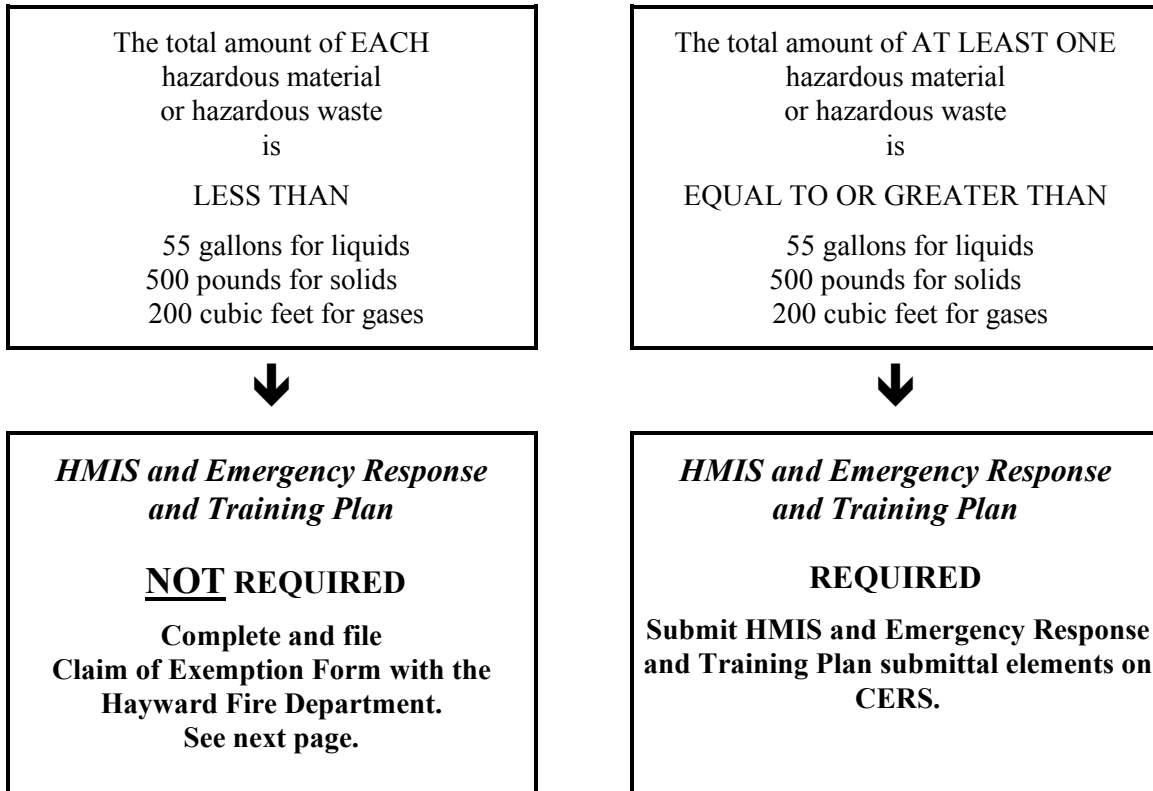


# Are you exempted from filing the HMIS and Emergency Response and Training Plan Elements of the HMBP?

As a facility in the City of Hayward that stores any amount of hazardous materials, you are required to submit on CERS the **FACILITY INFORMATION** elements of the Hazardous Materials Business Plan (HMBP).

To determine whether or not you should also submit the **Hazardous Materials Inventory Statement (HMIS) and Emergency Response and Training Plan** elements of the HMBP on CERS, add up the total amount of each hazardous material throughout your facility and use the following flow chart:



## Regulatory exemptions from HMIS and Emergency Response and Training Plan requirements:

- A. If you are a physician, dentist, podiatrist, veterinarian or pharmacist and you store up to 1,000 cu. ft. of **medical gases like oxygen, nitrogen, or nitrous oxide** you are exempt from filing an HMBP. (You may have 1,000 cu. ft. of each and still claim the exemption.) IF YOU ARE A NEW BUSINESS, YOU MUST STILL NOTIFY THE HAYWARD FIRE DEPARTMENT AND COMPLETE THE FORMS, ONE TIME ONLY [H&SC, 25503.5(b)(1)]. If you do not have one yet, you will be required to obtain a permit under the unified hazardous materials and hazardous waste management program.
- B. Up to 275 gallons of **lubricating oils and related materials** (e.g. hydraulic fluids, crankcase oils, grease, or transmission fluid) is EXEMPT, if you do not have more than 55 gallons of any one type of product. WASTE OIL is not exempt and must be reported at or above 55 gallons, even if you qualify for the lubricating oil exemption [H&SC, 25503.5(b)(2)]. Report all quantities if you have over 55 gallons of waste oil or over 55 gallons of one type of lubricating oil.
- C. Hazardous materials contained solely in a **consumer product** for direct distribution to, and for use by the general public (retail) are EXEMPT [H&SC, 25503.5(c)(1)]. Warehouse quantities (wholesale) are not exempt.

**CLAIM OF EXEMPTION**  
**For the One-Year Period**  
**to**

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***HAZARDOUS MATERIALS BUSINESS PLAN / HAZARDOUS MATERIALS INVENTORY STATEMENT***

You may be exempted from the filing of the Hazardous Materials Inventory Statement (HMIS) and Emergency Response and Training Plan elements of the Hazardous Materials Business Plan (HMBP) by completing, signing, and submitting this Claim of Exemption, **ONLY IF ALL OF THE FOLLOWING (1), (2), and (3) APPLY:**

- (1) *You have no hazardous materials or you do not generate hazardous waste at this facility; OR not one type of hazardous material or hazardous waste found in your facility exceeds 55 gallons (if liquid), 500 pounds (if solid), or 200 cubic feet at standard temperature and pressure (if gaseous); OR you meet any one of the following exemption conditions:*
- A. If you are a physician, dentist, podiatrist, veterinarian and or pharmacist and you store up to 1,000 cu. ft. of **medical gases like oxygen, nitrogen, or nitrous oxide** you are exempt from filing an HMBP. (You may have 1,000 cu. ft. of each and still claim the exemption). **IF YOU ARE A NEW BUSINESS, YOU MUST STILL NOTIFY THE HAYWARD FIRE DEPARTMENT AND COMPLETE THE FORMS, ONE TIME ONLY.**
  - B. Up to 275 gallons of **lubricating oils and related materials** (e.g. hydraulic fluids, crankcase oils, grease, or transmission fluid) is EXEMPT, IF you do not have more than 55 gallons of any one type of product. **WASTE OIL IS NOT EXEMPT AND MUST BE REPORTED AT OR ABOVE 55 GALLONS, EVEN IF YOU QUALIFY FOR THE LUBRICATING OIL EXEMPTION.** Submit an HMBP if you have over 55 gallons of waste oil or over 55 gallons of one type of lubricating oil.
  - C. Hazardous materials contained solely in a **consumer product** for direct distribution to, and for use by the general public is EXEMPT. **WAREHOUSE QUANTITIES ARE NOT EXEMPT.**
- (2) *You have not been required expressly by the Hayward Fire Department to submit an HMBP despite the low level of inventory. (In exceptional cases, the Fire Department may require an HMBP from a facility even if its inventory does not meet the thresholds in (1) above, if the materials involved are radioactive or otherwise extremely or acutely hazardous.); AND*
- (3) *You, as the business owner or its officially designated representative, can sign and attest to all the statements in this form.*

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*I CERTIFY UNDER PENALTY OF LAW THAT:*

*I have personally investigated and I am familiar with the information referred to in this document as it applies to this facility. Based on my inquiry, I believe that this facility is exempted from the requirement to prepare and submit the Hazardous Materials Inventory Statement and Emergency Response and Training Plan elements of the Hazardous Materials Business Plan, at this time. Should the inventory change and this facility no longer meets the exemption conditions described above, I will file the required HMBP within 30 days of such change.*

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Facility Name: \_\_\_\_\_

Facility Address: \_\_\_\_\_

E- Mail Address: \_\_\_\_\_

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**Complete, sign and return to: HAYWARD FIRE DEPARTMENT, 777 B Street, Hayward, CA 94541-5007**