



## Governor's Office of Emergency Services

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July 11, 2001

To All Interested Parties:

The Governor's Office of Emergency Services (OES) will soon initiate formal rulemaking for the California Accidental Release Prevention (CalARP) Program Phase 2 regulations, pursuant to the California Health and Safety Code (HSC), Chapter 6.95, Article 2. The Phase 2 regulatory process includes changes to the listing and thresholds for CalARP Program toxic regulated substances in Table 3, Section 2770.5, and adoption of a comprehensive list of toxic endpoints that will comprise a new Appendix A. To assist us in developing the most appropriate regulations, we invite your informal comments on the preliminary draft of Table 3 and Appendix A, available on the OES website.

### Proposed changes to Table 3 include:

1. Establishing a minimum compliance concentration for aqueous ammonia at 20% and setting the threshold at 1,000 pounds.
2. Listing ammonium hydroxide for clarification, as it is already regulated in the program. Ammonium hydroxide has been included in Table 3, Footnote 5: "The listing of ammonia includes the aqueous ... forms of ammonia pursuant to Section 25532(g)(2)." Ammonium hydroxide is simply a mixture of ammonia in water, and has therefore been regulated as aqueous ammonia. This interpretation is consistent with the interpretation provided in the federal Accidental Release Prevention Program "Frequently Asked Questions" document, April 2000, Question II.20.
3. Listing aqueous hydrochloric acid pursuant to recommendations from the Office of Environmental Health Hazard Assessment (OEHHA). The OEHHA recommendations include a minimum compliance concentration of 30% for aqueous hydrochloric acid and a threshold of 1,000 pounds.
4. Listing anhydrous hydrogen chloride at 500 pounds.
5. Removing all 10,000 pound thresholds for solids to be consistent with HSC Section 25532.
6. Rewording the footnote for sulfuric acid. Sulfuric acid would only be regulated when it is in the same tank with flammable hydrocarbons and the threshold in this instance would be 5,000 pounds.
7. Changing footnote reference numbers to maintain the sequence of use, and rewriting footnotes for clarification.

### Proposed changes to Appendix A include:

1. Replacing the existing Appendix A with a new Appendix A, which would provide a toxic endpoint for each toxic regulated substance in the CalARP Program. Toxic endpoints for the Federal Accidental Release Prevention Program were retained. Other toxic endpoints were provided by OEHHA and were derived from preexisting toxicity values.

Several issues related to regulated substances are being reviewed:

1. Hydrofluoric acid would continue to be listed with no minimum compliance concentration. OES is currently investigating health and safety concerns related to concentrations less than 50% hydrofluoric acid.
2. Nitric acid would continue to be listed with no minimum compliance concentration. OES is currently investigating health and safety concerns for nitric acid fuming due to the improper handling of concentrations less than 67%.
3. OES has received a request to increase the 500 pound threshold for acrolein.
4. OES is considering a request to delist paraquat dichloride based on the extremely low vapor pressure of typical solutions.
5. OES is considering delisting solid regulated substances. Do any solids pose a significant off site consequence risk to the surrounding community? Can a solid pose a significant off site consequence risk without a concurrent extremely unusual event (i.e., hurricane, tornado, etc.)?
6. Solids are currently only regulated under very specific circumstances, as noted in Table 3, Footnote 3:
  - a) If in solution or molten form;
  - b) If in powder form with a particle size less than 100 microns; or
  - c) If reactive with a National Fire Protection Association rating of 2, 3, or 4.Would removal of any of the above elements (“a,” “b,” or “c”) create a more effective program?

Interested parties may access these draft documents at the following URL address:  
<http://www.oes.ca.gov/Develop/CalARP.nsf?OpenDatabase>. If you do not have Internet access, you may request a hardcopy by contacting the OES Hazardous Materials Unit at (916) 464-3230. If you would like to recommend changes to either of these documents, and/or provide feedback on the current issues under review, please enclose the scientific support for your recommendations and send your comments prior to close of business on July 31, 2001 to:

Ms. Diana Cossairt  
Hazardous Materials Unit  
Governor’s Office of Emergency Services  
P.O. Box 419047  
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Following this informal review, OES will officially initiate the Phase 2 regulatory effort to finalize Table 3 and Appendix A for the CalARP Program. If you have any questions, please contact Dr. Fred Lercari at (916) 464-3259, Mr. Chuck Snyder at (916) 464-3235 or Ms. Cara Roderick at (916) 464-3262.

Sincerely,

Original Signed by

STEVEN DEMELLO, Manager  
Hazardous Materials Unit

