County of Sacramento ● Environmental Management Department ● Environmental Compliance Division

11080 White Rock Rd. • Suite 200 • Rancho Cordova, CA 95670 • Voice (8am – 5pm): 916/875-8400 • FAX: 916/875-8513 • <a href="http://www.emd.saccounty.gov">http://www.emd.saccounty.gov</a>

## California Accidental Release Prevention (CalARP) Checklist Summary of Violations – Program Level 2 Facilities

This is an inspection element checklist of common types of violations of Federal, State, or local laws and regulations. For specific details about your inspection, refer to your Official Inspection Report.

CCR – California Code of Regulation / SCC – Sacramento County Code

HSC = California Health and Safety Code / CFR = Code of Federal Regulations

VIOLATION NUMBER	AUTHORITY	DESCRIPTION					
<u>General</u>	Permit	_					
5015	SCC 6.96.030	Has an active permit for CalARP covered process(es).					
	General Applicability						
5010001	19 CCR 2 5050.4(a)(1)	Failure to comply with the provisions of 19 CCR 2 pursuant to the time frames identified in Section 5070.1(b) if a stationary source has a process with more than a threshold quantity of a regulated substance as listed in Tables 1 or 2 of Section 5130.6.					
5010002	19 CCR 2 5050.4(a)(2)	Failure to comply with the appropriate provisions of 19 CCR 2 prior to the date in which a regulated substance is first present in a process above the listed threshold quantity, as listed in Table 3 of Section 5130.6.					
5010003	19 CCR 2 5050.4(a)(3)	Failure to comply with the provisions of 19 CCR 2 pursuant to the time frames identified in Section 5070.1(b) if a stationary source has a process with more than a threshold quantity of a regulated substance as listed in Tables 1 or 2 and Table 3 of Section 5130.6.					
5010263	HSC 6.95 25534(b)(1)(B)	Failure to comply with all of the requirements applicable to Program 3 within 12 months of being notified by the UPA of a reclassification of a covered process from Program 2 to Program 3.					
5010264	HSC 6.95 25534(b)(2)(A)(iii)	Failure to comply with all applicable requirements of Health and Safety Code Chapter 6.95, Article 2 and Chapter 2 (commencing with Section 5050.1) of Division 5 of Title 19 of the California Code of Regulations within 12 months of the UPA revoking a stationary source exemption pursuant to Health and Safety Code Chapter 6.95, Article 2, section 25534(b)(2)(A)(iii).					
	Coordination						
5010004	19 CCR 2 5050.5(a)	Failure of the owner or operator of a stationary source to closely coordinate with the UPA to implement the requirements of 19 CCR 2 and to determine the appropriate level of documentation required for a Risk Management Plan to comply with Sections 5070.3 through 5070.10.					
	Management System						
5010009	19 CCR 2 5050.6(a)	Failure to develop a management system to oversee the implementation of the risk management program elements.					
5010010	19 CCR 2 5050.6(b)	Failure to assign a qualified person or position who has the overall responsibility for the development, implementation, and integration of the risk management program elements.					
50100011	19 CCR 2 5050.6(c)	Failure to document the following when responsibility for implementing individual requirements of 19 CCR 2 is assigned to persons other than the person identified in 19 CCR section 5050.6(b):  1. Names or positions.  2. Lines of authority defined through an organization chart or similar document.					
Risk Manage	ement Plan (RMP) Components and Su	<u>bmission</u>					
	RMP Submission						
5010007	19 CCR 2 5050.5(b)(1), 5070.1(a)	Failure to submit an RMP which includes all requirements described in Sections 5070.3 through 5070.10.					

5010018	19 CCR 2 5070.1(d); HSC 6.95 25536(b)	Failure of an existing, new or modified stationary source with one or more covered processes to submit an RMP to the UPA before the date on which the regulated substance is first present in a process above the listed threshold quantity.					
5010016	19 CCR 2 5070.1(b)(1), 5070.1(b)(2)	Failure to submit the RMP information required by the USEPA to the USEPA per the schedule below:  1. Three years after the date on which a regulated substance is first listed under Sectio 68.130, Part 68, Title 40 of CFR; or  2. The date on which a regulated substance is first present in a process, above the threshold quantity, as listed on Section 5130.6 Table 1 or 2.					
5010017	19 CCR 2 5070.1(c)	Failure to submit a copy of the USEPA required RMP information according to the time frame set forth in 5070.1(b) to the UPA.					
5010020	19 CCR 2 5070.1(h)	Failure to exclude classified information from the Risk Management Plan.					
	RMP Certification						
5010021	19 CCR 2 5070.2(a)	Failure to ensure that the Risk Management Plan is certified complete by a qualified person and the stationary source owner or operator.					
5010024	19 CCR 2 5070.10(b)	Failure to submit in the Risk Management Plan a single certification that, to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.					
	RMP Updates						
5010025	19 CCR 2 5070.11(a)	<ul> <li>Failure to revise, update, and submit the Risk Management Plan to the United States Environmental Protection Agency and the UPA as follows:</li> <li>1. At least once every five years from the date of its initial submission or most recent update required by section 5070.11(a)(2) through (7);</li> <li>2. No later than three years after a newly regulated substance is first listed by the United States Environmental Protection Agency;</li> <li>3. No later than the date on which a new regulated substance is first present in an already covered process above a threshold quantity;</li> <li>4. No later than the date on which a regulated substance is first present above a threshold quantity in a new process;</li> <li>5. Within six months of a change that requires a revised process hazard analysis or hazard review;</li> <li>6. Within six months of a change that requires a revised offsite consequence analysis as provided in section 5080.7;</li> <li>7. Within six months of a change that alters the program level that applied to any covered process.</li> </ul>					
5010026	19 CCR 2 5070.11(b)	<ol> <li>Failure to revise, update, and submit the Risk Management Plan to the UPA as follows:         <ol> <li>At least once every five years from the date of its initial submission or most recent update required by section 5070.11(b)(2) through (7);</li> <li>No later than three years after a newly regulated substance is first listed by the California Office of Emergency Services.</li> <li>No later than the date on which a new regulated substance is first present in an already covered process above a threshold quantity;</li> <li>No later than the date on which a regulated substance is first present above a threshold quantity in a new process;</li> <li>Within six months of a change that requires a revised process hazard analysis or hazard Review.</li> </ol> </li> <li>Within six months of a change that requires a revised offsite consequence analysis as provided in section 5080.7;</li> <li>Within six months of a change that alters the program level that applied to any covered process.</li> </ol>					
5010027	19 CCR 2 5070.11(c)	Failure to submit a de-registration to the United States Environmental Protection Agency and the UPA within six months indicating that the stationary source is no longer covered.					
5010028	19 CCR 2 5070.11(d)	Failure to submit a de-registration to the UPA within six months indicating that the stationary source is no longer covered.					
5010029	19 CCR 2 5070.11(f)	Failure to contact the UPA within 30 days of a change of owner or operator to update the registration information.					

	RMP Corrections						
5010030	19 CCR 2 5070.12(a)	Failure to correct and submit the data required in the Risk Management Plan under sections 5070.5, 5070.6(j), and 5070.7(l), for any accidental release meeting the five year accident history reporting criteria of Section 5080.9, with respect to that accident within six months of the release or by the time the Risk Management Plan is updated under Section 5070.11, whichever is earlier.					
5010031	19 CCR 2 5070.12(b)	Failure to correct and submit the emergency contact information in the Risk Management Plan required under Section 5060.1(d)(6) within one month of any change.					
	Covered Process Modification						
5010032	19 CCR 2 5070.13(a)(1)	Failure to notify the UPA in writing of the intent to modify the stationary source at least five calendar days before implementing any modifications or no later than 48 hours following the modification if prenotification is not reasonable.					
5010033	19 CCR 2 5070.13(a)(2)	Failure to establish procedures to manage the proposed modification, which shall be substantially similar to the procedures specified in Sections 5100.6 and 5100.7 and notify the UPA that the procedures have been established.					
5010262	19 CCR 2 5070.13(b)	Failure to revise the appropriate documents as required pursuant to section 5070.13(a), expeditiously, but not later than 60 days from the date of the stationary source modification.					
	Certificate of Occupancy						
5010034	19 CCR 2 5070.14	Failure of a new or modified stationary source to comply with Section 65850.2(b) of the Government Code prior to the issuance of a certificate of occupancy.					
	RMP Review						
5010022	19 CCR 2 5070.2(b)(1)	Failure to correct deficiencies within 60 calendar days from receipt of the notification of Risk Management Plan deficiencies.					
Registration							
5010008	19 CCR 2 5050.5(b)(2)	Failure to include a registration in the Risk Management Plan that reflects all covered processes.					
5010012	19 CCR 2 5060.1(a)	Failure to complete the registration information required in 5060.1(d) and submit it with the Risk Management Plan to the United States Environmental Protection Agency, with a copy provided to the UPA.					
5010013	19 CCR 2 5060.1(b)	Failure to complete the registration information required in section 5060.1(d) and submit it with the Risk Management Plan to the UPA.					
5010014	19 CCR 2 5060.1(c)	Failure to submit a registration to the UPA prior to submittal of the Risk Management Plan upon request.					
5010015	19 CCR 2 5060.1(d)	Failure to include the data required in 5060.1(d)(1) through (d)(20) in the registration.					
Hazard Asse	<u>essment</u>						
	General Applicability						
5010037	19 CCR 2 5080.1	Failure to comply with any of the following:  1. Offsite Consequence Analysis Parameters. (19 CCR 2 5080.2)  2. Worst-Case Release Scenario Analysis. (19 CCR 2 5080.3)  3. Alternative Release Scenario Analysis. (19 CCR 2 5080.4)  4. Defining Offsite Impacts to the Population. (19 CCR 2 5080.5)  5. Defining Offsite Impacts to the Environment. (19 CCR 2 5080.6)  6. Offsite Consequence Analysis Review and Update. (19 CCR 2 5080.7)  7. Offsite Consequence Analysis Documentation. (19 CCR 2 5080.8)  8. Five-year Accident History. (19 CCR 2 5080.9)					
Other Requi							
	Recordkeeping						
5010119	19 CCR 2 5140.1	Failure to maintain records supporting the implementation of 19 CCR 2 for five years unless otherwise provided in Article 6.					
5010120	19 CCR 2 5160.1(a)	Failure to closely coordinate with the UPA to ensure that appropriate technical standards are applied to the implementation of 19 CCR 2.					
5010121	19 CCR 2 5160.1(b)	Failure to request assistance from the UPA when necessary to address compliance with 19 CCR 2 or safety issues regarding unfamiliar processes.					

Emergency Response Program								
	Emergency Response Applicability							
5010115	19 CCR 2 5120.1(b)	<ol> <li>Failure of owner or operator of a stationary source whose employees will not respond to accidental releases of regulated substances to meet the following:         <ol> <li>For stationary sources with any regulated toxic substances held in a process above the threshold quantity, the stationary source is included in the community emergency response plan developed under Section 11003 of Title 42 of the United States Code (USC), is included in the city or county Hazardous Materials Area plans, and/or is included in the business plan program, pursuant to Section 25507 of the Health &amp; Safety Code. The owner or operator must document that response actions have been coordinated with the local fire department and hazardous materials response agencies;</li> </ol> </li> <li>For stationary sources with only regulated flammable substances held in a process above the threshold quantity, the owner or operator must document that response actions have been coordinated with the local fire department and hazardous materials response agencies; and,</li> <li>Appropriate mechanisms and written procedures are in place to notify emergency responders when there is a need for a response.</li> </ol>						
	Emergency Response - Responding							
5010116	19 CCR 2 5120.2(a)	<ol> <li>Failure to develop, implement, and maintain at the stationary source an emergency response program that includes the following elements:         <ol> <li>Procedures for informing and interfacing with the public and local emergency response agencies about accidental releases, emergency planning, and emergency response.</li> <li>Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures.</li> <li>Procedures and measures for emergency response after an accidental release of a regulated substance.</li> <li>Procedures for the use of emergency response equipment and for its inspection, testing, and maintenance are developed by the stationary source.</li> </ol> </li> <li>Training for all employees in relevant procedures and relevant aspects of the Incident Command System.</li> <li>Procedures to review and update the emergency response plan to reflect changes at the stationary source are developed and employees are informed of these changes.</li> </ol>						
5010117	19 CCR 2 5120.2(c)	Failure to coordinate the emergency response plan with the community emergency response plan developed under Section 11003 of Title 42 of the United States Code.						
5010118	19 CCR 2 5120.2(c)	Failure to promptly provide to the local emergency planning committee or emergency response officials information necessary for developing and implementing the community emergency response plan upon request.						
Program 2 P	revention Program							
	Safety Information							
5010038	19 CCR 2 5090.1(a)	Failure to compile and maintain the following up-to-date safety information related to the regulated substances, processes, and equipment:  1. Material Safety Data Sheets that meet the requirements of Section 5189 of Title 8 of CCR;  2. Maximum intended inventory of equipment in which the regulated substances are stored or processed;  3. Safe upper and lower temperatures, pressures, flows and compositions;  4. Equipment specifications;  5. Codes and standards used to design, build & operate the process.						
5010039	19 CCR 2 5090.1(b)	Failure to ensure that the process is designed in compliance with recognized and generally accepted good engineering practices.						
5010040	19 CCR 2 5090.1(c)	Failure to update the safety information if a major change occurs that makes the information inaccurate.						
	Hazard Review (HR)							
5010041	19 CCR 2 5090.2(a)	Failure to conduct a review of the hazards associated with the regulated substances, process, and procedures that identifies the following:  1. The hazards associated with the process and regulated substances;  2. Opportunities for equipment malfunctions or human errors that could cause an accidental release;  3. The safeguards used or needed to control the hazards or prevent equipment malfunction or human error;  4. Any steps used or needed to detect or monitor releases.						
5010042	19 CCR 2 5090.2(b)	Failure to consult with the UPA to decide which hazard review methodology is best suited to determine and evaluate the hazards of the process being analyzed.						

5010123	19 CCR 2 5090.2(c)	Failure to perform the hazard review by a team familiar with process operations, including at least one employee who has experience and knowledge specific to the process being reviewed.					
5010043	19 CCR 2 5090.2(c)	Failure to determine whether the process is designed, fabricated, and operated in accordance with applicable standards or rules.					
5010044	19 CCR 2 5090.2(d)	Failure to include the consideration of external events, including seismic events.					
5010045	19 CCR 2 5090.2(e)	<ol> <li>Failure to address the following in the hazard review:</li> <li>Document the results of the hazard review and ensure problems identified are resolved;</li> <li>Complete these actions on a timetable agreed upon with the UPA, or within two and one-half (2.5) years of performing the hazard review, or the next planned turnaround, for those items that require a turnaround;</li> <li>Document the final resolution taken to address each recommendation and actual completion date.</li> </ol>					
5010046	19 CCR 2 5090.2(f)	Failure to update and revalidate the hazard review at least once every 5 years.					
5010047	19 CCR 2 5090.2(f)	Failure to update and revalidate the hazard review whenever a major change in the process occurs.					
5010048	19 CCR 2 5090.2(f)	Failure to resolve all issues identified in the hazard review before startup of the changed process.					
5010124	19 CCR 2 5090.2(g)	Failure to revalidate the hazard review only once between full hazard reviews, unless the UPA agrees in writing that a full hazard review is unwarranted.					
5010125	19 CCR 2 5090.2(h)	Failure to retain hazard reviews and updates or revalidations for each process covered by 19 CCR 2 section 5090.2, as well as the documented resolution of recommendations described in 19 CCR 2 section 5090.2(e) for the life of the process.					
	Operating Procedures						
5010049	19 CCR 2 5090.3(a)(b)	Failure to prepare written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process and address the following:  1. Initial startup; 2. Normal operations; 3. Temporary operations; 4. Emergency shutdown and operations; 5. Normal shutdown; 6. Startup following a normal or emergency shutdown or a major change that requires a hazard review; 7. Consequences of deviations and steps required to correct or avoid deviations; 8. Equipment inspections.					
5010050	19 CCR 2 5090.3(c)	Failure to ensure that the operating procedures are developed and/or updated, as necessary to reflect current practice, or whenever the tasks or steps to perform on the covered process are found to be inadequate or inaccurate.					
	Training						
5020001	19 CCR 2 5090.4(a)	Failure to ensure that each employee presently operating a process, and each employee newly assigned to a covered process has been trained or tested competent in the operating procedures provided in Section 5090.3 that pertain to their duties.					
5020002	19 CCR 2 5090.4(b)	Failure to provide refresher training at least every three years, and more often if necessary, to each employee operating a process to ensure that the employee understands and adheres to the current operating procedures of the process.					
5020003	19 CCR 2 5090.4(d)	Failure to ensure operators are trained in any updated or new procedures prior to needing to use the procedures.					
5020011	19 CCR 2 5090.4(e)	Failure to document initial and refresher training for each employee.					
	Maintenance						
5010051	19 CCR 2 5090.5(a)	Failure to prepare and implement written procedures to maintain the on-going mechanical integrity of the process equipment.					
5020004	19 CCR 2 5090.5(b)	Failure to train or cause to be trained each employee involved in maintaining the on-going mechanical integrity of the process in:  1. The hazards of the process; 2. How to avoid or correct unsafe conditions; 3. The procedures applicable to the employee's job tasks.					

5020005	19 CCR 2 5090.5(c)	Failure to ensure that each contractor can document that their employees are trained to perform the maintenance and appropriate operation procedures developed under section 5090.5(a).				
5030001	19 CCR 2 5090.5(d)	Failure to perform or cause to be performed inspections and tests on process equipment that:  1. Follow recognized and generally accepted good engineering practices;  2. The frequency of inspections & tests must be consistent with applicable manufacturer's recommendations, industry standards or codes, good engineering practices and prior operating experience.				
	Compliance Audits					
5010052	19 CCR 2 5090.6(a)	Failure to certify that they have evaluated compliance with the provisions of 19 CCR 2 Article 5 at least every three years to verify that the procedures and practices developed under 19 CCR 2 are adequate and are being followed.				
5010053	19 CCR 2 5090.6(b)	Failure to conduct the compliance audit by at least one person knowledgeable in the process.				
5010054	19 CCR 2 5090.6(c)	Failure to develop a report of the audit findings.				
5010055	19 CCR 2 5090.6(d)	<ol> <li>Failure to:         <ol> <li>Promptly determine and document an appropriate response to each of the findings of the compliance audit;</li> <li>Enter into an agreement with the UPA on a timetable for resolution of these findings. Otherwise these responses shall be completed one and one-half (1.5) years after performing the compliance audit, or the next planned turnaround for items requiring a turnaround (these timelines shall not apply to any compliance audit completed prior to January 1, 2015);</li> <li>Document the actual completion dates when deficiencies were corrected.</li> </ol> </li> </ol>				
5010056	19 CCR 2 5090.6(e)	Failure to retain the two most recent compliance audit reports.				
	Incident Investigation					
5010057	19 CCR 2 5090.7(a)	Failure to investigate each incident which resulted in, or could reasonably have resulted in, a catastrophic release.				
5010058	19 CCR 2 5090.7(b)	Failure to initiate an incident investigation as promptly as possible, but not later than 48 hours following the incident.				
5010059	19 CCR 2 5090.7(c)	Failure to prepare a summary at the conclusion of the investigation that includes at minimum:  1. Date of incident; 2. Date investigation began; 3. Description of incident; 4. Factors that contributed to the incident; 5. Recommendations resulting from the investigation.				
5010060	19 CCR 2 5090.7(d)	<ol> <li>Failure to:         <ol> <li>Establish a system to promptly address and resolve the incident report findings and recommendations;</li> <li>Enter into an agreement with the UPA on a timetable for resolution of these findings and recommendations. Otherwise these resolutions shall be completed no later than one and one-half (1.5) years after completion of the incident investigation, or two (2) years after the date of the incident, whichever is the earlier of the two dates, or the next planned turnaround for those items requiring turnaround.</li> </ol> </li> <li>Failure to document resolutions and corrective actions with actual completion dates.</li> </ol>				
5010062	19 CCR 2 5090.7(e)	Failure to review the findings with all affected personnel whose job tasks are affected by the findings.				
5010063	19 CCR 2 5090.7(f)	Failure to retain investigation summaries for five years.				
	General					
5030005	HSC 6.95 25531.2(b)	Failure to:  1. Identify hazards that may result from releases using appropriate hazard assessment techniques.  2. Design and maintain a safe facility taking those steps as are necessary to prevent releases.  3. Minimize the consequences of accidental releases that do occur.				
5010	19 CCR 2 Multiple	CalARP Program - Administration/Documentation - General				
5015	County Code Multiple	CalARP Program - Administration/Documentation - General Local Ordinance				

5020	19 CCR 2 Multiple	CalARP Program - Training - General
5025	County Code Multiple	CalARP Program - Training - General Local Ordinance
5030	19 CCR 2 Multiple	CalARP Program - Operations/Maintenance - General
5035	County Code Multiple	CalARP Program - Operations/Maintenance - General Local Ordinance
5040	19 CCR 2 Multiple	CalARP Program - Release/Leaks/Spills - General
5045	County Code Multiple	CalARP Program - Release/Leaks/Spills - General Local Ordinance
5050	19 CCR 2 Multiple	CalARP Program - Abandonment/Illegal Disposal/Unauthorized Treatment - General
5055	County Code Multiple	CalARP Program - Abandonment/Illegal Disposal/Unauthorized Treatment - General Local Ordinance

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11080 White Rock Rd., Ste. 200 • Rancho Cordova, CA 95670

Internet Address: http://www.emd.saccounty.net Voice (8am - 5pm): 916/875-8550 • FAX: 916/875-8513

## RETURN TO COMPLIANCE STATEMENT

This <u>Return To Compliance Statement</u> must be returned to EMD within 19 days of your facility's inspection for Priority Corrective Action violations and within 35 days for all other violations (unless otherwise noted on the Official Inspection Report). Also include copies of any proof of compliance documents (e.g. photos, copies of manifests/disposal records or receipts, or other original paperwork).

## **Compliance Certification**

- I certify that the violations noted on the Official Inspection Report (and accompanying inspection checklists) have been corrected in the manner indicated below.
- 2. I have personally examined any attached documentation submitted as proof of compliance and I believe the information to be true, accurate and complete.
- 3. I am aware that there are significant penalties for submitting false information and/or for non-compliance with violations noted.
- 4. I declare under penalty of perjury that the foregoing certification is true and correct.

Executed at:	, California	Date:
Facility Name:		Facility ID# (FA):
Signature:		Printed Name:
Position/Title:		

SUMMARY OF VIOLATION COMPLIANCE ACTION											
Violation Check Type of Evidence Submitted		Violation	Check Type of Evidence Submitted			Violation	Check Type of Evidence Submitted				
Number	Photo	Paperwork	Statement	Number	Photo	Paperwork	Statement	Number	Photo	Paperwork	Statement
5015				5010012				5020003			
5010001				5010013				5020011			
5010002				5010014				5010051			
5010003				5010015				5020004			
5010263				5010037				5020005			
5010264				5010119				5030001			
5010004				5010120				5010052			
5010009				5010121				5010053			
5010010				5010115				5010054			
5010011				5010116				5010055			
5010007				5010117				5010056			
5010018				5010118				5010057			
5010016				5010038				5010058			
5010017				5010039				5010059			
5010020				5010040				5010060			
5010021				5010041				5010062			
5010024				5010042				5010063			
5010025				5010123				5030005			
5010026				5010043				5010			
5010027				5010044				5015			
5010028				5010045				5020			
5010029				5010046				5025			
5010030				5010047				5030			
5010031				5010048				5035			
5010032				5010124				5040			
5010033				5010125				5045			
5010262				5010049				5050			
5010034				5010050				5055			
5010022				5020001							
5010008				5020002							

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