

## Berkeley, California Municipal Code

### Chapter 15.12

### HAZARDOUS MATERIALS AND WASTES MANAGEMENT\*

#### 15.12.040 Filing of disclosure information.

A. Each handler, or facility under the jurisdiction of the City of Berkeley, that handles hazardous material or waste in a quantity subject to disclosure under the provisions of Section [15.12.050](#) at any time must submit the following information at the time it begins operations, or at the time it first begins to handle a hazardous material or waste that must be disclosed:

1. Unified Program Consolidated Form (UPCF), including additional information required under this chapter; and
2. All information required to be submitted under the authority of Health and Safety Code

Sections [25503](#), [25503.3](#), [25503.5](#), [25504](#), [25504.1](#), [25509](#) and [25509.3](#).

B. In addition, each handler shall submit annually either a completed certification, signed under penalty of perjury, that previously filed information remains accurate, or revised information.

C. A handler shall file a revised UPCF, including additional information required under this chapter, at least once every three years or as specified by the hazardous materials manager. In addition, a handler shall file a revised UPCF within 30 days after any of the following:

1. Introduction of a new hazardous material or waste, or an increase in the total quantity handled of any previously disclosed hazardous material or waste by 100% or more above the quantity previously disclosed, unless the material or waste is exempted from disclosure by any of the exemptions set forth in Section [15.12.050](#);
2. Change of business address;
3. Change of business ownership; or
4. Change of business name.

D. The hazardous materials manager shall review each UPCF and shall accept the form if it conforms to the requirements of subsection A of this section, and provides complete and adequate information needed for the protection of safety and health and of the environment, or shall require the handler to submit additional information to be included in the form before it may be accepted.

E. A handler shall supply upon request to the hazardous materials manager additional information determined by the hazardous materials manager to be necessary to protect health and safety or the environment.

F. All filings shall be made on the City's most current version of the applicable form. If a state form is used, a handler must comply with all additional stricter local requirements in this chapter.

G. A short form hazardous materials management plan may be required at the discretion of the hazardous materials manager or Fire Chief if the quantity of each hazardous material stored in one or more storage facilities in an aggregate quantity for the facility is 500 pounds or less for solids, 55 gallons or less for liquids, or 200 cubic feet or less at standard temperature and pressure for compressed gases. Such a plan shall include the following components:

1. General facility information;
2. A simple line drawing of the facility showing the location of the storage facilities and indicating the hazard class or classes and physical state of the hazardous materials and wastes being stored and whether any of the material is a waste;
3. Information describing that the hazardous materials and wastes will be stored and handled in a safe manner and will be appropriately contained, separated and monitored;
4. Assurance that security precautions have been taken, employees have been appropriately trained to handle the hazardous materials and wastes and react to emergency situations, adequate labeling and warning signs are posted, adequate emergency equipment is maintained, and the disposal of hazardous materials and wastes will be in an appropriate manner.

H. Each handler, or facility under the jurisdiction of the City of Berkeley, that is subject to the disclosure requirements under the provisions of Section [15.12.050\(C\)\(5\)](#) shall file a hazardous waste generator reporting packet in lieu of the requirements of Section [15.12.040\(A\)](#). The hazardous waste generator reporting packet will include forms to identify the generator, the waste streams, an Emergency Response Plan/Contingency Plan per Health and Safety Code Section 25504(b), and any additional information as required by the hazardous materials manager.

**I. All facilities that manufacture or use manufactured nanoparticles shall submit a separate written disclosure of the current toxicology of the materials reported, to the extent known, and how the facility will safely handle, monitor, contain, dispose, track inventory, prevent releases and mitigate such materials.**

#### **15.12.050 Quantities requiring disclosure.**

A. Except as provided in the following subsections of this section, each handler who handles the following aggregate quantities of all hazardous materials and wastes at any time during a year shall disclose all such handling: 500 pounds or more of all solid hazardous materials and wastes; 55 gallons or more of all liquid hazardous materials and wastes; or 200 cubic feet or more at standard temperature and pressure of all gaseous hazardous materials.

B. Hazardous materials contained solely in consumer products packaged for distribution to, and use by, the general public shall be exempt from disclosure under this chapter unless the hazardous materials manager has notified the handler in writing that the handling of certain quantities of specified consumer

products requires disclosure under this chapter in response to health and safety concerns.

C. The following disclosure requirements shall apply in addition to those in subsections A and B of this section:

1. The handler shall disclose handling of any extremely hazardous substance in quantities that require disclosure under the provisions of Section [25532\(j\)](#) of Division 20 of Chapter 6.95 of the California Health and Safety Code.

2. The handler shall disclose the handling of any quantity of a material or waste that is or contains a material subject to regulation by the Nuclear Regulatory Commission in Title 10 of the Code of Federal Regulations, including any by-product, licensed, source, or special material. Disclosure is not required for manufactured products, such as tritium exit signs, smoke detectors, china, and similar products that are in use by the consumer, as well as naturally occurring radioactive materials, provided that these items are properly disposed of at the end of consumer use. Facilities may petition the hazardous materials manager for exemption of low risk or short lived radiological materials, wastes, or products.

3. The handler shall disclose the handling of any quantity of an etiologic agent, as defined in subsection D of Section [15.08.060](#) of this title. Vaccines are exempt from disclosure requirements.

4. The handler shall disclose the handling or generation of any hazardous waste as defined in this title.

5. As required by the Fire Chief or hazardous materials manager, the handler shall disclose the handling of any hazardous material, as defined by the Uniform Fire Code, in a quantity at least equal to the permit quantity threshold established in the Uniform Fire Code, if that quantity is less than the applicable quantity set forth in subsection A. Permits under Section 105 of the Uniform Fire Code are under the jurisdiction of the Berkeley Fire Department. Submission of the inventory does not constitute meeting the requirements of UFC Section 105.

6. Each laboratory shall identify separately in its disclosure each hazardous material or waste handled at any time during a year in the following quantity: 500 pounds or more of any solid hazardous material or waste; 55 gallons or more of any liquid hazardous material or waste; or 200 cubic feet or more at standard temperature and pressure of any gaseous hazardous material or waste. In addition, each laboratory shall report all other hazardous materials and wastes handled during a year, but may do so by hazard class.

**7. All manufactured nanoparticles, defined as a particle with one axis less than 100 nanometers in length, shall be reported in the disclosure plan.**