE--EHO
Tiered Permitting: Onsite Treatment Conditionally Authorized (CA) (Per Facility)	\$ 450	6HTCA--EHO
Tiered Permitting: Onsite Treatment Permit By Rule (PBR) (Per Facility)	\$ 679	6HTPBR-EHO
(I) Reinspection Fee	\$ 228	6HRINSPEHO
Permit Non-Notification Fee. Charged to facilities that failed to notify of Unified Program activities	\$ 228	6HNONOTIFO
(J) Risk Management Program Level I (Per Facility)	\$ 238	6HRMP1-EHO
Risk Management Program Level II or III (Per Facility)	\$ 598	6HRMP2-EHO
(K) Aboveground Petroleum Storage Act Fee - Program Levels are Per Facility and are based on petroleum storage shell capacity		6HAPSA---O
APSA Program Level I (≥1,320 – 9,999 gallons)	\$ 125	
APSA Program Level II (10,000 – 100,000 gallons)	\$ 460	
APSA Program Level III (100,001 – 1,000,000 gallons)	\$ 855	
APSA Program Level IV (1,000,001 – 10,000,000 gallons)	\$2,500	
APSA Program Level V (10,000,001 – 100,000,000 gallons)	\$6,000	

UNIFIED PROGRAM STATE SURCHARGES

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State Surcharge Rates for Current Fiscal Year

Program Oversight-Hazmat	\$ 24.00 (Per Facility)	6HCUPA1EHO
California Electronic Reporting Surcharge	\$ 25.00 (Per Facility for 3 years - July 2009 through June 2012)	6HCUPA6EHO
Underground Storage Tanks	\$ 15.00 (Per Tank)	6HCUPA2EHO
California Accidental Release Program CalARP	\$ 270.00	6HCUPA3EHO

Hunt Exhibit 5



DEPARTMENT OF ENVIRONMENTAL HEALTH-HAZARDOUS MATERIALS DIVISION

P O BOX 129261, SAN DIEGO, CA 92112-9261; (619) 338-2222 or 1-800-253-9933

<http://www.sdcdeh.org>

INFORMATION BULLETIN

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The following Hazardous Materials permit fees are effective from July 1, 2008 to June 30, 2009.

(A) Medical Waste: Sites generating less than 200 pounds per month. (No other base fee required).	\$ 165	6HMD - - EHO
Medical Waste: Sites generating 200 pounds or more per month	\$ 205	6HLQMED - - 0
Limited Quantity Medical Waste Hauler Exemption (LQHE) up to 4 persons	\$ 25	6HLQHE - EHO
Limited Quantity Medical Waste Hauler Exemption each additional person (Maximum Fee is \$25)	\$ 5	
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(B) Limited Hazardous Waste/Materials Operating Permit for businesses handling only one (1) discloseable material <u>or</u> one (1) waste stream. (No other base fee required).	\$ 247	6HK18 - - EHO
(C) Remote Site or Site With Photoprocessing Waste Only. An annual notification from the site is required. Only verification and complaint inspections are conducted at these sites. (No other base fee required).	\$ 52	6PHOTOEHO 6HREMOEHO
(D) Operating Permit Base Fee	\$ 227	6HBASE - EHO
(E) Hazardous Waste Generator Operating Permit:		
Waste oil recycled by recycling company using State sanctioned modified manifesting procedures (flat rate)	\$ 77	6HWASTEHO
Per Waste - Less than 5 tons per year	\$ 77	
Per Waste - 5 to 50 tons per year	\$ 171	
Per Waste - Greater than 50 tons per year	\$ 304	
(F) Hazardous Materials Response Plans & Inventory Operating Permit (Maximum Fee is \$1,897):		
Fees are based on maximum quantity per material		6HMAT - - EHO
Per material less than 550 gallons, 5,000 pounds or 5,000 cubic feet of compressed gas	\$ 72	
Per material 550 to 5,500 gallons, 5,000 to 50,000 pounds or 5,000 to 20,000 cubic feet of compressed gas	\$ 113	
Per material greater than 5,500 gallons, 50,000 pounds or 20,000 cubic feet of compressed gas	\$ 205	
(G) Underground Hazardous Materials Storage Operating Permit Per Tank	\$ 339	6HUST - - EHO
(H) Tiered Permitting: Onsite Treatment Conditionally Exempt (CE) (Per Facility)	\$ 103	6HTCE - - EHO
Tiered Permitting: Onsite Treatment Conditionally Authorized (CA) (Per Facility)	\$ 412	6HTCA - - EHO
Tiered Permitting: Onsite Treatment Permit By Rule (PBR) (Per Facility)	\$ 612	6HTPBR - EHO
(I) Reinspection Fee	\$ 232	6HRINSPEHO
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(J) Risk Management Program Level I(Per Facility)	\$ 231	6HRMP1 - EHO
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Hunt Exhibit 6



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Hunt Exhibit 7

Substation Name	Substation Address	2008 Estimated Fees						
		Budgeted Y/N	Permit Fee	Insepection Fee	Inventory Fee	With Mineral Oil	State Surcharge	Mineral Oil Only
ALPINE-AL	1237 SOUTH GRADE RD.	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
ARTESIAN-AR	17291 ARTESIAN ROAD	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
ASH-AS	CORNER OF ASH & MISSION AVENUE	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
BATIQUITOS-BQ	ON ALGA ROAD E/OF CAZADERO DRIVE	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
BERNARDO-BE	10800 RANCHO BERNARDO ROAD	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
BORDER-BD	1701 HARVEST ROAD	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
CABRILLO-CB	100 BLOCK SILVER GATE AVENUE	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
CANNON-CAN	Avenida Encina (ENCINA POWER PLANT)	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
CHICARITA-CC	AZUAGA ST N/E OF RANCHO PENASQUITOS	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
CHOLLAS-CS	7001 NORTH AVENUE	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
CREELMAN-CRE	6011 CREELMAN LANE	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
EASTGATE-EG	3/10 MI. N/O EASTGATE MALL ON R OF WAY ACCESS RD.	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
EL CAJON-EC	N/W CORNER OF N. MAIN STREET & JOHNSON AVENUE	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
ENCINITAS-EN	SAXONY ROAD N/OF ENCINTAS BLVD	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
ESCO-ESCO	700 W. 3RD STREET	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
ESCONDIDO-ES	1123 W MISSION RD	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
FELICITA-FE	S. CENTRE CITY PARKWAY	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
FRIARS-FR	7580 MISSION VALLEY RD	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
GENESEE-GE	9545 FEZ STREET	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
GRANITE-GR	1660 JADE AVEUNE	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
GRANT HILL-GH	CORNER OF G STREET & 30TH STREET	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
JAMACHA-JM	CAMPO RD E/OF VIA MERCADO	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
JAPANESE MESA-JA	EL CAMINO REAL	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
KETTNER-KE	S/W CORNER KETTNER BLVD.& PALM STREET	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
LA JOLLA-LJ	N/W CORNER PEARL STREET & EADS AVENUE	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
LOS COCHES-LC	LAKE JENNINGS PARK RD. & EL MONTE ROAD	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
MELROSE-ME	N/E CORNER OLIVE AVE & MELROSE DRIVE	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
MESA RIM-MRM	7020 FLANDERS	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
MIGUEL-ML	7310 SAN MIGUEL ROAD	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
MIRAMAR-MR	8888 MIRAMAR ROAD	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
MISSION-MS	9060 FRIARS RD. SOUTH ENTRANCE	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
MONSERATE-MN	N/E CORNER MISSION RD & VIA ENCINAS	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
MURRAY-MY	8120 EL PASO	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
NORTH CITY WEST-NCW	13230 LANSDALE DR. N/O DEL MAR HGTS RD.	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
OLD TOWN-OT	5510 RILEY STREET	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
OTAY-OY	3500 MAIN STREET	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
PALOMAR AIRPORT-PAR	1925 CAMINO VIDA ROBLE N/OF PALOMAR	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
PENASQUITOS-PQ	10940 EAST OCEAN AIR DRIVE	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
PENDLETON-PN	1-5 TO MAIN ENTRANCE, 1/2 MI N/OF BASILONE RD.	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
POMERADO-POM	13735 STOWE DRIVE	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
PROCTOR VALLEY-PV	SE/O SAN MIGUEL RD ON PROCTOR VLLY	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
RANCHO CARMEL -RCL	INNOVATION DRIVE	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
ROSE CANYON-RN	FRONTAGE RD W/OF I-5 S/OF GILMAN DR	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	

Hunt Exhibit 7

SAMPSON-S	SAMPSON & HARBOR DR.	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
SAN LUIS REY-SA	801 EL CAMINO REAL	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
SANTEE-SN	MAST BLVD. BETWEEN MAGNOLIA AVE & EUCALYPTUS CT.	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
SCRIPPS-SS	SCRIPPS LAKE DRIVE	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
SHADOWRIDGE-SH	1300 PARK CENTER DRIVE	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
SPRING VALLEY-SV	9100 BLOCK OF LAMAR STREET	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
STATION B-B	WEST E STREET & KETTNER BLVD.	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
STATION F-F	EL CAJON BLVD & IOWA STREET	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
SWEETWATER-SW	698 E. 30TH STREET	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
SYCAMORE CANYON-SX	OFF OF POMERADO ROAD (ON NAVY PROPERTY)	N	\$ 247.00	\$ 202.00	\$ 113.00	\$ 318.00	\$ 24.00	
TELEGRAPH CANYON-TC	1065 TIERRA DEL REY	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
TORREY PINES-TP	CRAY COURT N/OF JOHN JAY HOPKINS DR.	Y	\$ 247.00		\$ 113.00	\$ 318.00	\$ 24.00	
ADAMS-AD	4677 FLORIDA STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
AMHERST-AM	4853 73RD STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
AVOCADO-AV	INDUSTRIAL WAY-.25 MI S/OF MISSION	N	\$ 247.00		\$ 205.00		\$ 24.00	X
BALBOA STADIUM-BS	RUSS STREEET AT STADIUM	N	\$ 247.00		\$ 205.00		\$ 24.00	X
BARRETT-BAR	20760 DEERHORN VALLEY ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
BIRD ROCK-BK	LA JOLLA BLVD. BETWEEN MIDWAY & FORWARD STS.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
BORREGO-BR	BORREGO VALLEY RD. 1 MI N/OF PALM CANYON	N	\$ 247.00		\$ 205.00		\$ 24.00	X
BOSTONIA-BA	S/E CORNER OF SHADY LANE & MADISON AVENUE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
BOULDER CREEK-BC	EAGLE PEAK RD 2 MI S/W PINE HILLS	N	\$ 247.00		\$ 205.00		\$ 24.00	X
BOULEVARD-BU	S/OF OLD HWY 80, 1.1 MI E/OF RIBBONWOOD RD.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
BRADLEY-BY	225 BRADLEY AVENUE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
BUENA-BN	S. SANTA FE AVENUE N/OF BUENA CREEK ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CALAVO GARDENS-CG	AVOCADO BLVD @ HORIZON HILLS DR.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CAMERON-CN	W/SIDE OF BUCKMAN SPRINGS RD, 2 MI. N/OF CAMPO	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CAPISTRANO-CP	DRIVEWAY N/OF CALLE BONITA	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CARLSBAD-CD	STATE STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CARLTON HILLS-CH	PECAN VALLEY @ MEDINA DRIVE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CENTRAL-CE	7TH STREET, BETWEEN "E" & "F" STREETS	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CHULA VISTA-CV	S/W CORNER OF 4TH AVE & "F" STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CLAIREMONT-CM	5030 CHATEAU DRIVE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CORONADO-CR	S/E CORNER 1ST & "D" STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CRESTWOOD-CW	2100 KUMEYAAY LANE / OFF OF OLD HWY 80	N	\$ 247.00		\$ 205.00		\$ 24.00	X
CRISTIANITOS-CI	CRISTIANITOS ROAD THROUGH TRW GATE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
DEL MAR-DM	VIA DE LA VALLE W/OF 1-5	N	\$ 247.00		\$ 205.00		\$ 24.00	X
DESCANSO-DE	CORNER OF OAK GROVE DR & BOULDER CREEK RD.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
DIVISION-DI	HARBOR DRIVE @ VISTA STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
DOUBLETT-DB	3433 DUNHILL (ON GENERAL ATOMICS PROPERTY)	N	\$ 247.00		\$ 205.00		\$ 24.00	X
DUNHILL-DH	3433 DUNHILL (ON GENERAL ATOMICS PROPERTY)	N	\$ 247.00		\$ 205.00		\$ 24.00	X
EAST OCEANSIDE-EOS	CROUCH & CANYON DRIVE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
EASTERN OP CENTER-EO	MAIN & JOHNSON	N	\$ 247.00		\$ 205.00		\$ 24.00	X
ELECTRIC BLDG-EB	101 ASH STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
ELLIOTT-EL	10955 TIERRASANTA BLVD.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
ENCANTO-EO	IMPERIAL AVENUE 1/2 BLOCK E/OF 63RD STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
ENCINA-EA	4600 CARLSBAD BLVD.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
FAIRMOUNT-FM	FAIRMOUNT AVENUE N/E OF ALDINE DRIVE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
FALLBROOK-FB	ON CLEMENS LANE 700' W/OF MISSION RD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
FASHION VALLEY-FV	7083 CAMINO DEGRAZIA (BEHIND CONDOS)	N	\$ 247.00		\$ 205.00		\$ 24.00	X
FENTON-FT	ON DIRT RD PAST END OF CAMINO SANTA FE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
GARFIELD-GA	GARFIELD @ SEVERIN DRIVE N/OF MANOR	N	\$ 247.00		\$ 205.00		\$ 24.00	X
GENERAL DYNAMICS-GD	EAST PARKING LOT @ GENERAL DYNAMICS	N	\$ 247.00		\$ 205.00		\$ 24.00	X

Hunt Exhibit 7

GLENCLIFF-GC	29822 OLD HIGHWAY 80	N	\$ 247.00		\$ 205.00		\$ 24.00	X
GOAL LINE METER-GLM	500 BLK N TULIP ST	N	\$ 247.00		\$ 205.00		\$ 24.00	X
GOLDEN HILLS-GH	CORNER OF G STREET & 30TH STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
HARBOR-HB	KETTNER BLVD S/OFF BROADWAY	N	\$ 247.00		\$ 205.00		\$ 24.00	X
HILLCREST-HC	FRONT STREET & ROBINSON	N	\$ 247.00		\$ 205.00		\$ 24.00	X
HILLTOP-HP	J ST W/OFF HILLTOP IN GARAGE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
HORNO-HO	BASILONE RD 1 MI S/OFF CAMP HORNO	N	\$ 247.00		\$ 205.00		\$ 24.00	X
IMPERIAL BEACH-IB	THERMAL AVENUE & PALM AVENUE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
IMPERIAL VALLEY-IV	N/OFF HIGHWAY 98, 4.5 MI @ 16.5 MI MARKER	N	\$ 247.00		\$ 205.00		\$ 24.00	X
KEARNY YARD-KYYD	5488 OVERLAND AVE.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
KEARNY-KY	5488 OVERLAND AVENUE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
KYOCERA-KA	8775 BALBOA AVENUE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
LA JOLLA SHORES-LJS	2400 HIDDEN VALLEY ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
LA JOLLA-LJ	N/W CORNER PEARL STREET & EADS AVENUE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
LAGUNA NIGUEL-LNL	32234 BEAR BRAND ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
LAKESIDE-LS	CORNER OF VINE ST & JULIAN AVE. & LOS COCHES RD.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
LAS PULGAS-LP	EL CAMINO REAL	N	\$ 247.00		\$ 205.00		\$ 24.00	X
LILAC-LI	GABLER DRIVE 1/4 MI S/OFF OLD CASTLE ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
LINCOLN ACRES-LA	LANOTIAN N/OFF 18TH STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
LOVELAND-LL	16549 SYCUAN TRUCK TRAIL	N	\$ 247.00		\$ 205.00		\$ 24.00	X
MAIN STREET-MI	CORNER OF MAIN STREET AT EVANS	N	\$ 247.00		\$ 205.00		\$ 24.00	X
MARGARITA-MAR	HORNO RD. 2.5 MI OFF ORTEGA HIGHWAY	N	\$ 247.00		\$ 205.00		\$ 24.00	X
MARKET-MK	47TH ST. 200' N/OFF MARKET ST	N	\$ 247.00		\$ 205.00		\$ 24.00	X
MESA HEIGHTS-MSH	7474 RONSON RD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
MIDDLETOWN-MT	STATE STREET CORNER OF MAPLE STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
MIRAMAR GT-MRGT	6875-A CONSOLIDATED WAY/MIRAMAR YARD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
MIRAMAR YARD-MRYD	6875 CONSOLIDATED WAY	N	\$ 247.00		\$ 205.00		\$ 24.00	X
MONTGOMERY-MG	G STREET .3 MI W/OFF BAY BLVD.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
MORRO HILL-MH	MURRAY ROAD W/OFF N. RIVER ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
MOUNT WOODSON-MW	HIGHWAY 67 & MUSSEY GRADE ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
N. CNTY RECYC MTR-NCM	1595 QUESTHAVEN	N	\$ 247.00		\$ 205.00		\$ 24.00	X
NARROWS-NW	HWY 78, 3.5 MI W/OFF BORREGO SPRINGS ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
NATIONAL CITY-NC	ROOSEVELT @ 11TH ST.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
NAVAL STATION GT-NSGT	3427 SURFACE NAVY BLVD.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
NAVAL STATION MTR-NSM	W/SIDE HARBOR DR N/O CIVIC CTR DR	N	\$ 247.00		\$ 205.00		\$ 24.00	X
NO SUB-NOSUB		N	\$ 247.00		\$ 205.00		\$ 24.00	X
NORTH ISLAND MTR-NIM	NW/OFF ENTRANCE @ 2ND & ALAMEDA	N	\$ 247.00		\$ 205.00		\$ 24.00	X
NORTH OTAY-NO	4TH AVENUE BETWEEN L AND MOSS STREETS	N	\$ 247.00		\$ 205.00		\$ 24.00	X
NORTH VISTA-NVS	ARCADIA AVE W/OFF VISTA WAY	N	\$ 247.00		\$ 205.00		\$ 24.00	X
OCEANSIDE-OS	S/W CORNER TREMONT & CIVIC CENTER DRIVE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
OLIVENHAIN-OV	VIA AMBIENTE (1MI E O/AUTO PRAKWAY EXIT)	N	\$ 247.00		\$ 205.00		\$ 24.00	X
OTAY LAKES-OL	ALTA RD N/OFF OTAY MESA RD.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
PACIFIC BEACH-PB	1600 HORNBLEND STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
PALA-PA	HWY 76 & PALA DEL NORTE 4 MI E/OFF 1-15 N/SIDE RD.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
PARADISE-PD	68TH STREET AND BENSON	N	\$ 247.00		\$ 205.00		\$ 24.00	X
PARK-PK	PARK BLVD. E/OFF RUBEN FLEET SPACE CENTER	N	\$ 247.00		\$ 205.00		\$ 24.00	X
PICO-PI	1260.5 PUERTA DEL SOL	N	\$ 247.00		\$ 205.00		\$ 24.00	X
POINT LOMA SEWAGE-PLS	END OF CABRILLO RD. AT SEWER PLANT BLDG. #90075	N	\$ 247.00		\$ 205.00		\$ 24.00	X
POINT LOMA-PL	4039 UDALL STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
POWAY-PO	13700 E. TWIN PEAKS ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
RAMONA-RA	11TH STREET 1/2 BLK N/OFF MAIN STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
RANCHO SANTA FE-SF	VIA DE LA VALLE @ VIA SANTA FE	N	\$ 247.00		\$ 205.00		\$ 24.00	X

Hunt Exhibit 7

RELAY SHOP-RLYSH	5488 OVERLAND AVE.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
RINCON-RIN	VALLEY CENTER ROAD S/OF PALA ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
ROLANDO-RD	4641 62ND STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
ROSEVILLE-RV	CORNER OF TALBOT STREET & ANCHORAGE LANE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SAMPSON 12-S12	SAMPSON & HARBOR DR.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SAMPSON 69-S69	SAMPSON & HARBOR DR.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SAN CLEMENTE-SC	W/SIDE NORTH EL CAMINO REAL	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SAN MARCOS-SM	1260 W. DISCOVERY WAY	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SAN MATEO-SMO	CALLE BAHIA & COUNTY LINE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SAN ONOFRE-SO	OLD HIGHWAY 101	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SAN YSIDRO-SYO	4401 OTAY MESA ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SANTA YSABEL-ST	30410 HIGHWAY 78 600' E/OF DUDLEY'S	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SD DREDGE-SDD		N	\$ 247.00		\$ 205.00		\$ 24.00	X
SEWAGE PUMP STA 1-SPS	E/SIDE HARBOR DR., N/OF 8TH ST.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SEWAGE PUMP STA 2-SPS	NORTH HARBOR DRIVE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SEWAGE PUMP STA 64-SP	10743 ROSELLE ST.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SHORECLIFFS-SHC	2629 VIA CASCADITA	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SKILLS TRAINING CENTER	9060 FRIARS ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SO. SAN CLEMENTE-SSC	SOUTH EL CAMINO REAL AND SAN ANTONIO	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SOUTH BAY-SY	990 BAY BLVD. WEST	N	\$ 247.00		\$ 205.00		\$ 24.00	X
STATION C-C	CORNER 4TH & ASH	N	\$ 247.00		\$ 205.00		\$ 24.00	X
STREAMVIEW-SR	5445 LEA STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
STUART-STU	STEWART MESA ROAD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
SUNNYSIDE-SU	CORNER OTAY LAKES RD & ALLEN SCHOOL	N	\$ 247.00		\$ 205.00		\$ 24.00	X
TALEGA-TA	33000 AVENIDA PICO	N	\$ 247.00		\$ 205.00		\$ 24.00	X
TRABUCO-TB	27532 CAMINO CAPISTRANO	N	\$ 247.00		\$ 205.00		\$ 24.00	X
UNIV CA MTR SWYD-UCM	VOIGHT DRIVE W/OF CAMPUS PT. DRIVE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
URBAN-UB	S/E CORNER OF 14TH & "F" ST.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
VALLEY CENTER-VC	14435 VESPER RD	N	\$ 247.00		\$ 205.00		\$ 24.00	X
VISTA-VS	N/OF E. VISTA WAY ON W/SIDE OF SANTA FE AVENUE	N	\$ 247.00		\$ 205.00		\$ 24.00	X
WABASH-WA	3870 JUNIPER STREET	N	\$ 247.00		\$ 205.00		\$ 24.00	X
WARNERS-WR	HWY 79, 500' S/OF SAN FELIPE RD (S-2)	N	\$ 247.00		\$ 205.00		\$ 24.00	X
WARREN CANYON-WC	14200 E. GREEN VALLEY TRUCK TRAIL	N	\$ 247.00		\$ 205.00		\$ 24.00	X
WITHERBY-WY	WITHERBY & HANCOCK ST.	N	\$ 247.00		\$ 205.00		\$ 24.00	X
			\$ 44,707.00	\$ 6,666.00	\$ 32,045.00	\$ 17,490.00	\$ 4,344.00	

Total Estimate \$ 55,717.00 (State Surcharge, Inspection Fee & Permit Fee)

Hunt Exhibit 8

Substation Name	¹ 2009 Base Fee	¹ 2009 Oversight Surcharge	¹ 2009 e-Rpt Surcharge	¹ 2009 HM Inventory Fee	¹ 2010 Base Fee	¹ 2010 Oversight Surcharge	¹ 2010 e-Rpt Surcharge	¹ 2010 HM Inventory Fee	¹ 2011 Base Fee	¹ 2011 Oversight Surcharge	¹ 2011 e-Rpt Surcharge	¹ 2011 HM Inventory Fee
SILVERGATE	\$ 227.00	\$ 24.00	\$ 25.00	\$ 277.00	\$ 227.00	\$ 24.00	\$ 25.00	\$ 277.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 274.00
SKILLS TRAINING CENTER-STC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SO. SAN CLEMENTE-SSC ⁸	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SOUTH BAY-SY	\$ -	\$ -	\$ -	\$ -	\$ 227.00	\$ 24.00	\$ 25.00	\$ 72.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 71.00
SPRING VALLEY-SV	\$ 227.00	\$ 24.00	\$ 25.00	\$ 349.00	\$ 227.00	\$ 24.00	\$ 25.00	\$ 349.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00
STATION B-B	\$ 227.00	\$ 24.00	\$ 25.00	\$ 349.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 386.00
STATION C-C ²	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
STATION F-F	\$ 227.00	\$ 24.00	\$ 25.00	\$ 349.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00
STREAMVIEW-SR	\$ 227.00	\$ 24.00	\$ 25.00	\$ 340.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00
STUART-STU	\$ -	\$ -	\$ -	\$ -	\$ 227.00	\$ 24.00	\$ 25.00	\$ 257.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 254.00
SUNNYSIDE-SU	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24.00	\$ 25.00	\$ 247.00	\$ -	\$ 24.00	\$ 25.00	\$ 257.00
SWEETWATER-SW	\$ 227.00	\$ 24.00	\$ -	\$ 144.00	\$ 227.00	\$ 24.00	\$ 25.00	\$ 349.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00
SYCAMORE CANYON-SX	\$ 227.00	\$ 24.00	\$ 25.00	\$ 349.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 386.00
TALEGA-TA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TELEGRAPH CANYON-TC	\$ 227.00	\$ 24.00	\$ 25.00	\$ 349.00	\$ 227.00	\$ 24.00	\$ 25.00	\$ 349.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00
TORREY PINES-TP	\$ 227.00	\$ 24.00	\$ 25.00	\$ 349.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00
TRABUCO-TB	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
UNIV CA MTR SWYD-UCM	\$ 227.00	\$ 24.00	\$ -	\$ 185.00	\$ 227.00	\$ 24.00	\$ 25.00	\$ 185.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 183.00
URBAN-UB	\$ 227.00	\$ 24.00	\$ 25.00	\$ 349.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 345.00
VALLEY CENTER-VC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 228.00	\$ 24.00	\$ 25.00	\$ 254.00
VISTA-VS ³	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WABASH-WA	\$ -	\$ 24.00	\$ 25.00	\$ 247.00	\$ -	\$ 24.00	\$ 25.00	\$ 257.00	\$ -	\$ 24.00	\$ 25.00	\$ 257.00
WARNERS-WR	\$ 227.00	\$ 24.00	\$ -	\$ 277.00	\$ 227.00	\$ 24.00	\$ 25.00	\$ 277.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 274.00
WARREN CANYON-WC	\$ 227.00	\$ 24.00	\$ 25.00	\$ 277.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 274.00	\$ 228.00	\$ 24.00	\$ 25.00	\$ 274.00
WITHERBY-WY	\$ -	\$ 24.00	\$ 25.00	\$ 247.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24.00	\$ 25.00	\$ 257.00
TOTALS	\$ 19,976.00	\$ 2,880.00	\$ 1,875.00	\$ 32,160.00	\$ 22,739.00	\$ 3,096.00	\$ 3,225.00	\$ 37,013.00	\$ 24,396.00	\$ 3,264.00	\$ 3,400.00	\$ 40,186.00
TOTAL SUMMARY - YEAR	\$ 56,891.00				\$ 66,073.00				\$ 71,246.00			
Incremental change					\$ 9,182.00				\$ 5,173.00			

¹ Data gaps indicate file not readily accessible in expedited request timeline

² Closed in 2009

³ Closed in 2010

⁴ SDGE only feeds power; no equipment

⁵ Included in Ice Rink HMBP; No SPCC; total oil less than 150 gallons

⁶ Parking; no separate fees - including in Miramar fees

⁷ Fees paid by SCE

⁸ Not San Diego County

APPENDIX D
DRA CROSS EXHIBIT 333

333

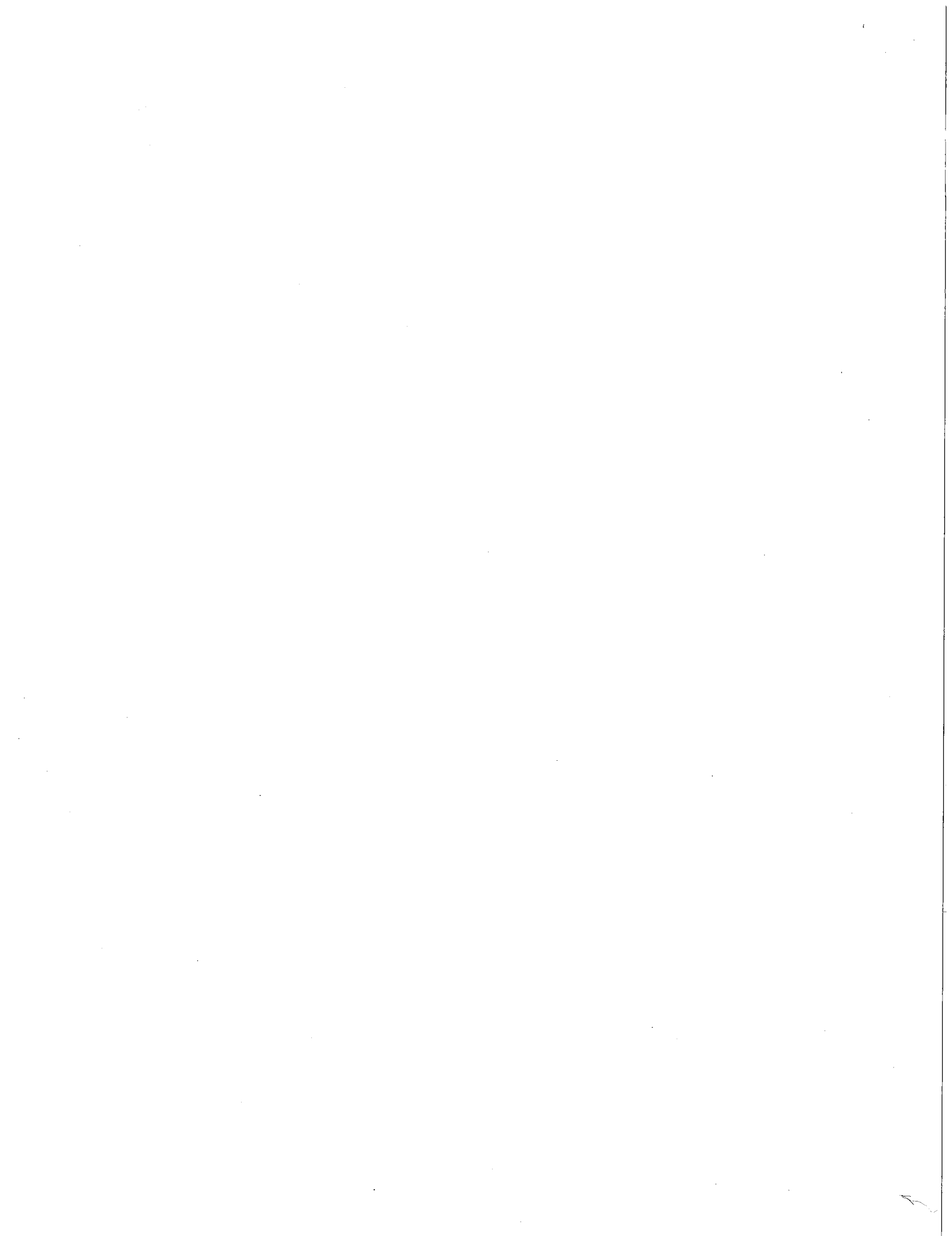
Docket:	:	<u>A.10-12-005/006</u>
Exhibit Number	:	<u>DRA-</u>
Commissioner	:	<u>Ferron</u>
Admin. Law Judge	:	<u>Wong</u>



**DIVISION OF RATEPAYER ADVOCATES
CALIFORNIA PUBLIC UTILITIES COMMISSION**

DRA Cross Examination Exhibit

San Francisco, California
December, 2011



APSA, SPCC & YOU

All you've ever wanted to
know....

....and more!

Prepared by Sylvia Mosse
San Diego County Dept of Environmental Health

Aboveground Petroleum Storage Act

Assembly Bill 1130
(Laird)

Chaptered October 13, 2007

EXEMPTIONS

EXEMPTIONS

Exempt from definition of Aboveground Storage Tank:

4. Oil-filled electrical equipment (transformers, circuit breakers, capacitors) if it
 - contains $< 10,000$ gal of dielectric fluid
 - contains $\geq 10,000$ gal of dielectric fluid with PCBs < 50 ppm with appropriate containment to prevent oil from reaching navigable water & visual inspection.

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true and correct copy of the foregoing **SAN DIEGO GAS & ELECTRIC COMPANY (U902M) AND SOUTHERN CALIFORNIA GAS COMPANY'S (U904G) RESPONSE IN OPPOSITION THE DIVISION OF RATEPAYER ADVOCATES' RULE 1 MOTION** to each party named in the official service list for proceeding A.10-12-005 and A.10-12-006. Those parties without an email address were served by placing copies in properly addressed and sealed envelopes and depositing such envelopes in the United States Mail with first-class postage prepaid.

Executed this 26th day of April 2012, at San Diego, California.

/s/ Jenifer E. Nicola

Jenifer E. Nicola



California Public
Utilities Commission

CPUC Home

CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

PROCEEDING: A1012005 - SDG&E - FOR AUTHORIT
FILER: SAN DIEGO GAS & ELECTRIC COMPANY
LIST NAME: LIST
LAST CHANGED: APRIL 18, 2012

[DOWNLOAD THE COMMA-DELIMITED FILE](#)
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[Back to Service Lists Index](#)

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