CHAPTER 1: GENERAL APPLICABILITY

1.1 INTRODUCTION

The purpose of this chapter is to help you determine if your processes are subject to Title 19, Division 2, and Chapter 4.5 California Code of Regulations, which are the California Accidental Release Prevention Program (CalARP) regulations. The CalARP regulations applies to you if you are:

The owner or operator of a stationary source

That has more than a threshold quantity

Of a regulated substance

In a process.

The goal of this chapter is to make it easy for you to identify processes that are covered by this rule so you can focus your efforts on them.

This chapter walks you through the key decision points (rather than the definition items above), starting with those provisions that may tell you that you are not subject to the rule. This chapter initially outlines the general applicability provisions and the few exemptions and exclusions, then discusses which chemicals are regulated substances. If you do not have a regulated substance at your site, you are not covered by this rule. The exemptions and exclusions may exclude you from the CalARP regulations or simply exclude certain activities from consideration.

The chapter then describes what is considered a process. A clear understanding of what is a process is critical to determining if you need to comply because you must have a threshold quantity of a regulated substance in a process to be covered. The chapter next describes how to determine whether you have a threshold quantity in a process.

Finally, this chapter discusses how you define your overall stationary source. These questions are important once you have decided that you are covered. For most stationary sources covered by the CalARP regulations, the stationary source is basically all covered processes at your site. If your facility is part of a site with other divisions of your company or other companies, the discussion of stationary source will help you understand what you are responsible for in your compliance and reporting.

1.2 GENERAL PROVISIONS

The CalARP regulations apply to any owner or operator of a stationary source. Owner or operator means any person who owns, leases, controls or supervises a stationary source and includes:

- An individual, corporation, partnership, association, state, municipality, political subdivision of a state, and any agency, department, or instrumentality of the United States and any officer, agency, or employee thereof.

The CalARP regulations, therefore, apply to all levels of government as well as private businesses.

The CalARP regulations define stationary sources as:

Any buildings structures, equipment, installations, or substance emitting stationary activities

- Which belong to the same industrial group;
- Which are located on one or more contiguous properties;
- Which are under the control of the same person (or persons under common control); and,
- From which an accidental release may occur.

There is one exemption and several exclusions from the CalARP regulations:

1.2.1 EXEMPTION

FARM USE OF AMMONIA

The CalARP regulations have only one exemption: an exemption for ammonia when held by a farmer for use on a farm. This exemption applies to ammonia only when used as a fertilizer by a farmer. It does not apply to agricultural suppliers or the fertilizer manufacturer. It does not apply to farm cooperatives or to groups of farmers who buy, use, or sell ammonia. In the event that a farm stored some other regulated substance above its threshold quantity, that storage would be covered.

1.2.2 EXCLUSIONS

TRANSPORTATION ACTIVITIES

The CalARP regulations apply only to stationary sources. The term stationary source does not apply to transportation, including storage incident to transportation. The relationship to DOT regulations is cited in section 2735.3(tt) of the CalARP regulations.

Transportation containers used for storage not incident to transportation and transportation containers connected to equipment at a stationary source are considered part of the stationary source. Transportation containers that have been unhooked from the motive power that delivered them to the site (e.g., truck or locomotive) and left on your site for short-term or long-term storage are part of your stationary source. For example, if you have railcars on a private siding that you use as storage tanks until you are ready to hook them to your process, these railcars should be considered to be part of your source. If a tank truck is being unloaded **and** the motive power is still attached the truck and its contents are considered to be in transportation and not covered by the rule. You should count only the substances in the piping or hosing as well as the quantity unloaded. Some issues related to transportation are still under discussion with DOT.

Q and A

Q. What does same industrial group mean?

A. To belong to the same industrial group, the operations at the site must be in the same three-digit North American Industrial Classification System (NAICS) code (which has replaced the old two-digit SIC codes) or one or more operations must serve as primarily support facilities for the main operation. For example, if you manufacture chemicals (NAICS 325) and operate a waste treatment facility (NAICS 562) that handles primarily wastes generated by your chemical operations, the waste operation would be considered a support operation. If you operate a petrochemical manufacturing operation (NAICS 32511) next to your petroleum refinery (NAICS 32411), the two plants would be considered to be in different industrial groups and would require two RMPs unless the majority of the refinery's production was used by the chemical manufacturing plant.

Q and A

Q. What does contiguous property mean?

A. Property that is adjoining. Public rights-of-way (e.g., railroads, highways) do not prevent property from being considered contiguous.

Q. What does control of the same person mean?

A. Control of the same person refers to corporate control, not site management. If two divisions of a corporation operate at the same site, even if each operation is managed separately, they will count as one source provided the other criteria are met because they are under control of the same company.

STATIONARY SOURCE EXCLUSIONS

The following are not considered part of a stationary source and, therefore, any regulated substances contained in them need not be included in your calculations of threshold quantities:

Naturally occurring hydrocarbon transportation subject to oversight or regulations under a state of California natural gas or hazardous liquid program for which the state has in effect a certification to DOT under 49 U.S.C. 60105.

Naturally occurring hydrocarbon reservoirs that includes oil and gas fields, where the hydrocarbons occur in nature and from which they are pumped. Naturally occurring hydrocarbon reservoirs do not include natural formations, such as salt domes, where hydrocarbons are stored after they have been produced or processed. Transportation subject to state oversight or regulations refers to transportation in pipelines.

Storage of natural gas incident to transportation (i.e., gas taken from a pipeline during non-peak periods and placed in storage fields, then returned to the pipeline when needed) is not covered. Storage fields include, but are not limited to, depleted oil and gas reservoirs, aquifers, mines, or caverns. Liquefied natural gas facilities covered by 49CFRpart 193 are not covered.

OTHER EXCLUSIONS

The CalARP regulations have other exclusions that allow you to ignore certain sources that contain a regulated substance when you determine whether a

threshold quantity is present. Note that these same exclusions apply the AB2185 Business Plan; you may be familiar with them if you comply with that provision.

Articles

You do not need to include in your threshold quantity calculations any manufactured item (as defined under Title 8 CCR Section 5189) that:

- Is formed to a specific shape or design during manufacture;
- Has end use functions dependent in whole or in part upon the shape or design during end use; and,
- Does not release or otherwise result in exposure to a regulated substance under normal conditions of processing and use.

Uses

You also do not need to include in your calculation regulated substances when in use for the following purposes:

- Use as a structural component of the stationary source;
- Use of products for routine janitorial maintenance;
- Use by employees of foods, drugs, cosmetics, or other personal items containing the regulated substances; and
- Use of regulated substances present in process water or non-contact cooling water as drawn from the environment or municipal sources, or use of regulated substances present in air used either as compressed air or as part of combustion.

Activities in Laboratories

If a regulated substance is manufactured, processed, or used in a laboratory at a stationary source under the supervision of a technically qualified individual (as defined by 40CFR§7203.3(ee)), the quantity of the substance need not be considered in determining whether a threshold quantity is present. This exclusion does not extend to:

- Specialty chemical production;
- Manufacture, processing, or use of substances in pilot plant scale operations; and,
- Activities conducted outside the laboratory.

Substance Exclusions

You do not need to consider the following flammable substances when you determine the applicability of the CalARP regulations:

- Gasoline, when in distribution or related storage for use as fuel for internal combustion engines;

- Naturally occurring hydrocarbon mixtures prior to entry into a petroleum refining process unit or a natural gas processing plant. Naturally occurring hydrocarbon mixtures include any of the following:

  – Condensate – hydrocarbon liquid separated from natural gas that condenses because of changes in temperature, pressure, or both, and that remains liquid at standard conditions;
  – Crude oil - any naturally occurring, unrefined petroleum liquid;
  – Field gas - gas extracted from a production well before the gas in the extraction of natural gas liquids from field gas, fractionation of natural gas liquids to natural gas products, or both); and
  – Produced water - water extracted from the earth from an oil or natural gas production well, or that is separated from oil or natural gas after extraction.

- Explosives: Explosives are not covered by the CalARP regulations.

1.2.3 RELATIONSHIP TO OSHA PROCESS SAFETY MANAGEMENT STANDARD EXEMPTIONS

The Cal/OSHA Process Safety Management (PSM) standard exempts retail facilities, substances used as a fuel, substances stored in atmospheric storage tanks, and remote oil and gas productions. There is no relationship between OSHA exemptions and CalARP exemptions. Your processes are not exempt from the CalARP regulations simply because they qualify for one of the Cal/OSHA exemptions. Consequently, the CalARP regulations cover retail facilities, regulated substances used as fuel, and substances stored in atmospheric storage tanks if there is more than a threshold quantity in a process. As discussed in the prior section, most oil and gas production facilities as well as gasoline at retail gas stations are not subject to the CalARP regulations.

1.3 REGULATED SUBSTANCES AND THRESHOLDS

Tables listing substances regulated under the CalARP Program are in Section 2770.5 of the CalARP regulations. Check the lists carefully. If you do not have any of these substances (either as pure substances or in mixtures above one-percent concentration) or do not have them above their listed threshold quantities, the CalARP regulations do not apply to your facility.

Table 1 (the Federal EPA regulated toxic substances list) and Table 3 (the California regulated toxic substances list) include chemicals that are listed because they are acutely toxic; they can cause serious health effects or death from short-term exposures. Table 2 (the Federal EPA regulated flammable substances list) covers flammable gases and highly volatile flammable liquids. The flammable substances have the potential to form vapor clouds and explode or burn if released. The CalARP regulations also covers flammable mixtures that include any of the listed flammables if the mixture meets the criteria for the National Fire Protection Association's (NFPA) 4 rating.

Processes containing a quantity greater than the threshold quantity in Tables 1 or 2 are subject to both the state accidental release prevention program and federal risk management program applicability and compliance.

Processes containing a quantity greater than the threshold quantity in Table 3 and not more than the threshold quantity in Table 1 or Table 2 are subject to state accidental release prevention program applicability and compliance only.

1.4 WHAT IS A PROCESS

The concept of process is key to whether you are subject to CalARP regulations. A process is defined in the CalARP regulations as:

> "Any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances, or any combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process".

Vessel means a reactor, tank, drum, barrel, cylinder, vat, kettle, boiler, pipe, hose, or other container.

What does this mean to you?

- If you store a regulated substance in a single vessel in quantities above the threshold quantity, you are covered.

- If you have interconnected tanks that hold more than a threshold quantity that can be involved in a single event, you are covered. The connections need not be permanent. If two vessels are connected occasionally, they are considered a single process for the purposes of determining whether a threshold quantity is present.

- If you have multiple unconnected tanks, cylinders, barrels, or other containers, including pipes, containing the same substance, you will have to determine whether they need to be considered together.

1.4.1 SINGLE VESSEL

Many people covered by the CalARP regulations will have a single storage tank and fall into the first group. If one tank is the only place you have a regulated substance, you need not worry about the other possibilities for defining a process.

1.4.2 INTERCONNECTED VESSELS

In general, if you have two or more vessels containing a regulated substance that are connected through piping or hoses for the transfer of the regulated substance, you must consider the total quantity of a regulated substance in all the connected vessels and piping when determining if you have a threshold quantity in a process. If the vessels are connected for transfer of the substance using hoses that are sometimes disconnected, you still have to consider the contents of the vessels as one process, because if one vessel were to rupture while the hose was attached or the hose were to break during the transfer, both tanks could be affected. Therefore, you must count the quantities in both tanks and in any connecting piping or hoses. You cannot consider the presence of automatic shutoff valves or other devices that can limit flow, because these are assumed to fail for the purpose of determining the total quantity in a process.

Once you have determined that a process is covered (the quantity of a regulated substance exceeds its threshold), you must also consider equipment, piping, hoses, or other interconnections that do not carry or contain the regulated substance, but that are important for accidental release prevention. Equipment or connections which contain utility services, process cooling water, steam, electricity, or other non-regulated substances may be considered part of a process if such equipment could cause a regulated substance release or interfere with mitigating the consequences of an accidental release. Your prevention program for this process will need to cover such equipment. If, based on your analysis, it is determined that interconnected equipment or connections not containing the regulated substance cannot cause a regulated substance release or interfere with mitigation of the consequences of such a release, then such equipment or connections could safely be considered outside the limits or boundaries of the covered process.

In some cases, such as in a large refinery or multi-unit chemical plant, determining the boundaries of a process for purposes of the RMP rule may be complicated. In the preamble to the June 20, 1996 rule (61 FR 31668), EPA clearly stated its intent to be consistent with OSHA's interpretation of "process" as that term is used in OSHA's PSM rule. Therefore, if your stationary source is subject to the PSM rule, the limits of your process(es) for purposes of OSHA PSM will be the limits of your process(es) for purposes of RMP (except in cases involving atmospheric storage tanks containing flammable regulated substances, which are exempt from PSM but not RMP). If your facility is not covered by OSHA PSM and is complicated from an engineering perspective, you should consider contacting CCCHSD for advice on determining process boundaries.

OSHA has issued several interpretation letters on the subject of interconnected units and facilities[1]. OSHA has issued guidance for determining the limits of a process for four general scenarios. First, if a process unit containing a regulated substance above the threshold quantity (TQ) is interconnected (or proximate) to a process unit with the same regulated substance above or below the TQ, the process units are considered one covered process. Second, if a process unit containing one regulated substance above TQ is interconnected (or proximate) to a process unit containing a second regulated substance above TQ, the process units are considered one covered process. Third, if a process unit containing a regulated substance above TQ is interconnected (or proximate) to a process unit containing a non-regulated substance, the stationary source must apply the following criteria to determine if the process units are considered one covered process:

a. if the unit with a non-regulated substance could cause a release in the interconnected or proximate unit it is considered one covered process
b. if the unit with a non-regulated substance could interfere in the mitigation of a release in the interconnected or proximate unit it is considered one covered process

Fourth, if a process unit containing one regulated substance above TQ is interconnected (or proximate) to a process unit containing a second regulated substance below TQ, the stationary source must apply the following criteria to determine if the process units are considered one covered process:

a if the unit with the regulated substance below TQ could cause a release in the interconnected unit it is considered one covered process

[1] OSHA's interpretation letters are on their website: http://www.osha-slc.gov under *OSHA Standards Interpretation and Compliance Letters.* The *Akzo-Nobel Chemical – Limits of a process* letter dated 02/28/97 is a comprehensive interpretation. It is available at: http://www.osha-slc.gov/OshDoc/Interp_data/I19970228.html.

b if the unit with a regulated substance below TQ could interfere in the mitigation of a release in the interconnected unit it is considered one covered process

Physical or administrative controls may not be used to segregate interconnected process units. Finally. under the CalARP regulations, you may not segregate process units within a covered process for purposes of assigning program levels, i.e., the highest program level that applies to any section of the process is the program level for all sections or processes in the covered process.

1.4.3 CO-LOCATION

The third possibility you must consider is whether you have more than a threshold quantity in separate vessels that are located so they could be involved in a single release. Such co-located vessels (interconnected or not) are part of a single process if there is a reasonable likelihood that they would be affected by the same event. If so, you must count the total quantity in all such vessels. This possibility will be particularly important if you store a regulated substance in cylinders or barrels or other containers in a warehouse or outside in a rack. In some cases, you may have two vessels or systems (e.g., refrigeration systems, acids baths) that are in the same building or room. For each of these cases, you should ask yourself:

- Would a release from one of the containers lead to a release from the other? For example, if a cylinder of propane were to rupture and burn, would the fire spread to other propane cylinders?

- Would an event external to the containers, such as a fire or explosion, have the potential to release the regulated substance from multiple containers?

Co-located vessels (interconnected or not interconnected) are part of a single process if there is a reasonable probability that they would be affected by the same event.

For flammables, you should consider the distance between vessels. If a fire could spread from one vessel to the others, you must count all of them. For toxics, a release from a single vessel will not normally lead to a release from others unless the vessel fails catastrophically and explodes, sending metal fragments into other vessels. Co-located vessels containing toxic substances, however, may well be involved in a release caused by a fire or explosion that occurs from another source. In addition, a collapse of storage racks could lead to multiple vessels breaking open.

If firewalls or barricades that will contain the blast waves from explosions of the substances separate the vessels, you will not need to count the separated vessels, but you would count any that are in the same room.

You should not dismiss the possibility of a fire spreading based on an assumption that your fire brigade will be able to prevent the spread. You should ask yourself whether the fire would spread to engulf all the vessels if the worst happens and the fire brigade is slow to arrive, the water supply fails or the local fire department decides it is safer to let the fire burn itself out. If vessels, taken together, have more than a threshold quantity, you should count them as a single process.

1.4.4 RESPONSIBILITY FOR PROCESS BOUNDARY DETERMINATION

For both interconnection and co-location, you are responsible for defining the appropriate process boundaries based on sound engineering judgement about which vessels can be reasonably be involved in a single release.

1.5 THRESHOLD QUANTITY IN A PROCESS

The threshold quantity for each regulated substance is listed in the tables in Section 2775 of the CalARP regulations. You must determine whether the maximum quantity of each substance in a process is greater than the threshold quantity listed. If it is, you must comply with CalARP regulations for that process. This approach is different from determining applicability under other regulations, where you must determine the maximum quantity on site and base your applicability decisions on that amount. You may be subject to reporting requirements under the Hazardous Materials Business Plan required by AB2185 and not be covered by CalARP regulations

1.5.1 QUANTITY IN A VESSEL

To determine if you have the threshold quantity of a regulated substance in a vessel involved in a single process, you need to consider the maximum quantity in that vessel at any one time. You do not need to consider the vessel's maximum capacity if you never fill it to that level. You must be able to show administrative controls and records to substantiate this claim. Base your decision on the actual maximum quantity that you may have in the vessel. Remember that your maximum quantity may also be more than your normal operating maximum quantity; for example, if you may use a tank for emergency storage, the maximum quantity should be based on the quantity that might be stored.

"At any one time**"** means you need to consider the largest quantity that you ever have in the vessel. If you fill a tank with 50,000 pounds and immediately begin using the substance and depleting the contents, your maximum is 50,000 pounds. If you fill the tank four times a year, your maximum is still 50,000 pounds.

Throughput is not considered because the CalARP regulations are concerned about the maximum quantity you could release in a single event.

1.5.2 QUANTITY IN A PIPELINE

The maximum quantity in a pipeline is best considered according to the capacity of the pipeline (volume). In most cases, pipeline quantity will be calculated and added to the interconnected vessels.

1.5.3 INTERCONNECTED/CO-LOCATED VESSELS

If your process consists of two or more interconnected vessels, you must estimate the maximum quantity you have in each vessel and in the connecting pipes or hoses. The maximum for each individual vessel and pipe is added together to determine the maximum for the process.

If you have determined that you must consider co-located containers as one process, you must estimate the quantity in each container and sum the contents of all such containers.

Q and A

Q. Do I have to do my hazard review, process hazard analysis, or other prevention activity on the whole process or can I break it into separate units?

A. The definition of process applies only to determining applicability of the CalARP regulations. Once you have determined that you are covered, you can divide the covered process any way you want to implement the prevention program. If you have multiple interconnected storage and reactor vessels that you have determined to be a single process, you may want to treat them separately when you conduct the hazard review or process hazard analysis, if only to make the analyses easier to manage. Storage and reactor vessels may require separate maintenance programs. You should do what makes sense for you.

Q and A

Q. How far apart do containers have to be to be considered different processes?

A. There is no hard and fast rule for how great this distance should be before you do not need to consider the vessels as part of one process. Two containers at opposite ends of a large warehouse room might have to be considered as one process if the entire warehouse or room could be engulfed in a fire. Two containers separated by the same distance out of doors might be far enough apart that a fire affecting one would be unlikely to spread to the other. You may want to consult with your local fire department. You should then use your best professional judgment. Ask yourself how much of the regulated substance could be released if the worst happens (you have a major fire, an explosion, a natural disaster).

1.5.4 QUANTITY OF A SUBSTANCE IN A MIXTURE

TOXICS WITH A LISTED CONCENTRATION

For the four toxic substances with concentrations listed in Table 1 of the CalARP regulations (hydrochloric acid, hydrofluoric acid, nitric acid, ammonia):

> If you have these substances in solution and their concentration is less that the listed concentration, you do not need to consider them at all for federal applicability subject to EPA.
>
> If you have one of these four above their listed concentration, you must determine the weight of the substance in the solution and use that to calculate the quantity present. If that quantity is greater than the threshold, the process is a federal covered process. For example, aqueous ammonia is covered at concentrations above 20 percent, with a threshold quantity of 20,000 pounds. If the solution is 25 percent ammonia, you would need 80,000 pounds of the solution to meet the threshold quantity; if the solution is 44 percent ammonia, you would need 45,455 pounds to meet the threshold quantity (quantity of mixture x percentage of regulated substance = quantity of regulated substance).

TOXICS WITHOUT A LISTED CONCENTRATION

For toxics without a listed concentration, if the concentration is less than one percent you need not consider the quantity in your threshold determination. If the concentration in a mixture is above one percent, you must calculate the weight of the regulated substance in the mixture and use that weight to determine whether a threshold quantity is present. However, if you can measure or estimate (and

document) that the partial pressure of the regulated substance in the mixture is less than 10 mm Hg, you do not need to consider the mixture. Note that the partial pressure rule does not apply to toluene di-isocyanate (2-4, 2-6, or mixed isomers) or oleum in Table 1. and does not apply to some toxic liquid and solid substances listed in Table 3.

The Difference between the CalARP and Cal/OSHA Toxic Mixture Rules

The CalARP regulations treat toxic mixtures differently from Cal/OSHA. Under the Cal/OSHA PSM standard, the entire weight of the mixture is counted toward the threshold quantity; under the CalARP regulations, only the weight of the toxic substance is counted.

FLAMMABLES

Flammable mixtures are subject to the CalARP regulations only if there is a regulated substance in the mixture above one percent and the entire mixture meets the definition of flammability hazard rating 4 in the NFPA 704, Standard System for the Identification of the Fire Hazards of Material.. If the mixture meets both of these criteria, you must use the weight of the entire mixture (not just the listed substance) to determine if you exceed the threshold quantity. The NFPA-4 definition is as follows:

Materials that will rapidly or completely vaporize at atmospheric pressure and normal ambient temperature or that are readily dispersed in air, and that will burn readily. This includes:

Flammable gases

Flammable cryogenic materials

Any liquid or gaseous material that is liquid while under pressure and has a flash point below 73 F (22.8 C) and a boiling point at atmospheric pressure of 100 F (37.8 C) (i.e., Class 1A flammable liquids) The NFPA 30 Standard published in 1996 is used for the definition of boiling point and flash point (For purposes of defining this boiling point, atmospheric pressure is 14.7 psia (760mmHg) For mixtures that do not have a constant boiling point, the 20 percent evaporated point of a distillation performed in accordance with ASTM D 86, Standard Method of Test for Distillation of Petroleum Products, shall be considered to be the boiling point.)

Materials that will spontaneously ignite when exposed to air.

1.6 STATIONARY SOURCE

The CalARP regulations apply to stationary sources. Each stationary source must file an RMP that includes all covered processes.

1.6.1 SIMPLE SOURCES

For most facilities covered by **t**he CalARP regulations, this definition is simple. If you own or lease a property, your processes are contained within the property boundary, and no other companies operate on the property, then your stationary source is defined by the property boundary and covers any process within the boundaries that has more than a threshold quantity of a regulated substance. You must comply with the CalARP regulations and file a single RMP for all covered processes.

Q and A

Q. A stationary source has a mixture containing 9,000 pounds of butane and 1,001 pounds of water in a process. The mixture meets the criteria for a National Fire Protection Association flammability rating of 4 (NFPA 4). Is this process covered under the RMP regulations?

A. Yes. The entire weight of a mixture containing a regulated flammable substance must be counted for threshold determination if the mixture itself meets the NFPA 4 criteria.

Q. I store consumer products in my warehouse, including hair sprays and lighters. Do I need to consider the propane and butane in these products or are they considered articles?

A. You must consider them in determining if a threshold quantity is present. They are not articles because the propane or butane is released during normal use.

Q and A

Q. If laboratory chemicals are stored outside the laboratory, are they exempt from threshold determination?

A. No. The storage of a regulated substance outside of a laboratory does not qualify for the laboratory use exemption, regardless of whether the substance will eventually be processed or used in the laboratory.

Q. For the purpose of the laboratory exemption, what constitutes a "technically qualified individual"?

A. A technically qualified individual, as defined in 40 CFR §720.3(ee), is "a person or persons (1) who, because of education, training, or experience, or a combination of these factors, is capable of understanding the health and environmental risks associated with the chemical substance which is used under his or her supervision, (2) who is responsible for enforcing appropriate methods of conducting scientific experimentation, analysis, or chemical research to minimize such risks, and (3) who is responsible for the safety assessments and clearances related to the procurement, storage, use, and disposal of the chemical substance as may be appropriate or required within the scope of conducting a research and development activity."

1.6.2 MULTIPLE OPERATIONS OWNED BY A SINGLE COMPANY

If the property is owned or leased by your company, but several separate operating divisions have processes at the site, you may still be considered a single stationary source because a single company controls you. Two factors will determine if you are considered to be a single source: Are you located on one or more contiguous properties? Are all of the operations in the same industrial group?

If you do have multiple operations at a source that meet the criteria, each operating division may develop its prevention program separately for its covered processes, but you must file a single RMP for all covered processes at the site. You should note that this is different from the requirements for filing under CAA Title V and EPCRA section 313 (the annual toxic release inventory), where each division could file separately if your company chose to do so.

1.6.3 OTHER SOURCES

There are situations where two or more separate companies occupy the same site. The simplest of these cases is if multiple companies lease land at a site (e.g., an industrial park). Each company that has covered processes must file an RMP that includes information on its own covered processes at the site. You are responsible for filing an RMP for any operations that you own or operate.

Another possibility is that one company owns the land and operates there while leasing part of the site to a second company. If both companies have covered processes, each is considered a separate stationary source and must file separate RMPs even if they have contractual relationships, such as supplying product to each other or sharing emergency response functions.

If you and another company jointly own a site, but have separate operations at the site, you each must file separate RMPs for your covered processes. Ownership of the land is not relevant; a stationary source consists of covered processes located on the same property and controlled by a single owner.

1.6.4 JOINT VENTURES

You and another company may jointly own covered processes. In this case, the legal entity you have established to operate these processes should file the RMP. If you consider this entity a subsidiary, you should be listed as the parent company in the RMP.

1.6.5 MULTIPLE LOCATIONS

If you have multiple operations in the same area, but they are not on physically connected land, you must consider them separate stationary sources and file separate RMPs for each, even if the sites are connected by pipelines that move chemicals among the sites. Remember that the CalARP regulations apply to covered processes at a single location.

1.7 WHEN MUST YOU COMPLY

If you have determined that you have a covered process, you must comply with the submission requirements of section 2745.1 of the CalARP regulations. When you must comply is different for processes subject to state and federal compliance and processes subject to state-only compliance. Compliance timing is discussed in Chapter 9. By the time you submit, you must have developed and implemented all of the elements of the CalARP regulations that apply to each of your covered processes.

Q and A

Q. I operate a single covered process on a site owned by a large company. I manufacture a regulated substance that I pipe to the other company for use in its processes. At what point do the piping and substance become part of the other company's stationary source?

A. The answer will vary. The company that owns and maintains the piping should probably consider it part of its stationary source. If, however, there is a point (e.g., a valve or meter) where the receiving company is considered to take ownership of the substance, then you may decide to divide the piping and its contents at that point.

Q. The definition of process would seem to say that my process is part of the larger company's process because they are interconnected. Why can't the larger company just include my process in its RMP?

A. Your process is not part of the larger company's stationary source because it does not meet the statutory criteria for stationary sources. Although the process may be part of the same industrial group and is at the same location, it is not under control of the same person. Therefore, the process is a separate stationary source and must have a separate RMP.

Q & A

Q. What happens if I bring a new covered process on line (e.g., install a second storage tank) after June 21, 1999 and the threshold quantity exceeds those in table 1 or 2?

A. For new covered process with quantities or regulated substances exceeding the threshold quantities in Tables 1 or 2 after the initial compliance date, you must be in compliance on the date you first have a regulated substance above the threshold quantity. There is no grace period. You must develop and implement all the applicable CalARP regulations elements and update your RMP before you start operating the new process.

Q. What if the CalARP regulations lists a new substance in Tables 1 or 2?

A. You will have three years from the date on which the new listing is effective to come into compliance for any process that is covered because the CalARP regulations has listed a new substance.

Q. What if I modify a process by adding new vessels, or increase the quantity of regulated substances?

A. If there is a significant change in either the amount of regulated substances handled, or in the risk of handling regulated substances you must:

- If possible, notify CCCHSD in writing at least 5 days before, and no later that 48 hours after, implementing the modification to determine if your RMP should be reviewed and revised.
- Establish procedures to manage the changes substantially similar to the program 3 management of change procedure.
- Submit revised documentation no later than 60 days from implementing the modification or the submittal date required by Section 2745.10, whichever is earlier.

Q. What if the quantity in the process fluctuates? I may not have a Table 1 or 2 threshold quantity on June 21, 1999, but I will before then and after then.

A. Because you will need to be in compliance as soon as you exceed a Table 1 or 2 threshold quantity after June 21, 1999, you should probably just comply with the requirements and file your RMP by that date.