CERS Portal Change and New Feature – Hazardous Materials Business Plan Annual Certification (AB1429)

New Feature: CalEPA, in collaboration with the Governor's Office of Emergency Services (Cal OES) and the California CUPA Forum Board, has deployed a new feature in CERS that allows a business owner/operator to easily meet statutory requirement to annually certify the Hazardous Material Business Plan (HMBP) information in CERS is complete, accurate and, if applicable, meets EPCRA reporting requirements.

AB 1429: Assembly Bill 1429 of 2019 (Chaptered by Secretary of State - Chapter 66, Statutes of 2019) changed the HMBP reporting period from annually to once every three years for businesses not subject to EPCRA Tier II reporting requirements or the Aboveground Petroleum Storage Act. AB 1429 also required these business owners/operators to annually review and certify that the HMBP information in the CERS is complete, accurate, and, if applicable, in compliance with EPCRA reporting requirements. The businesses who are not subject to the EPCRA or APSA requirements will still be required to submit a complete HMBP every three years. Although the law became effective on January 1, 2020, CERS had no existing process for annual certification of HMBPs.

EPCRA Reporting Requirements: While businesses subject to APSA are easy to identify in CERS, those businesses subject to EPCRA Tier II reporting are not easily identifiable. For this reason, business owners/operators will be responsible for determining their status as an EPCRA Tier II business. Below are the EPCRA Tier II reporting requirements. Please contact your local Unified Program Agency or Cal OES for further assistance.

EPCRA Tier II Reporting Chemicals	EPCRA Reportable Thresholds
Extremely Hazardous Substances (EHSs, EPCRA Section 302)	500 pounds or the threshold planning quantity, whichever is lower (40 CFR Part 355, Appendices A and B, or "List of Lists")

Gasoline in underground storage tanks at retail gas stations	75,000 gallons (all grades combined)*
Diesel fuel in underground storage tanks at retail gas stations	100,000 gallons (all grades combined)*
All other hazardous chemicals for which Safety Data Sheets are required	10,000 pounds

*If UST facility was not in compliance at all times during the preceding calendar year then EPCRA reporting is applicable regardless of quantity stored.

Annual HMBP Certification: Eligibility Conditions

"Certify" Button ENABLED (Eligible to Certify HMBP)
The "Certify" button will be ENABLED (active green button; able to be selected) if all of the following conditions are true;

- NO submittal elements are currently in "DRAFT".
- Facility has previously submitted:
    - Facility Information, Hazardous Materials Inventory, and Emergency Response and Training Plans submittal elements to the CUPA;
    - Submittal status (for all 3 submittal elements) is: "Submitted", "Under Review" or "Accepted"
- Facility has Submitted (for all of the required submittal elements: Facility Info, HazMat Inventory, ERTP) in the past 36 months
- Aboveground Petroleum storage Act (APSA) submittal element Reporting Requirements is NOT set to "Applicable" or "Always Applicable"

Please note – the "Certify" Button will be DISABLED if one or more of the above conditions are not met.

Guidance for Business Owner/Operator:

How to use the new HMBP Annual Certification feature

1. Open your web browser and navigate to the **CERS Business** portal at the following URL: https://cers.calepa.ca.gov

2. Sign in to the **CERS Business Portal environment:**

   + Enter your Username.
   + Select Next.
   + Enter your Password.
   + Select Next.

3. **(If CERS Business Portal User Agreement is displayed:) X Check the checkbox** next to "**I agree to these conditions**" and select "**Continue**".

4. (If your account has access to multiple organizations in the **CERS Business** environment, **Select Your Business** page will be displayed.)
   + Use the "**Select**" button (on the left) to **select an organization**.

5. Select "**Start/Edit/Certify Submittal**" button, from the "**Facilities**" section of the **Home** page, next to your Facility Name. In this example, we will be using CERS ID **10786258**.

   Please note: This facility (CERS ID: **10786258**) has previously submitted for the Facility Information, Hazardous Materials Inventory, and Emergency Response and Training Plans submittal elements – making it eligible for self-certification. (Your facility's previous Submittal History can be confirmed by moving your cursor over the "**Submittals**" button on the menu bar and selecting the "**History**" link.)

6. Review the "**Annual HMBP Certification (AB 1429)**" guidance text. To view the eligibility requirements, click the hyperlink "Please click here to review the eligibility requirements". Then select the "**Certify**" button when ready.
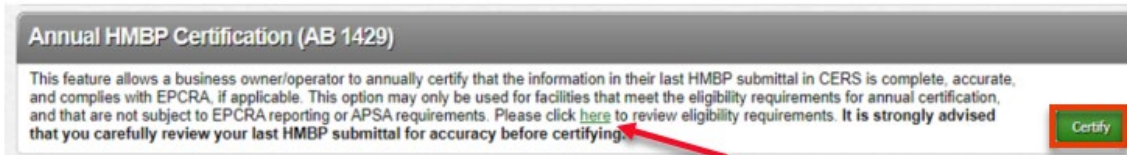
7. Review the "**Annual Certification Confirmation**" guidance text. To review the EPCRA Requirements, please click on the blue question mark hyperlink; then click the "**Close**" button once review is complete. Select the "**Confirm**" button to Certify. **Note: It is strongly advised that you carefully review your last HMBP submittal for accuracy and completeness before confirming.**
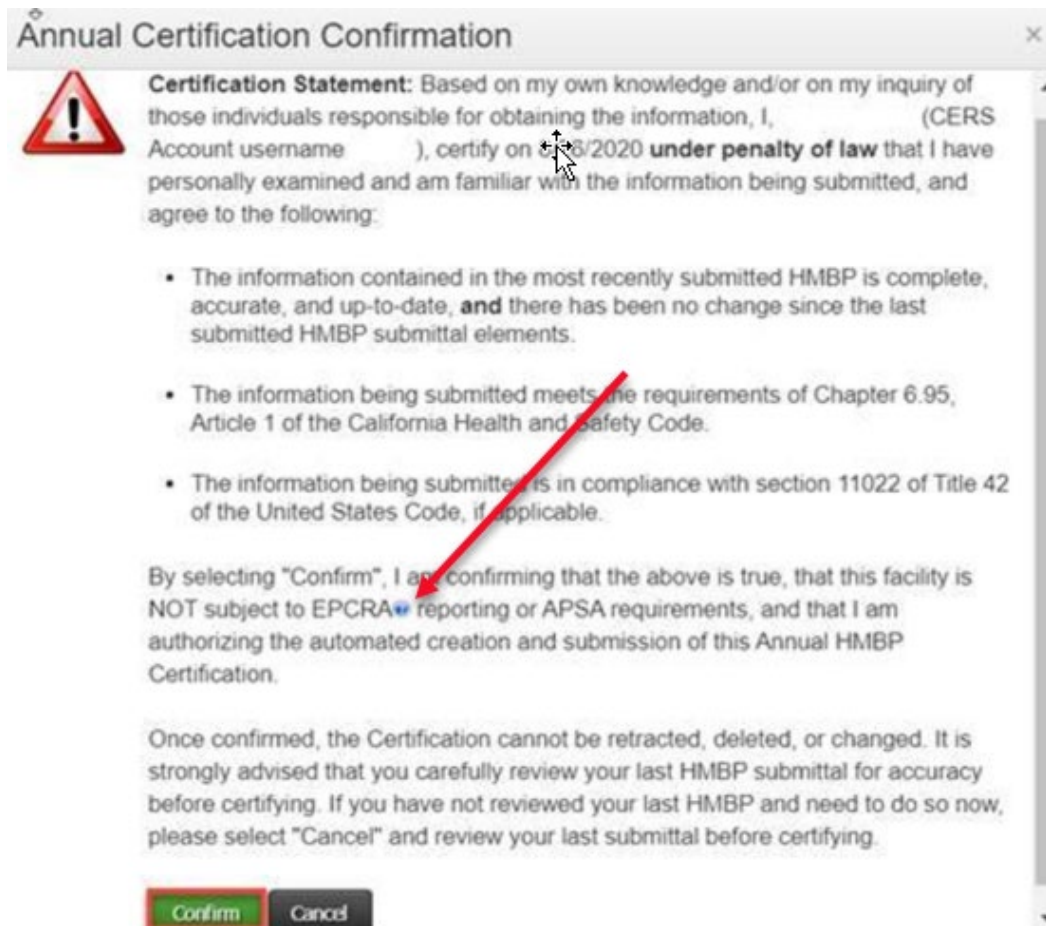
8. A brief loading screen will appear while the certification is processing.

Annual Certification Confirmation ×

Creating HMBP Elements from Last Submittal...Complete!

Certifying...
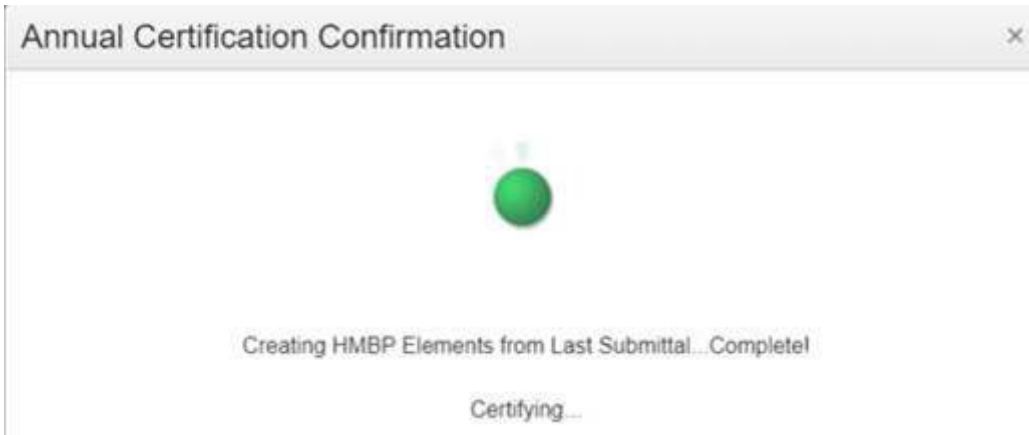
9. Then a message will appear to confirm that the certification is complete.

Annual Certification Confirmation ×

Certification Complete!

Close

10. Select the "Close" button to exit the "Annual Certification Confirmation" pop-up box. The status for each of the three submittal elements now displays "CERTIFIED" with the date certified

11. Annual HMBP Certification is now complete.

Guidance for Unified Program Agency:

Viewing HMBP Annual Certifications and changing status of certification in Regulator Portal

1. Open your web browser and navigate to the **CERS Regulator** portal at the following URL: https://cers.calepa.ca.gov

2. Sign in to the **CERS Regulator Portal environment:**

   + Enter your Username.
   + Select Next.
   + Enter your Password.
   + Select Next.

3. <u>After signing in to the CERS Regulator portal</u>, select the **Facilities** button from the menu bar. (Located at the top of each page.)

4. From the **Facility Search** page, enter the **CERS ID** number of the facility and select the "**Search**" button.

5. Once the **Facility Search** results have been populated, select the (blue) **CERS ID** button (from the left-most column) of the facility that recently certified.

6. Select the "**Submittals**" link from the left-hand navigation menu.

7. From the **Submittal History** page, select the "**Submitted**" column's date/time link, OR select any of the "**Certified**" links in the Submittal History section to view that submittal.

Regulator Portal users should visit CERS Central or contact CERS Technical Support (cers@calepa.ca.gov) for assistance

8. The submittal has been self-certified by the business. However, the status of the certified submittal can still be changed, if necessary, by CUPA/regulator. Select the "**Set Submittal Status**" button, next to any of the three submittal elements.

9. Select a new status – such as "Not Accepted" ((if the submittal is not complete or requires some form of correction by the business), "**Not Applicable**" (*only if the facility is not required to submit for that submittal element), or "**No Status Change**" if the CUPA/regulator would simply like to add a comment to the submittal, without affecting the "Certified" status.

   Please note: the "**Under Review**" status will only be visible for selection if the **Current status** is "**Accepted**".

10. After setting a new status, enter a comment, then select the "**Save**" button to update the status of that submittal. (Repeat as necessary for additional submittal elements.)

11. CUPA/regulator **Submittal** status change complete.