

THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA

Adopted this Resolution on Tuesday, May 22, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RESOLUTION NO. 2012/184

SUBJECT: ADOPT revised fees for the Contra Costa County Certified Unified Program Agency, effective May 22, 2012.

- A. WHEREAS, the Health Services Department has submitted a recommendation to revise the schedule of fees for the Contra Costa County Certified Unified Program Agency (“CUPA”), adopted by Board Resolution No. 2011/151, dated April 12, 2011; and
- B. WHEREAS, the Board has the authority to set fees for the CUPA pursuant to Health & Safety Code section 25404.5; and
- C. WHEREAS, the Board has considered the Staff Report on the Determination and Apportionment of CUPA Fees, dated May 22, 2012 (“Report”), and finds based on the Report that the reasonable and necessary costs of the CUPA justify the adoption of CUPA fees at the level set forth in the CUPA Fee Schedule attached hereto as Exhibit 1; and
- D. WHEREAS, the Board further finds based on the Report that the recommended fees bear a fair or reasonable relationship to the payors’ burdens on or benefits from the CUPA programs to be funded by the fees; and
- E. WHEREAS, the Board finds that County employees, in the performance of their duties for the CUPA, and in the enforcement of Chapter 6.95 of the Health & Safety Code, provide hazardous materials incident response services countywide, pursuant to the requirements established by the Board in the Contra Costa County Hazardous Materials Area Plan; and

- F. WHEREAS, the Board further finds that, to the extent that hazardous materials incident response services are provided to persons or entities not subject to CUPA fees, there are no fees prescribed by the state to fund the costs of these services, and that the Board therefore has the authority to prescribe such fees pursuant to Health & Safety Code section 101325;

NOW THEREFORE, the Board of Supervisors of Contra Costa County hereby RESOLVES as follows:

Adoption and Imposition of CUPA Fees

1. This Resolution replaces Resolution 2011/151, effective immediately.
2. The CUPA Fee Schedule attached hereto as Exhibit 1 is adopted as the fee schedule of the Contra Costa County CUPA, effective immediately, replacing the CUPA fees set by Board Resolution No. 2011/151.
3. The CUPA fees set forth in Exhibit 1 (“CUPA Fees”) are hereby imposed upon, and shall be collected by the CUPA from, each business or person regulated by the CUPA, as specifically described below.

Hazardous Materials Business Plan Program Fees

4. Any business required to submit a Hazardous Materials Business Plan (“HMBP”) pursuant to the Community Right to Know Act, contained at Title III of the Federal Superfund Amendments and Reauthorization Act (“SARA”) (42 U.S.C. § 11001 et seq.) and/or Chapter 6.95 of the California Health & Safety Code (“Regulated Business”), is subject to the HMBP Program Annual Permit Fee applicable to the facility, site or branch of the Regulated Business within the jurisdiction of the CUPA (“Regulated Facility”) that is the subject of the HMBP, as set forth in Exhibit 1.
5. Except as otherwise provided in Exhibit 1, the HMBP Program Annual Permit Fee applicable to a Regulated Facility will be calculated based on the number of persons employed at the Regulated Facility and number of pounds contained in the Regulated Facility’s inventory, as reported on the HMBP or the annual inventory update submitted by the Regulated Business applicable to the calendar year beginning on the first day of the month of January prior to the fiscal year for which the annual CUPA permit is issued.
6. Any business that operates an unstaffed remote facility located in an isolated sparsely populated area and obtains an exemption from HMBP requirements pursuant to Health & Safety Code section 25505.5 will be exempt from paying the HMBP Program Annual Permit Fee that would otherwise be applicable to the facility. Such business will be subject to the fee set forth in Exhibit 1 for review of the exemption application.

7. The terms used in Paragraphs 4 through 6 of this Resolution have the definitions contained in Health & Safety Code sections 25501-25501.4.

Hazardous Waste Generator Program Fees

8. Any generator of hazardous waste within the jurisdiction of the CUPA is subject to the Hazardous Waste Generator (“HWG”) Program Annual Permit Fee applicable to such generator, as set forth in Exhibit 1.
9. Except as otherwise set forth below, the HWG Program Annual Permit Fee applicable to a generator will be determined based on the amount of hazardous waste it generated during the calendar year beginning on the first day of the month of January immediately preceding the fiscal year for which the HWG Program Annual Permit fee is assessed. For purposes of Paragraphs 9 and 10 of this Resolution, the fiscal year for which the HWG Program Annual Permit Fee is assessed is the fiscal year immediately preceding the fiscal year for which the annual CUPA permit is issued. Hazardous waste generation amounts will be determined by the CUPA based on untreated waste totals reported by generators on the annual Hazardous Waste Generator Reporting Form or hazardous waste manifests submitted by generators to the California Department of Toxic Substances Control.
10. Any operator of a hazardous waste treatment facility in the jurisdiction of the CUPA that may operate pursuant to a permit by rule, conditional authorization or conditional exemption (including conditionally exempt small quantity treatment facilities, conditionally exempt specified waste stream facilities, conditionally exempt-limited facilities, and conditionally exempt commercial laundries), and is subject to regulation by the CUPA under the HWG Program during the fiscal year for which the HWG Program Annual Permit Fee is assessed, is subject to the HWG Program Annual Permit Fee applicable to such facility, set forth in Exhibit 1.
11. The terms used in Paragraphs 8 through 10 of this Resolution have the definitions set forth in Health & Safety Code section 25205.1.

California Accidental Release Prevention Program Fees

12. The owner or operator of a stationary source within the jurisdiction of the CUPA that is required pursuant to Title 19, Division 2, Chapter 4.5 of the California Code of Regulations to submit a Risk Management Plan is or are subject to the CalARP Program Annual Permit Fee applicable to such stationary source,.
13. The CalARP Program Annual Permit Fee applicable to a stationary source will be calculated based on the risk formula set forth in Exhibit A and data reported on the HMBP or annual inventory update submitted to the CUPA that pertains to the stationary source for the calendar year beginning on the month of January immediately preceding

the fiscal year for which the annual CUPA permit is issued.

14. The owner or operator of a stationary source within the jurisdiction of the CUPA that is not required to submit a Risk Management Plan pursuant to Subchapter C of Chapter 1 of Title 40 of the Code of Federal Regulations may apply to the CUPA for an exemption from preparing a Risk Management Plan under the CalARP Program. The exemption may be granted by the CUPA if the Health Services Director, or his designee, determines that there is not a significant likelihood of a regulated substances accident risk, pursuant to Health and Safety Code section 25534, subdivision (b)(2). If the CalARP Program Annual Permit Fee due as of the date of submission of the exemption application has not been paid, the owner or operator of the stationary source will be subject to the applicable exemption application review fee set forth in Exhibit 1.
15. The owner or operator of a stationary source that obtains from the CUPA an exemption from preparing a Risk Management Plan under the CalARP Program will be subject to the exemption review annual fee set forth in Exhibit 1 for as long as the exemption remains valid.
16. The CalARP Program Annual Permit Fees apply to stationary sources described in Paragraph 12 of this Resolution that are subject to regulation by the CUPA during the fiscal year for which the annual CUPA permit is issued. If a stationary source becomes subject to, or ceases to be subject to, regulation by the CUPA under the CalARP Program after the first day of the fiscal year for which the annual CUPA permit is issued, as the result of either meeting the legal threshold(s) for regulation or permanent closure of the stationary source, the annual fee applicable to such stationary source will be prorated based on the number of calendar months that the stationary source is subject to regulation under the CalARP Program during such fiscal year.
17. The person or persons having control of multiple stationary sources that are substantially identical, as determined in the sole discretion of the Director of Health Services, or his designee, may be assessed a reduced fee, as set forth in Exhibit 1.
18. The terms used in Paragraphs 12 through 17 of this Resolution have the definitions set forth in Health & Safety Code section 25532.

Underground Storage Tank Program Fees

19. Any person who is required by Health & Safety Code section 25284 to obtain a permit to own or operate an underground storage tank (“UST”) within the jurisdiction of the CUPA is subject to the applicable UST Program Annual Permit Fee set forth in Exhibit 1.
20. The UST Program Annual Permit Fee applicable to a particular UST will be calculated based on the category and storage capacity of the tank, as set forth in Exhibit 1.

21. The UST Program Annual Permit Fee applies only to a UST that is owned or in operation within the jurisdiction of the CUPA during the fiscal year for which the annual CUPA permit is issued.
22. Any owner or operator of a UST within the jurisdiction of the CUPA who applies for an amendment or transfer of an annual UST permit, or for a permit to perform any of the UST repairs, modifications, upgrades or other work related to USTs described in Exhibit 1, is subject to the applicable fee(s) set forth in Exhibit 1.
23. The UST Program Annual Permit Fees apply to the owners or operators of USTs that are in the jurisdiction of the CUPA and subject to regulation by the CUPA under the UST Program during the fiscal year for which the annual CUPA permit is issued. An owner or operator of a UST that becomes subject to, or ceases to be subject to, regulation by the CUPA under the UST Program, after the first day of the fiscal year for which the annual CUPA permit is issued, as the result of the installation of a new tank or removal of an existing tank, will have the fee prorated based on the number of calendar months that the tank is subject to regulation under the UST Program during such fiscal year.
24. The terms used in Paragraphs 19 through 23 of this Resolution have the definitions set forth in Health & Safety Code section 25281.

Aboveground Petroleum Storage Act Program Fees

25. Any owner or operator of a tank facility subject to Chapter 6.67 of the Health and Safety Code that is required pursuant to Health & Safety Code section 25270.6, subdivision (a), to submit a tank facility statement to the CUPA, is subject to the applicable Aboveground Petroleum Storage Act (“APSA”) Program Annual Permit Fee set forth in Exhibit 1.
26. The APSA Program Annual Permit Fee applicable to a tank facility will be calculated based on the storage capacity of the tank(s) comprising the tank facility, as set forth in Exhibit 1.
27. The APSA Program Annual Permit Fees apply to the owners or operators of tank facilities described in Paragraph 25 of this Resolution to the extent they are subject to regulation by the CUPA during the fiscal year for which the annual CUPA permit is issued. An owner or operator of a tank facility that becomes subject to, or ceases to be subject to, regulation by the CUPA under the APSA Program after the first day of the fiscal year for which the annual CUPA permit is issued, as the result of the installation of a new tank facility or closure of an existing tank facility, will have the fee prorated based on the number of calendar months that the tank facility is subject to regulation under the APSA Program during such fiscal year.

28. The terms used in Paragraphs 25 through 27 of this Resolution have the definitions set forth in Health & Safety Code section 25270.2.

General

29. Any person or entity regulated under any of the CUPA programs will be subject to the Miscellaneous CUPA Fees set forth in Exhibit 1, as applicable.
30. Any direct recipient of the services of the CUPA's Hazardous Materials Incident Response Team (IR Team) that is not regulated under any of the CUPA programs will be subject to the Other Fees set forth in Exhibit 1, as applicable. For purposes of this paragraph, a direct recipient is either (1) the person or entity that requested response by the IR Team, or (2) the owner of the real property where the hazardous material incident occurred.
31. Any and all applicable CUPA Fees and Other Fees will be due and payable within forty-five (45) days of the date of the invoice(s) for such fees.
32. Applicable state surcharges will be included on the annual CUPA invoices and collected by the CUPA pursuant to Health & Safety Code section 25404.5, subd. (b)(1).
33. Any appeals concerning the application of this Resolution or Exhibit 1 with regard to CUPA Fees will be directed to the CUPA, pursuant to the CUPA's fee dispute resolution process contained in Paragraph 13.K of the Application for Certified Unified Program Agency, approved by the California Environmental Protection Agency effective January 1, 1997, as may be amended by the Contra Costa County Health Services Director or his designee.
34. The CUPA is authorized to assess and collect penalties as follows:
 - a. Nonpayment or late payment of invoiced fees: 25 percent of applicable fee(s).
 - b. Filing of a HWG Reporting form more than 30 days after the date of issuance of a 30-day Notice of Violation: 50 percent of HWG Fee.
 - c. Filing a HMBP more than 30 days after the date of issuance of a 30-day Notice of Violation: 50 percent of HMBP Fee.

I HEREBY CERTIFY THAT THIS IS TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN

ATTESTED

DAVID TWA, CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR

BY _____ DEPUTY

cc: Hazardous Materials Programs Division
Contact: Randall L. Sawyer
Health Services Director
Health Services Controller
County Auditor's Office
County Counsel

CONTRA COSTA COUNTY CERTIFIED UNIFIED PROGRAM AGENCY

Fee Schedule Effective May 22, 2012

The following is the schedule of fees applicable to programs administered by the Contra Costa Certified Unified Program Agency ("CUPA"). Fees to fund the reasonable and necessary costs incurred by the Contra Costa County CUPA are authorized by California Health & Safety Code section 25404.5 and Section 15210 of Title 27 of the California Code of Regulations. This fee schedule will apply to all CUPA invoices issued on or after the Effective Date above.

Hazardous Materials Business Plan Program

Annual Permit Fees

<u>Projected Inventory (Lbs. Of Material)</u>	<u># Employees</u>	<u>Fee</u>
Less than 1,000	N/A	\$254
1,000 or more but less than 10,000	0 to 19	\$353
10,000 or more but less than 100,000	0 to 19	\$758
100,000 or more but less than 250,000	0 to 19	\$1,076
250,000 or more but less than 500,000	0 to 19	\$2,065
1,000 or more but less than 10,000	20 or more	\$991
10,000 or more but less than 100,000	20 or more	\$1,344
100,000 or more but less than 250,000	20 or more	\$2,734
250,000 or more but less than 500,000	20 or more	\$4,979
500,000 or more but less than 2.5 million	N/A	\$11,171
2.5 million or more but less than 10 million	N/A	\$18,721
10 million or more but less than 100 million	N/A	\$31,688
100 million or more but less than 1 billion	N/A	\$58,029
1 billion or more but less than 5 billion	N/A	\$108,056
5 billion or more	N/A	N/A

Other

All oil refineries and class 1 off-site hazardous waste disposal sites	N/A	\$123,342
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Miscellaneous Service Fees

	<u>Fee</u>
Exemption Application Review (Per unstaffed remote facility)	\$257

Hazardous Waste Generator Program

Annual Permit Fees

<u>Hazardous Waste Generated</u>	<u>Fee</u>
Less than 5 tons/year	\$485
5 tons or more but less than 12 tons/year	\$658
12 tons or more but less than 25 tons/year	\$986
25 tons or more but less than 50 tons/year	\$1,516
50 tons or more but less than 250 tons/year	\$3,188
250 tons or more but less than 500 tons/year	\$10,559
500 tons or more but less than 1,000 tons/year	\$16,517
1,000 tons or more but less than 2,000 tons/year	\$26,897
2,000 tons or more/year	\$57,409
<u>Onsite Treatment</u>	
• Permit By Rule (Fixed Units)	\$3,068
• Conditional Authorization	\$3,068
• Conditional Exemption	\$614

Underground Storage Tank Program

<u>Underground Storage Tank Annual Permit</u>	<u>Fee</u>
Single tank of 1,000 gallons or less used solely in connection with the occupancy of a residence	\$480
First tank of 50,000 gallons or less	\$480*
Basic fee for tank of 50,000 gallons or less	\$720
Each tank of 50,000 gallons or more	\$1,788

* In addition to the basic fee, a surcharge of \$480 is applicable to the tank at each site that has the earliest installation date.

<u>Underground Storage Tank Miscellaneous Inspections & Other Services</u>	<u>Fee</u>
Permit Amendment or Transfer	\$257
Tank or Piping Modification or Repair Plan Review and Inspection	
• Base Fee	\$938
• Each additional hour or fraction thereof of staff time beyond 3.5 hours	\$257

Tank Lining Upgrade Plan Review and Inspection	
• First tank	\$2,698
• Each additional tank	\$385
• Each additional hour or fraction thereof of staff time beyond 10.5 hours	\$257
Tank Installation Plan Review and Inspection	
• New tank facility, first tank	\$4,753
• New tank facility, each additional tank	\$514
Tank and Piping Removal Plan Review and Inspection	
• First tank	\$1,798
• Each additional tank	\$385
Field Installed Cathodic Protection Plan Review and Inspection	\$1,285
Tank Lining Inspection	
• First tank	\$1,798
• Each additional tank	\$257
Piping, Under Dispenser Container and Sump Upgrade Plan Review and Inspection	
• First tank	\$3,211
• Each additional tank	\$385
Under Dispenser Container or Sump Repair (Without Piping) Inspection (Single Sump or Single Under Dispenser Container Repair)	\$899
Phase I EVR Upgrade Plan Review and Inspection (Upgrade includes installation of Spill Containers)	\$642
Existing Under Dispenser Container Replacement Plan Review and Inspection (Includes Soil Sampling)	\$899
Temporary Closure Plan Review and Inspection	
• First tank	\$771
• Each additional tank	\$128
Monitoring System Change Plan Review and Inspection	\$1,028
Cold Start of Monitoring Panel Inspection	\$771
Penalty	\$500/tank
The following penalty shall be applied and collectible from parties responsible for the following action, in addition to any penalties that may be imposed under any other underground tank regulation:	
Failure to file and report a change in ownership or operator of an underground tank.	

California Accidental Release Prevention (CalARP) Program

Annual Permit

Fees applicable to stationary sources will be determined according to the following formula:

Fee	=	(TC/TRF) x RF
TC	=	Total cost of the County's CalARP program
TRF	=	"Total Risk Factor," or the sum of the Stationary Source Modified Chemical Exposure Indexes (SSMCEI) of all stationary sources in the County
RF	=	"Risk Factor," or a stationary source SSMCEI

The TRF for the County and RF of a stationary source (SSMCEI) shall be determined pursuant to the Contra Costa County Health Services Department's California Accidental Release Prevention Program Relative Risk Determination Methodology, attached hereto as Exhibit A and incorporated herein by this reference.

Stationary Source Exemption & Other Fees

	<u>Fee</u>
Exemption Application Review (Per regulated substance per process)	\$754
Exemption Application Review (Per warehouse where regulated substances are stored, if source does not handle any regulated substance in a process)	\$754
Exemption Review Annual Fee (Assessed on each stationary source that handles regulated substances on site but is exempt from preparing a Risk Management Plan)	\$75
Reduced Fee for Multiple Stationary Sources	
• First stationary source	Full fee
• Each additional substantially identical stationary source	10% of full fee

Aboveground Petroleum Storage Act Program

Annual Permit Fees

<u>Tank Facility Description</u>	<u>Fee</u>
Facility with storage capacity of 1,320 or more gallons but less than 10,000 gallons	\$536
Facility with storage capacity of 10,000 or more gallons but less than 100,000 gallons	\$1,206
Facility with storage capacity of 100,000 or more gallons but less than 1 million gallons	\$4,822
Facility with storage capacity of 1 million or more gallons but less than 10 million gallons	\$6,429
Facility with storage capacity of 10 million or more gallons but less than 100 million gallons	\$9,644
Facility with storage capacity of 100 million or more gallons	\$16,074

Miscellaneous CUPA Fees

	<u>Fee</u>
Incident Response Fee	
<ul style="list-style-type: none">• Each hour or fraction thereof of time spent by a Hazardous Materials Specialist during regular business hours (Monday through Friday, 8 a.m. to 5 p.m.) in connection with the characterization or remediation of site contamination by release of a hazardous substance, material or waste by a business regulated by the CUPA, if (1) the owner, operator or other responsible person in charge of the site, or an emergency services agency, requests assistance from the IR Team and (2) the Hazardous Materials Programs Director or his designee determines that an emergency response is necessary to protect the public health and safety and the environment.	\$257/hr.
<ul style="list-style-type: none">• Each hour or fraction thereof of time spent by a CalARP Program Engineer during regular business hours (Monday through Friday, 8 a.m. to 5 p.m.) in connection with the characterization or remediation of site contamination by release of a hazardous substance, material or waste by a business regulated by the CUPA, including technical assistance to the IR Team and follow-up work associated with incident investigations, if (1) the owner, operator or other responsible person in charge of the site, or an emergency services agency, requests assistance from the IR Team and (2) the Hazardous Materials Programs Director or his designee determines that an emergency response is necessary to protect the public health and safety and the environment.	\$151/hr.
Overtime Charges	
<ul style="list-style-type: none">• Each hour or fraction thereof of time spent by a Hazardous Materials Specialist performing any service at the request of a regulated business on weekdays between 5 p.m. and 8 a.m., weekends or County holidays.	\$280/hr.
<ul style="list-style-type: none">• Each hour or fraction thereof of time spent by a CalARP Engineer performing any service at the request of a regulated business on weekdays between 5 p.m. and 8 a.m., weekends or County holidays.	\$176/hr.
<ul style="list-style-type: none">• Each hour or fraction thereof of time spent by a Hazardous Materials Specialist on weekdays between 5 p.m. and 8 a.m., weekends or County holidays in connection with the characterization or remediation of site contamination by release of a hazardous substance, material or waste, if (1) the owner, operator or other	\$280/hr.

responsible person in charge of the site, or an emergency services agency, requests assistance from the IR Team and (2) the Hazardous Materials Programs Director or his designee determines that an emergency response is necessary to protect the public health and safety and the environment.

- Each hour or fraction thereof of time spent by a CalARP Program Engineer on weekdays between 5 p.m. and 8 a.m., weekends or County holidays in connection with the characterization or remediation of site contamination by release of a hazardous substance, material or waste, including technical assistance to the IR Team and follow-up work associated with incident investigations, if (1) the owner, operator or other responsible person in charge of the site, or an emergency services agency, requests assistance from the IR Team and (2) the Hazardous Materials Programs Director or his designee determines that an emergency response is necessary to protect the public health and safety and the environment. \$176/hr.

Re-Inspection Fee \$257/hr.
Each hour or fraction thereof of time spent by a Hazardous Materials Specialist performing any inspection of a regulated facility beyond the routine or initial inspection and one follow-up inspection.

Audit Verification Fee \$151/hr.
Each hour or fraction thereof of time spent by a CalARP Engineer following up on the compliance by a regulated business with an audit action plan pertaining to the facility, if the business has not complied with more than 50 percent of the items on the action plan by the stated deadline.

Community Warning System Fee \$101/hr.
Each hour or fraction thereof of CWS use in response to a hazardous materials release by a regulated business that was not subject to the CWS component of the HMBP Program Fee on the Effective Date. Such use will be measured from system activation through the all-clear declaration.

Initial Permit Processing Fee \$60
For the processing of annual CUPA permits for regulated businesses that commence operations or change ownership during the permit period.

Other Fees

(Authority: Health & Saf. Code, § 101325)

Incident Response

- Each hour or fraction thereof of time spent by a Hazardous Materials Specialist during regular business hours (Monday through Friday, 8 a.m. to 5 p.m.) in connection with the characterization or remediation of site contamination by release of a hazardous substance, material or waste, if (1) the owner, operator or other responsible person in charge of the contaminated site, or an emergency services agency, requests assistance from the IR Team and (2) the Hazardous Materials Programs Director or his designee determines that an emergency response is necessary to protect the public health and safety and the environment. This fee does not apply to businesses regulated by the CUPA.

Fee

\$175/hr.

- Each hour or fraction thereof of time spent by a Hazardous Materials Specialist on weekdays between 5 p.m. and 8 a.m., weekends or County holidays in connection with the characterization or remediation of site contamination by release of a hazardous substance, material or waste, if (1) the owner, operator or other responsible person in charge of the site, or an emergency services agency, requests assistance from the IR Team and (2) the Hazardous Materials Programs Director or his designee determines that an emergency response is necessary to protect the public health and safety and the environment. This fee does not apply to businesses regulated by the CUPA.

\$199/hr.

5/22/12

EXHIBIT A

CONTRA COSTA COUNTY HEALTH SERVICES DEPARTMENT CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM RELATIVE RISK DETERMINATION METHODOLOGY

I. INTRODUCTION. The Contra Costa County Health Services Department uses the Chemical Exposure Index (CEI)¹, as modified, to rank the relative potential of acute health hazard to people from possible chemical release incidents. The Modified CEI (MCEI) is used by the Department for the purpose of assessing stationary source fees. The MCEI formula is intended to provide a relatively simple method for comparing relative chemical toxic hazards, resulting in fees that fairly reflect the hazard potential of the facilities in the County.

The MCEI accounts for the following six factors that could influence the magnitude of a potential regulated substance exposure:

1. The potential health hazard posed by the regulated substance measured by the toxic endpoint and the vapor pressure (volatilization driving force) of the material.
2. The vapor quantity available for dispersion based on the largest single container of the regulated substance.
3. The distance to the nearest receptor.
4. The degree of dispersivity and vapor density as related to the molecular weight of the substance.
5. The number of processes using regulated substances at a stationary source.
6. Accident history.

¹For information regarding the Chemical Exposure Index, see *Dow Chemical's Chemical Exposure Guide*, published by the Center for Chemical Process Safety, American Institute of Chemical Engineers, 1994, New York, New York.

II. MODIFIED CHEMICAL EXPOSURE INDEX (MCEI) DETERMINATION METHODOLOGY.

A. Regulated Substance MCEI.

A Regulated Substance MCEI is determined for each regulated substance handled at a stationary source in quantities above the threshold quantities established by the regulations for the California Accidental Release Prevention Program. The MCEI for a Regulated Substance is determined by multiplying the applicable scale numbers for the various risk factors (Subsection B), as follows:

1. Regulated Substance Scale No.	x	2. Largest Single Container Scale No.	x	3. Distance Scale No.	x	4. Molecular Weight Scale No.	=	5. Modified Chemical Exposure Index
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B. Determination of Risk Factor Scale Numbers.

1. Regulated Substance Scale Number. Both the concentration at which a material is acutely toxic and the vapor/partial pressure that creates the driving force to volatilize and maintain the material in the atmosphere affect this scale number. For purposes of this scale number, the toxic endpoints, in parts per million, are used as the toxicity measurement. Volatility is measured by the vapor/partial pressure in mm Hg @ 25°C (millimeters of Mercury at 25 degrees Centigrade), up to a maximum of 760mm Hg.

The Regulated Substance Scale factor is determined by multiplying the toxic endpoint concentration by 760, and dividing that number by the vapor/partial pressure in mm Hg. The Regulated Substance Scale factors are assigned the following Regulated Substance Scale Numbers.

Regulated Substance Scale Factor	Regulated Substance Scale Number
0 - .99	5
1.0 - 9.9	4
10.0 - 99.0	3
100 - 999	2
1,000 - 1000,000	1
>100,000	0

For **flammable substances** and for **sulfuric acid** in a mixture with a flash point < 73°F, the Regulated Substances Scale Number of two (2) is assigned.

2. Largest Single Container Scale Number. The Scale Number for the largest single container is determined by taking the Log₁₀ of the maximum amount of regulated substance, in

pounds, stored in a single container at the stationary source.

3. Distance Scale Number. This factor quantifies the distance between the point of release and the public or environmental receptor. The term public receptor means offsite residences, institutions (e.g., schools, hospitals), industrial, commercial and office buildings, parks or recreational areas inhabited or occupied by the public at any time without restriction by the stationary source where members of the public could be exposed to toxic concentrations, radiant heat or overpressure, as a result of an accidental release. (See Title 19 Cal. Code Regs. Division 2 Chapt. 4.5) The term environmental receptor means natural areas such as national or state parks, forests, or monuments, officially designated wildlife sanctuaries, preserves, refuges or areas, and federal wilderness areas, that could be exposed at any time to toxic concentrations, radiant heat, or overpressure greater than or equal to the endpoints, as a result of an accidental release and that can be identified on local U.S. Geological Survey maps. (See Title 19 Cal. Code Regs. Division 2 Chapt. 4.5)

Distance	Scale Number
<1,000 ft.	4
1,000 - 5,279 ft.	3
1 mile - 5 miles	2
>5 miles - 15 miles	1
>15 miles	0

4. Molecular Weight Scale Number. The density of the vapor is directly related to the molecular weight and inversely affects the rate of dispersion. Therefore, regulated substances have been assigned the following scale numbers based upon their molecular weight.

Molecular Weight	Scale Number
>45	4
34 - 45	3
23 - 33	2
15-22	1
<15	0

Exceptions. The above formula does not apply to substances such as ammonia and hydrogen fluoride, which form heavier-than-air vapor clouds due to the formation of aerosols (ammonia) and strong intermolecular forces (hydrogen fluoride). These regulated substances are assigned Scale Number 4.

C. Stationary Source MCEI. A stationary source's MCEI is obtained by adding the Regulated Substance MCEI for each regulated substance handled at the stationary source, and multiplying that number by Process Scale Number for the stationary source. If there has been a level-three accidents (as defined by the Community Warning System) in the last three years, the MCEI will be increased by a factor of 10 % for each level-three accident in this time period.

1. Process Scale Number. The relative risk for an accidental release from a stationary source is directly related to the amount of handling of regulated substances at the source. A stationary source's MCEI uses the number of California Accidental Release Prevention Program covered processes at a stationary source as a determination of this factor.

Number of Processes	Scale Number
>10	4
6 - 10	3
3 - 5	2
0 - 2	1

2. Accident History Scale Factor. A factor of 1.1 will be used for each level-three incident occurring in a rolling three-year period. The first accident in this time period will have a factor of 1.1. If there have been two level three accidents, the factor will be 1.2, etc.

Date: May 22, 2012