RESOLUTION - ACTION REQUESTED 2012-193

MEETING: April 17, 2012

TO: The Board of Supervisors

FROM: Charles Mosher, Health Officer

RE: Exemptions to Hazardous Materials Business Plan

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution authorizing specific exemptions to the Hazardous Materials Business Plan Program. Some small businesses in the County handle hazardous materials in quantities which are of such low hazard potential, or their presence is common knowledge that registering them is not necessary in order to advise responding Fire organizations. It is therefore reasonable to exempt them from participation in the Business Plan Program. This will reduce both paperwork and cost to those low-risk businesses.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Businesses with propane tanks and other low spill risk materials will be required to comply with the law, register, and pay a fee.

FISCAL IMPACT:
No Financial Impact.

CAO RECOMMENDATION
Requested Action Recommended

Rick Benson, County Administrative Officer 11/2012
Resolution - Action Requested 2022-193

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Allen, District V Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
MARIPOSA COUNTY RESOLUTION NUMBER 12-193

A RESOLUTION AUTHORIZING SPECIFIC EXEMPTIONS TO HAZARDOUS MATERIALS BUSINESS PLAN PROGRAM.

WHEREAS, the Health Department is the Certified Unified Program Agency (CUPA) for Mariposa County as authorized under California Health and Safety Code (H&SC) section 25404; and

WHEREAS, California Health and Safety Code section 25404 (c)(4) requires the CUPA to administer the requirements of Article 1 (commencing with section 25500) of Chapter 6.95 concerning hazardous material release response plans and inventories; and

WHEREAS, the Health Department is proposing the exemption of certain hazardous substances and quantities from the inventory provisions of the Hazardous Materials Business Plan under H&SC 25503.5 (c) (2) and establishing an exemption from portions of the Hazardous Materials Business Plan requirements under H&SC 25503.5 (c) (3) for small agricultural handlers.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Mariposa County a political subdivision of the State of California, do hereby adopt as follows:

Approves the exemption of certain hazardous substances and quantities from the inventory provisions of H&SC Chapter 6.95 (Hazardous Material Business Plan) under H&SC 25503.5 (c) (2) and exempts small agricultural handlers under H&SC 25503.5 (c) (3) as follows:

The following hazardous substances and quantities are hereby exempt from the inventory provisions of H&SC Chapter 6.95 under H&SC 25503.5 (c) (2). The Mariposa County Board of Supervisors find that the listed substances and quantities do not pose a present or potential danger to the environment or to human health and safety if the hazardous substance was released into the environment, due to the quantities involved, the rural nature of Mariposa County, and the common use of the hazardous substances in both business and residential settings throughout the county.

Refrigeration
Freon in Building AC systems - (fluorocarbons, chlorocarbons, chlorofluorocarbons)
Propylene Glycol (winery chillers)

Oxy - Acetylene Compressed Gases (less than 1000 cubic ft total compressed gases)

Compressed Inert Gases
Carbon Dioxide for soft drink machines (200 pounds / 1700 cubic feet)
Inert Gases (Compressed Air, Argon, Carbon Dioxide, Helium, Krypton, Neon, Nitrogen, Xenon, or mixtures, 6000 cubic feet total)
Compressed Air used by emergency responders

Propane
Propane used for on premise heating, cooling, or cooking (1000 gallons total)
Propane used for on premise standby generator (1000 gallons total)

**Building Materials**
- Cement - Less than 10,000 pounds or 1,190 gallons
- Stucco - Less than 10,000 pounds or 1,190 gallons
- Plastering Compounds - Less than 10,000 pounds or 1,190 gallons
- Cold Patch Asphalt - Less than 10,000 pounds or 1,190 gallons
- Roofing Tar - Less than 10,000 pounds or 1,190 gallons
- Diatomaceous Earth - Less than 10,000 pounds or 1,190 gallons

The following exemption under H&SC 25503.5 (c) (3) is created for small agricultural handlers, who upon request, may be exempted from portions of H&SC Chapter 6.95. The Mariposa County Board of Supervisors finds that the exemption will not pose a significant present or potential hazard to human health or safety or to the environment or affect the ability of the administering agency and emergency rescue personnel to effectively respond to the release of a hazardous material, due to the reduced risk and unusual circumstances of small agricultural handlers, the quantities involved, the location, and seasonal nature of use. The exemption is limited to small agricultural handlers (business operating a farm for purposes of cultivating the soil or raising or harvesting any agricultural or horticultural commodity) who meet the following conditions and hazardous materials quantities:

**Conditions**
- All hazardous materials stored 100 yards from neighboring residences.
- One time submission of complete HMBP with onetime fee / inspection.
- Updated Emergency Response and Employee Training Records kept onsite.
- Agricultural handler must review and certify HMBP every three years and report any change in inventory, quantity or operator / owner.

**Threshold Quantities**
- Gasoline aboveground tanks up to 1,100 gallons (total).
- Diesel aboveground tanks up to 1,100 gallons (total).
- NPK Fertilizers less than 10,000 pounds (1,190 gallons) except ammonium nitrate.

**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 17th day of April, 2012 by the following vote:

**AYES:** Stetson, Turpin, Bibby, Cann, Allen

**NOES:** None

**ABSTAIN:** None

![Signature]

JANET BIBBY, Chairman
Mariposa County Board of Supervisors

**ATTEST:**

Margie Williams
Clerk of the Board

**APPROVED AS TO FORM:**

Steve W. Dahlem
County Counsel