



# Agenda

## INDUSTRIAL SAFETY ORDINANCE/ COMMUNITY WARNING SYSTEM AD HOC COMMITTEE

August 30, 2021  
11:00 AM

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Supervisor John Gioia  
Supervisor Federal Glover

### Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Call to Order and Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

### DISCUSSION

3. Hazardous Materials Incident Notification Policy  
Presenter: Matt Kaufmann, Contra Costa Health Services
4. Update on Process to Revise Industrial Safety Ordinance to Account for Petroleum Storage Tanks Facilities  
Presenters: Matt Kaufmann, Contra Costa Health Services  
Randy Sawyer, Contra Costa Health Services

☺ *The ISO/CWS Ad Hoc Committee will provide reasonable accommodations for persons with disabilities planning to attend Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.*

📁 *Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the ISO/CWS Ad Hoc Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.*

✉ *Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

### For Additional Information Contact:

Randy Sawyer, Committee Staff  
Phone (925) 957-2668  
[Randy.Sawyer@cchealth.org](mailto:Randy.Sawyer@cchealth.org)

## Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

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<b>AB</b>	Assembly Bill	HCD	(State Dept of) Housing & Community Development
ABAG	Association of Bay Area Governments	HHS	Department of Health and Human Services
ACA	Assembly Constitutional Amendment	HIPAA	Health Insurance Portability and Accountability Act
ADA	Americans with Disabilities Act of 1990	HIV	Human Immunodeficiency Syndrome
AFSCME	American Federation of State County and Municipal Employees	HOV	High Occupancy Vehicle
AICP	American Institute of Certified Planners	HR	Human Resources
AIDS	Acquired Immunodeficiency Syndrome	HUD	United States Department of Housing and Urban Development
ALUC	Airport Land Use Commission	Inc.	Incorporated
AOD	Alcohol and Other Drugs	IOC	Internal Operations Committee
BAAQMD	Bay Area Air Quality Management District	ISO	Industrial Safety Ordinance
BART	Bay Area Rapid Transit District	JPA	Joint (exercise of) Powers Authority or Agreement
BCDC	Bay Conservation & Development Commission	Lamorinda	Lafayette-Moraga-Orinda Area
BGO	Better Government Ordinance	LAFCo	Local Agency Formation Commission
BOS	Board of Supervisors	LLC	Limited Liability Company
CALTRANS	California Department of Transportation	LLP	Limited Liability Partnership
CalWIN	California Works Information Network	Local 1	Public Employees Union Local 1
CalWORKS	California Work Opportunity and Responsibility to Kids	LVN	Licensed Vocational Nurse
CAER	Community Awareness Emergency Response	MAC	Municipal Advisory Council
CAO	County Administrative Officer or Office	MBE	Minority Business Enterprise
CCHP	Contra Costa Health Plan	M.D.	Medical Doctor
CCTA	Contra Costa Transportation Authority	M.F.T.	Marriage and Family Therapist
CDBG	Community Development Block Grant	MIS	Management Information System
CEQA	California Environmental Quality Act	MOE	Maintenance of Effort
CIO	Chief Information Officer	MOU	Memorandum of Understanding
COLA	Cost of living adjustment	MTC	Metropolitan Transportation Commission
ConFire	Contra Costa Consolidated Fire District	NACo	National Association of Counties
CPA	Certified Public Accountant	OB-GYN	Obstetrics and Gynecology
CPI	Consumer Price Index	O.D.	Doctor of Optometry
CSA	County Service Area	OES-EOC	Office of Emergency Services-Emergency Operations Center
CSAC	California State Association of Counties	OSHA	Occupational Safety and Health Administration
CTC	California Transportation Commission	Psy.D.	Doctor of Psychology
dba	doing business as	RDA	Redevelopment Agency
EBMUD	East Bay Municipal Utility District	RFI	Request For Information
EIR	Environmental Impact Report	RFP	Request For Proposal
EIS	Environmental Impact Statement	RFQ	Request For Qualifications
EMCC	Emergency Medical Care Committee	RN	Registered Nurse
EMS	Emergency Medical Services	SB	Senate Bill
EPSDT	State Early Periodic Screening, Diagnosis and Treatment Program (Mental Health)	SBE	Small Business Enterprise
et al.	et al (and others)	SWAT	Southwest Area Transportation Committee
FAA	Federal Aviation Administration	TRANSPAC	Transportation Partnership & Cooperation (Central)
FEMA	Federal Emergency Management Agency	TRANSPLAN	Transportation Planning Committee (East County)
F&HS	Family and Human Services Committee	TRE or TTE	Trustee
First 5	First Five Children and Families Commission (Proposition 10)	TWIC	Transportation, Water and Infrastructure Committee
FTE	Full Time Equivalent	VA	Department of Veterans Affairs
FY	Fiscal Year	vs.	versus (against)
GHAD	Geologic Hazard Abatement District	WAN	Wide Area Network
GIS	Geographic Information System	WBE	Women Business Enterprise
		WCCTAC	West Contra Costa Transportation Advisory Committee

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# HAZMAT NOTIFICATION POLICY SUGGESTED REVISIONS

Matt Kaufmann, Director of Hazardous Materials Programs

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(925) 655-3235

# HISTORY

- The first Hazardous Materials Notification Policy was adopted by the Contra Costa County Board of Supervisors on November 5, 1991
- The Policy has gone through many revisions over the years – the most recent policy is dated January 22, 2016 (Adopted by the BOS on Feb. 9, 2016)
- Provides guidance to Contra Costa County facilities on how to report a release or threatened release of a hazardous material.

## PURPOSE OF THE POLICY

- Prompt and accurate reporting to Contra Costa Health Services (CCHS) of release or threatened release of hazardous materials.
  - Compliance with statutory require in California Health and Safety Code Section 25510(a)
    - Immediate report any release or threatened release of a hazardous material to the unified program agency (Contra Costa Health Services)
- Dispatching of CCHS resources to the incident
- Assessing the extent, or potential extent, of the release
- Determining if community protective actions (shelter in place, evacuation) are needed.
- Responding to inquiries from the public and media

# THE PROCESS

Internal CCHS Revision Committee Formed

Identified Areas of Concern for Different Stakeholders

Suggested Revised Document

Presentation to and Receive Input from Regulated Facilities

- Community Awareness and Emergency Response Notification Committee
- Met with all three (3) operating petroleum refineries to discuss flaring operations

Presentation to Hazardous Materials Commission

\*\*\*\*\* Presentation to the ISO/CWS Ad Hoc Committee \*\*\*\*\*

Adoption by the Contra Costa County Board of Supervisors

Facility Outreach and Education

# SUGGESTED REVISIONS

1. Remove Level 0
  - Primarily notification for unit start-up and shutdown that are not associated with flaring
  
2. Added descriptive language for each Level
  - Notification Only – Level 1
  - Public Health Advisory – Level 2
  - Public Protective Actions Required – Level 3
  
3. Ambiguities associated with “excessive” flaring
  
4. Added Response to Be Expected from CCHS

# 2019 CURRENT VS. PROPOSED

## CURRENT POLICY

	2019 CWS Notifications
Level 0	81
Level 1	54
Level 2	0
Level 3	0
<b>TOTAL NOTIFICATIONS</b>	<b>135</b>

## PROPOSED POLICY

	2019 CWS Notifications (Adjusted)
Notification Only – Level 1	97
Public Health Advisory – Level 2	0
Public Protective Actions – Level 3	0
<b>TOTAL NOTIFICATIONS</b>	<b>97</b>

**28.1% DECREASE IN NOTIFICATIONS PROVIDED TO CCHS**



# 2020 CURRENT VS. PROPOSED

## CURRENT POLICY

	2020 CWS Notifications
Level 0	61
Level 1	36
Level 2	0
Level 3	0
<b>TOTAL NOTIFICATIONS</b>	<b>97</b>

## PROPOSED POLICY

	2020 CWS Notifications (Adjusted)
Notification Only – Level 1	55
Public Health Advisory – Level 2	0
Public Protective Actions – Level 3	0
<b>TOTAL NOTIFICATIONS</b>	<b>55</b>

**43.3% DECREASE IN NOTIFICATIONS PROVIDED TO CCHS**

# FLARING

- The current version requires notification for “excessive” flaring.
  - Inconsistent approach by industry in defining “excessive”
- The revised policy removes the term “excessive”.
- A definition of flaring is provided in the suggested policy.

## DEFINITION OF FLARING

**Flaring** - Smoke, fire or flame from a flare that involves the release, or threatened release, of a hazardous material. For the purposes of this policy, flaring at petroleum/renewable fuel refineries excludes auxiliary flares not connected to a process unit. The flaring conditions that should be considered when determining applicability for reporting and the associated CWS reporting level as required by this policy include, but are not limited to, the following:

1. Completeness of combustion
2. Duration of the incident
3. Presence of smoke
4. Adequacy of steam
5. Intensity of burn
6. Presence of an odor
7. Visibility and/or audible impact to the public
8. Weather conditions at the onset of, and throughout, the flaring incident.
9. The flaring incident presents an actual or potential hazard to human health and safety, property, or the environment.

Typically, flaring is a CWS Level 1 incident. However, incident-specific circumstances may result in an off-site impact requiring the incident to be upgraded to a CWS Level 2 or CWS Level 3 incident.

# NEXT STEPS

- Adoption at the Board of Supervisors Meeting
  - Proposing the revised policy to go into effect 60 days following adoption
- Facility Outreach and Education
- Community Warning System Changes to Accommodate the Revised Policy

**QUESTIONS/COMMENTS?**

# Contra Costa Health Services

## HAZARDOUS MATERIALS INCIDENT NOTIFICATION POLICY

### I. PURPOSE:

The purpose of this Policy is to promote prompt and accurate reporting to Contra Costa Health Services (“CCHS”) of releases or threatened releases of hazardous materials that may result in injury or damage to the community and/or the environment.

The primary reason for prompt and accurate notification to CCHS is to enable CCHS to take measures to mitigate the impacts of a hazardous materials release, such as:

1. Dispatching of CCHS emergency response teams quickly and with the appropriate equipment and personnel
2. Assessing the extent of the release or the potential extent of the release and whether neighboring communities are at risk of exposure
3. Determining whether the Community Warning System should be activated (if not already activated)<sup>1</sup>
4. Responding to inquiries from the public and the media

As outlined in Section III, facilities are required to call 911 immediately upon the discovery of a hazardous materials release. Notification to CCHS under this policy does not relieve the responsible business from having to comply with any legal requirement to notify other local, state or federal agencies.

### II. BACKGROUND:

#### A. Origin of Policy

The Contra Costa County Board of Supervisors approved the original Hazardous Materials Incident Notification Policy on November 5, 1991. The policy was established in response to incidents, both in Contra Costa County and elsewhere, which demonstrated that preliminary assessments of hazardous materials releases often underestimate the extent and potential danger of such releases.

#### B. Policy Supplements Regulations

CCHS administers Article 1 of Chapter 6.95 of the California Health and Safety Code, often referred to as the “AB 2185” or “Business Plan” program, which requires immediate

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<sup>1</sup> Facilities capable of initiating the Community Warning System shall follow the Community Warning System Operating Protocols established for it in addition to this policy.

notification in the event of a hazardous materials release.<sup>2</sup> For purposes of this policy, the definition of a hazardous material is that of California Health and Safety Code Section 25501(n). The fines that can be assessed for not reporting can be up to \$25,000 per day and up to one year in jail for the first conviction.<sup>3</sup> Notification to CCHS does not absolve the facility of requisite notifications to other regulatory agencies.

CCHS also administers Article 2 of Chapter 6.95 of the California Health and Safety Code, referred to as the California Accidental Release Prevention (CalARP) Program. This policy assists facilities to meet their obligations under these and other laws.

This Notification Policy assists CCHS in meeting the requirements established in Assembly Bill (AB) 1646 (approved by the California Governor on October 8, 2017). AB 1646 requires CCHS to develop and implement an alerting and notification system to alert surrounding communities of an incident at a petroleum refinery.<sup>4</sup>

### **C. Community Warning System**

The CalARP Program requires facilities to determine the potential off-site consequences from accidental releases of a CalARP Program regulated substance. This information has been used in developing emergency response plans for such potential releases and was used to help design the Community Warning System (CWS).

The CWS is a fully integrated web based alert and notification system that incorporates outdoor safety sirens, emergency responder pagers, the Emergency Alert System (EAS), Wireless Emergency Alerts (WEA), NOAA weather radios via the National Weather Service (NWS), phone calls to landline telephones, phone calls, text messages and emails to registered users, posts to social media and public website. Direct communication is made to emergency responders, including law enforcement. EAS, WEA and NOAA weather radios provide a means of getting messages out to a broad range of residents. WEA is a federally maintained tool that can broadcast short text-like alerts to WEA capable cell phones. The CWS sends messages about the incident

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<sup>2</sup> Health and Safety Code Division 20, Chapter 6.95, Section 25510(a) Except as provided in subdivision (b), the handler or an employee, authorized representative, agent, or designee of a handler, shall, upon discovery, immediately report any release or threatened release of a hazardous material to the unified program agency, and to the office, in accordance with the regulations adopted pursuant to this section. The handler or an employee, authorized representative, agent, or designee of the handler shall provide all state, city, or county fire or public health or safety personnel and emergency response personnel with access to the handler's facilities.

<sup>3</sup> §25515.3 Any person or business that violates Section 25510 shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment. If the conviction is for a violation committed after a first conviction under this section, the person shall be punished by a fine of not less than two thousand dollars (\$2,000) or more than fifty thousand dollars (\$50,000) per day of violation, or by imprisonment in the state prison for 16, 20, or 24 months or in the county jail for not more than one year, or by both the fine and imprisonment. Furthermore, if the violation results in, or significantly contributes to, an emergency, including a fire, to which the county or city is required to respond, the person shall also be assessed the full cost of the county or city emergency response, as well as the cost of cleaning up and disposing of the hazardous materials.

and recommended protective actions. In addition to sent alerts, information about an incident can be found during an incident at [www.cococws.us](http://www.cococws.us), including the area where protective actions have been issued.

The CWS was developed through the efforts of the Contra Costa County Community Awareness and Emergency Response (“CAER”) Group working cooperatively with CCHS, representatives from local industry, the community, and other regulatory agencies to provide local residents with timely notification of emergencies, including hazardous materials releases.

The success of the CWS is dependent upon industry’s prompt notification to CCHS. CCHS would like the public to be assured that the CWS will be activated in a timely manner to implement preventive measures, such as sheltering-in-place. The CWS may also be activated to allay community concerns when a visible incident occurs, such as an explosion that does not pose a health hazard. (In order to expedite notification, some facilities have CWS terminals on-site and may activate the CWS directly using pre-defined protocols and procedures.)

#### **D. Benefits of Prompt Notification and Cooperation**

CCHS is aware that information provided during the initial notification may be preliminary and that facilities may not be able to provide completely accurate information. CCHS also does not intend for the need to provide notification to CCHS to impede other emergency response activities related to the release (e.g., calling 911 to report a hazardous materials release). However, CCHS’s ability to make quick and informed decisions to mitigate the impacts of a release is dependent upon receiving prompt notification and accurate information about the release.

Since its adoption in 1991, this policy has improved cooperation and communication between industry, CCHS, and the public during hazardous materials emergency events. CCHS remains committed to ongoing improvement of this policy as industry, CCHS, and the public gain additional experience.

### **III. POLICY:**

**A. When Immediate Notification Required.** Responsible businesses<sup>5</sup> are required to provide immediate notification to the 911 system and CCHS of a release or threatened release in the following situations.

1. **General.** Immediate notification to the 911 system, as well as CCHS, is required upon discovery of any release or threatened release of a hazardous material that may have or did have the potential for an adverse health effect from exposure to the chemicals release. This can be on-site, or during transport, handling, storage, or loading of such material, via vehicle, rail, pipeline, marine vessel, or aircraft.

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<sup>5</sup>The term “responsible business” or “business” includes facilities and other entities that have custody of the hazardous material at the time that it is accidentally released, or the facility where the release occurs. For example, a transportation company is the responsible business if the material is released in transit. If there is a release from a transport vehicle when the vehicle is at a fixed facility, the fixed facility is primarily responsible for notifying CCHS under this policy.



2. **Specific Situations.** Immediate notification is required in the following situations:

- a. The release or threatened release of a hazardous material that results in a substantial probability of harm to nearby workers or the general public. This includes all hazardous materials incidents in which medical attention beyond first aid is sought. (Do not delay reporting if the level of treatment is uncertain.)
- b. The release or threatened release of hazardous materials that may affect the surrounding population including odor, eye or respiratory irritation.
- c. The event may cause general public concern, such as in cases of fire, explosion, smoke, or flaring. This does not include a non-process fire, such as a grass fire, as long as the non-process fire will not impact a process.
- d. The release or threatened release may contaminate surface water, groundwater or soil, either on-site (unless the spill is entirely contained and the clean-up is initiated immediately and completed expeditiously) or off-site.
- e. The release or threatened release may cause off-site environmental damage.

**B. CCHS Notification.**

1. Facilities with CWS Access – Immediately notify the CCHS Incident Response Team (on-call 24 hours a day) by any of the following methods:
  - a. Through a CWS communication terminal (this is the preferred method); or
  - b. Directly via emergency response pager (If provided by CCHS); or
  - c. Any time by phone at (925) 655-3232
2. Facilities without CWS Access – Immediately notify 911
  - a. First, immediately call 911;
  - b. Second, notify CCHS via the following:
    - i. Directly via emergency response pager (If provided by CCHS); or
    - ii. Any time by phone at (925) 655-3232

**C. Confirmation of Notification.** The facility is responsible for ensuring that CCHS has received the notification. If confirmation cannot be achieved within ten (10) minutes of notification, an alternative method of notification identified above in Subsection B should be used in order of ascending priority.

**D. Required Information.** Provide the information required by the Facility Incident Checklist (Attachment A). *Do not delay* the notification due to inability to provide any of the information called for in the Facility Incident Checklist.

**E. Other Notifications May Be Required.** Notification to CCHS under this policy does not relieve the responsible business from having to comply with any legal requirement to

notify other local, state or federal agencies.

**F. When Notification Is Not Required.** This policy does not require reporting of a release of a hazardous material that *clearly* does not meet any of the criteria described in Subsection A, above. Examples of such situations are:

1. Emergency Medical Services calls *not* associated with hazardous materials incidents (e.g., falling off of a ladder).
2. Incidental release (as defined by Title 8 of the California Code of Regulations, Section 5192(a)(3)).
3. Small spills where the spill is contained, and where it is clear that none of the situations described in Subsection A apply. Spill containment means:
  - a. The spilled material is caught in a fixed berm or dike or other impermeable surface, or is contained by using effective spill control measures (NOTE: Petroleum refineries (only) the petroleum spill is less than 150 gallons.);
  - b. All of the spilled material is prevented from contaminating surface or groundwater; and
  - c. The spill does not pose a substantial probability of adverse health consequences to the public.

**G. Follow-up Reporting of a Hazardous Materials Release.**

1. For all Public Health Advisory – Level 2 and Public Protective Actions Required – Level 3 incidents (as defined in Attachment A-1), or upon request of CCHS, a written follow-up report of the incident shall be submitted within 72-hours. (If the due date falls on a weekend or holiday, the Director of Hazardous Materials Programs may allow the report to be submitted on the next business day.) The report shall confirm, modify and/or update the information provided in the initial notification (Facility Incident Checklist). The report shall be submitted on the 72-Hour Follow-Up Report Form (Attachment B). A hard copy and electronic copy of the report should be submitted.
2. A written final report of the incident shall be made to CCHS as soon as practicable, but no later than 30 calendar days from the date of the release, for all Public Health Advisory – Level 2 and Public Protective Actions Required – Level 3 incidents and for any incident for which CCHS requests such a report. If the investigation has not been completed within 30 calendar days, an interim report shall be submitted and a final report submitted when the investigation is completed. The facility shall give written monthly status reports of the incident investigation, which is submitted the last business day of the month following the 30-day report, until the incident investigation is complete and the final report has been issued to CCHS. Refer to Attachment C for the 30-Day Final Incident Report format. A hard and an electronic copy of the 30-day and subsequent reports should be submitted.

3. All “Major Chemical Accidents or Releases” (defined at County Ordinance Code section 450-8.014(h)) should be investigated using root cause investigation methodology. CCHS will either participate in or closely monitor the investigation. (County Ordinance Code, §450.8.016(c)(1).)
4. If the release requires a written emergency release follow-up report to be submitted to the Chemical Emergency Planning and Response Commission pursuant to section 2632(b) of Title 19 of the California Code of Regulations, a copy of such report shall be sent to CCHS within 30 calendar days.
5. A facility may elect to include with the 30-Day Incident Report Form (Attachment C) a brief narrative of how this incident relates to any of the prevention programs required by CalARP Program regulations and described in the CCHS CalARP Program guidance document.
6. Reports should be sent to the following address:

Contra Costa Hazardous Materials Programs  
ATTENTION:  
Hazardous Materials Programs Director  
4585 Pacheco Boulevard, Suite 100  
Martinez, CA 94553

**H. Additional Communications**

1. There may be situations where notification is not required by Chapter 6.95 of the California Health and Safety Code; however, communication to CCHS and local law enforcement and/or fire agency dispatch centers is warranted.
2. Examples of situation that warrant communication:
  - a. Non-process fires or incidents, such as a grass fire, where a process is not involved or expected to be impacted.
  - b. Training exercises or other activities that may result in fire/smoke visible offsite.
  - c. Three (3) or more unconfirmed offsite odor complaints within one hour.
  - d. Flaring that does not meet the definition of this policy; however, the visibility of the flare to the public may be of concern.
3. How to Communicate with CCHS
  - a. Preferably communications under Section III(H) should be made during normal working hours (Monday thru Friday, 8 AM to 5 PM) unless there is enhanced media or public interest.
  - b. See Section III(B) above for communication methods.

**IV. REFERENCES:** California Health and Safety Code Chapter 6.95 (§25500 et seq.); Title 19 Cal. Code Regs §2631 et seq.; County Ordinance Code Chapter 450.8. (Californian Public Utilities Commission Decision 91-08-019/R.88-07-039 requires similar notification for rail accidents.)

Revised Bd Approved 1/93  
Revised Bd Approved 6/19/01  
Revised Bd Approval 12/14/04  
Revised Bd Approved 2/9/16

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Figure 1. CCHS Hazardous Materials Incident Notification Policy Flowchart

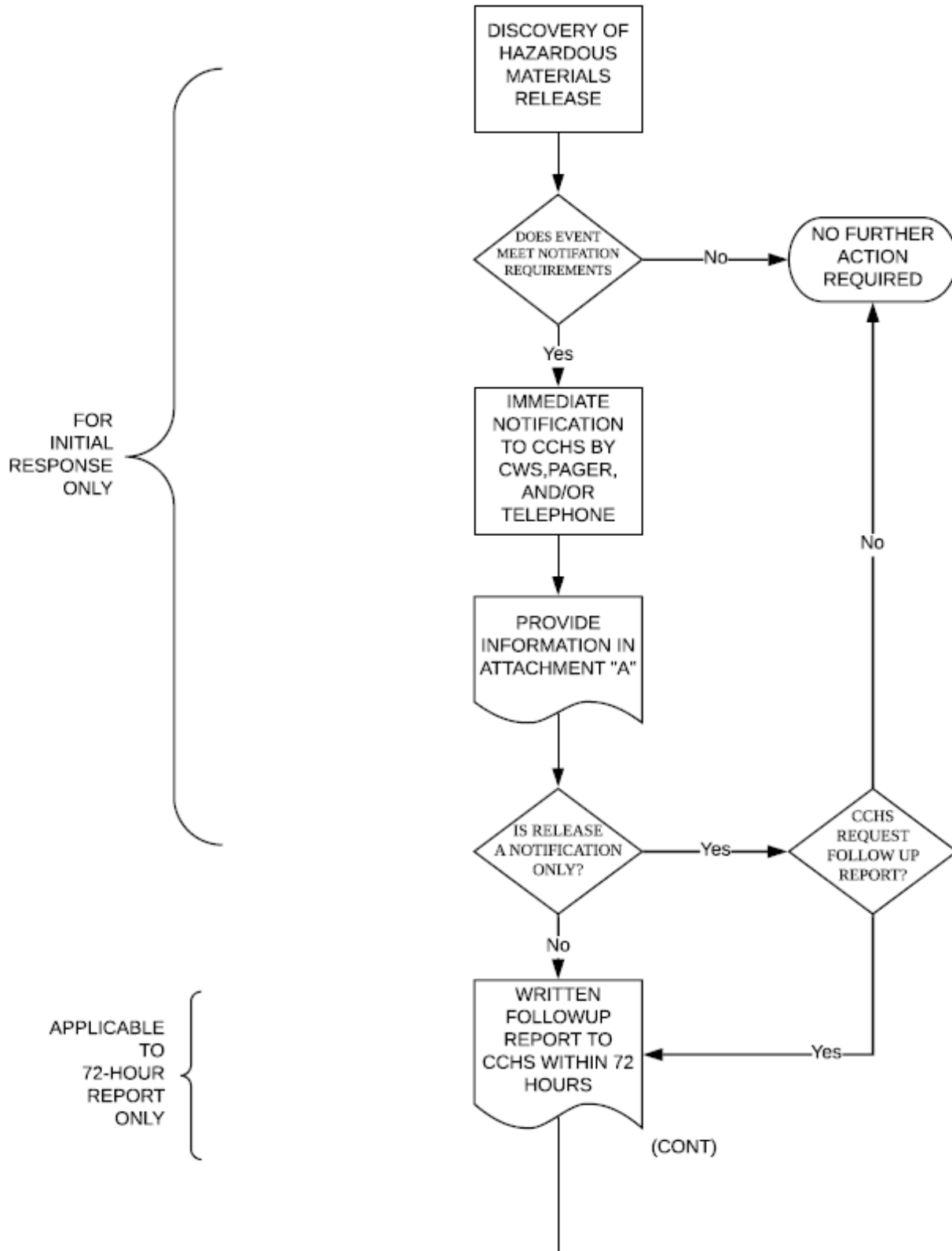
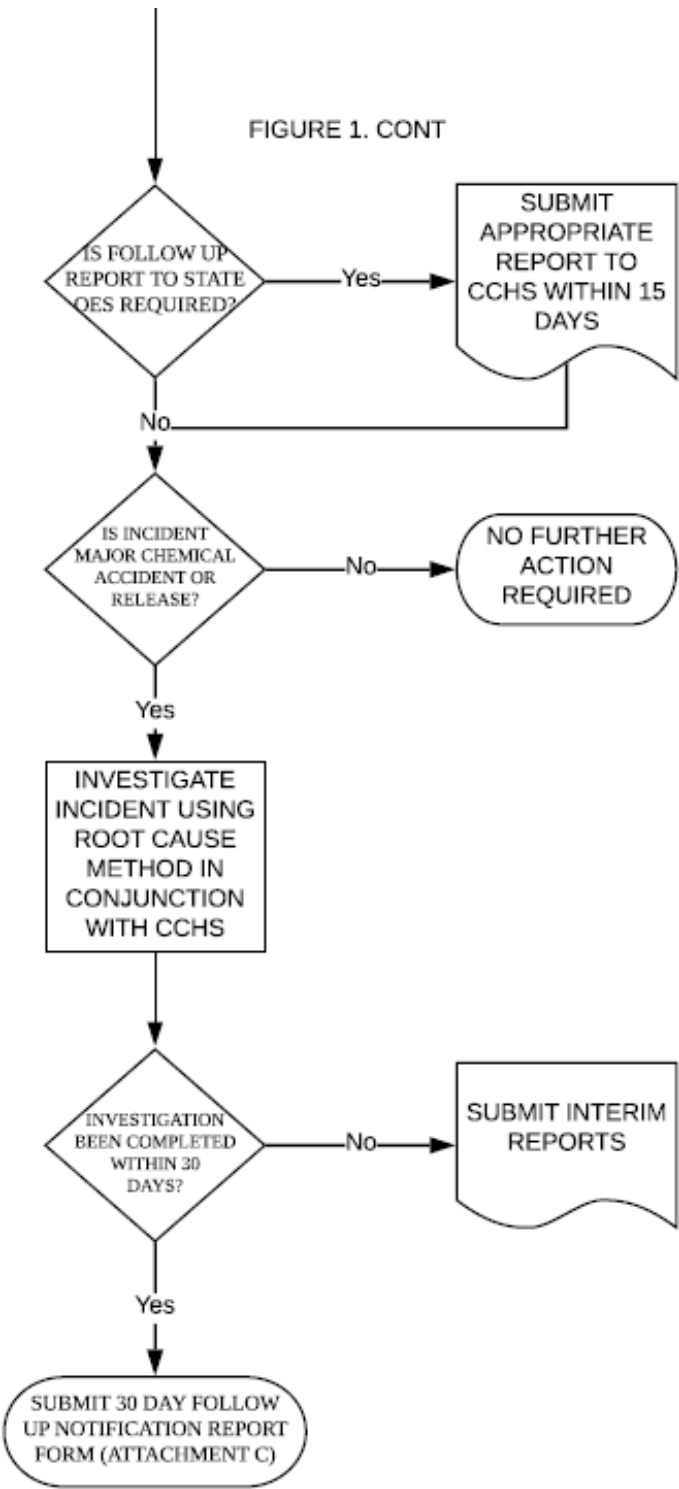


FIGURE 1. CONT

APPLICABLE TO 30 DAY REPORT



**ATTACHMENT A**  
**FACILITY INCIDENT CHECKLIST (Questions asked by the HazMat Response Team)**

- A. Send a Community Warning System alert at the appropriate level (see Attachment A-1).  
If the CWS is not available or you do not have access, call/page CCC Hazardous Materials Programs Division:  
[Phone: (925) 655-3232, Pager: \_\_\_\_\_]

**INFORMATION NEEDED IMMEDIATELY (IF KNOWN)**

- B. State your name and identify your facility and its address.
- C. State your phone number or a number with immediate access to an individual who can answer further questions from CCHS. (No voice mail phone numbers.)
- D. State the Community Warning System (CWS) Plant Reporting Classification Level (1, 2 or 3): (See Attachment A-1).
- E. Date of Release: \_\_\_\_\_ Time of Release: \_\_\_\_\_
- F. Is this release associated with a planned or unplanned activity?
- G. Is the release ongoing? Yes/ No If yes, what is the expected release duration? \_\_\_\_ Hours/ Unknown
- H. Is the release expected to be continuous or intermittent?
- I. State, if known, the chemical or material released and describe the physical state (solid, liquid, gas and/or vapor). Has this been verified? Yes/No/ Unknown \_\_\_\_\_
- J. Has the material gone off-site? Yes/ No/ Unknown. \_\_\_\_\_ If yes, what area is being impacted? What is the direction of flow? \_\_\_\_\_ Is there any impact to storm drains or surface waters?
- K. Have TENS Zones been activated? Yes/No? If yes, which TENS Zones have been activated? If no, which TENS Zones should be activated, if any?
- L. Have you received any public complaints? Yes/ No/ Unknown. \_\_\_\_\_
- M. State wind direction out of (from) the \_\_\_\_\_ to the \_\_\_\_\_ and degrees if known.  
[e.g., "Wind is blowing from the Northwest (300°) to the Southeast (120°)].
- N. State wind speed. \_\_\_\_\_ (If wind speed is unknown, inform CCHS whether the wind is blowing significantly or not.)

**INFORMATION NEEDED AS SOON AS PRACTICABLE**

- O. Are there any injuries on-site or off-site? Yes/No/Unknown \_\_\_\_\_
- P. State the on-site contact person and gate number or address to which the CCHS Incident Response (IR) Team should respond. \_\_\_\_\_
- Q. Are any sensitive receptors or subdivisions nearby? (e.g., School/ Day Care facilities/Hospitals/ Nursing Homes) \_\_\_\_\_
- R. Has the facility's "Emergency Operations Center" or emergency response staff been activated? Yes/ No/ Unknown \_\_\_\_\_

- S. State estimated quantity of chemical released (over-estimate rather than under-estimate release) \_\_\_\_\_
- T. Have other agencies been notified? Yes/ No. \_\_\_\_\_ If yes, state list.
- U. Is there potential for involvement of other hazardous materials due to the proximity to the incident?

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**ATTACHMENT A-1: NOTIFICATION GUIDELINES AND RESPONSE MATRIX FOR FACILITIES WITH COMMUNITY WARNING SYSTEM TERMINAL**

	<u>Notification Only – Level 1</u>	<u>Public Health Advisory – Level 2</u>	<u>Public Protection Actions Required – Level 3</u>
<b><u>When To Notify CCHS</u></b>	Immediate notification to CCHS is required upon discovery of any release or threatened release of a hazardous material that may have or did have the potential for an adverse health effect from exposure to the chemicals release. Specific situations are identified in Section III(A)(2).		
<b><u>Incident Description</u></b>	Hazardous Materials releases, or threatened releases, that are not expected to have off-site health consequences.	Hazardous Materials releases, or threatened releases, that:  - has been or expected to go off-site, and; - may have adverse health consequences for sensitive individuals including those with lung or heart disease, the elderly and the very young.	Hazardous Materials releases, or threatened releases, that  - has been or expected to go off-site, and - may have adverse health consequences for the public.
<b><u>Incident Guidelines</u></b>	- Flaring as defined in this policy (Typically, flaring is a CWS Level 1 incident. However, incident-specific circumstances may result in an off-site impact requiring the incident to be upgraded to a CWS Level 2 or CWS Level 3 incident.)  - A release or threatened release of a hazardous material as defined by this policy that is not expected to have an off-site consequence.  - Fire/smoke/plume visible from offsite	- Fire/explosion/pressure wave/smoke/plume/spill that may have adverse health consequences for sensitive individuals including those with lung or heart disease, the elderly and the very young.	- Fire/explosion/smoke/plume/spill that may cause off-site adverse health consequences for the <b>public</b> ,  - Hazardous material or fire incident where the Incident Commander or Unified Command through consultation with Contra Costa Health Services HAZMAT Incident Response Team requires the sirens to be sounded

	<ul style="list-style-type: none"> <li>- A fire beyond the incipient stage</li> <li>- Three or more offsite odor complaints within an hour, odors confirmed as originating onsite</li> <li>- Any notification made for the release or threatened release of a hazardous material to the California Office of Emergency Services or National Response Center</li> </ul>		
<p><b>Response to be Expected from CCHS</b></p>	<ul style="list-style-type: none"> <li>- If notifying through the CWS, an automated reply should be received within ten (10) minutes to confirm the message was sent. If confirmation is not received, use Section III(B) to ensure notification was received by CCHS.</li> <li>- No further action expected from CCHS unless any of the following apply: <ul style="list-style-type: none"> <li>- Incomplete information provided in the CWS notification.</li> <li>- CCHS may contact the facility when questions arise beyond the information provided in the CWS notification.</li> <li>- CCHS receives information that may not be consistent with the information provided in the CWS notification.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- CCHS will be issuing a Public Health Advisory for those individuals with pre-existing medical conditions and/or chemical sensitivities.</li> <li>- CCHS will contact the facility via phone. CCHS will expect to speak with a facility representative that is knowledgeable about the incident.</li> <li>- CCHS will dispatch response personnel to the community surrounding the facility to perform air monitoring.</li> <li>- CCHS will send an agency representative to the facility (e.g., Emergency Operation Center).</li> <li>- Work within the established Incident Command System to ensure adequate mitigation measures are addressed.</li> </ul>	<ul style="list-style-type: none"> <li>- CCHS will be issuing protective action instructions to the public for the affected areas.</li> <li>- CCHS will contact the facility via phone. CCHS will expect to speak with a facility representative that is knowledgeable about the incident.</li> <li>- CCHS will dispatch response personnel to the community surrounding the facility to perform air monitoring.</li> <li>- CCHS will send an agency representative to the facility (e.g., Emergency Operation Center).</li> <li>- Work within the established Incident Command System to ensure adequate mitigation measures are addressed.</li> <li>- CCHS will initiate and/or participate</li> </ul>

		- CCHS will initiate and/or participate in an After Action Review with facility representatives regarding the response to the incident.	in an After Action Review with facility representatives regarding the response to the incident.
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**NOTE: When in doubt of Level of Activation, always default to the higher level of activation.**

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**ATTACHMENT B  
72 HOUR FOLLOW-UP NOTIFICATION REPORT FORM  
CONTRA COSTA HEALTH SERVICES**

For CCHS Use Only:

Received By: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Incident Number: \_\_\_\_\_  
Copied To: \_\_\_\_\_  
Event Classification Level: \_\_\_\_\_

**INSTRUCTIONS:** A hardcopy and an electronic copy of this report is to be submitted for all Public Health Advisory – Level 2 and Public Protective Actions Required – Level 3 incidents or when requested by CCHS. See Attachment B-1 for suggestions regarding the type of information to be included in the report. Attach additional sheets as necessary. Forward the completed form to:

**ATTENTION:**  
Hazardous Materials Programs Director  
Contra Costa Hazardous Materials Programs  
4585 Pacheco Boulevard, Suite 100  
Martinez, CA 94553

**INCIDENT DATE:** \_\_\_\_\_  
**INCIDENT TIME:** \_\_\_\_\_  
**FACILITY:** \_\_\_\_\_

**PERSON TO CONTACT FOR ADDITIONAL INFORMATION**

\_\_\_\_\_ Phone number \_\_\_\_\_

**I. SUMMARY OF EVENT:**

**II. AGENCIES NOTIFIED, INCLUDING TIME OF NOTIFICATION:**

**III. AGENCIES RESPONDING, INCLUDING CONTACT NAMES AND PHONE NUMBERS:**

**IV. EMERGENCY RESPONSE ACTIONS:**

**V. IDENTITY OF MATERIAL RELEASED AND ESTIMATED OR KNOWN QUANTITIES:**

**72-HOUR REPORT, PAGE 2**

**INCIDENT DATE:** \_\_\_\_\_

**FACILITY:** \_\_\_\_\_

VI. **METEOROLOGICAL CONDITIONS AT TIME OF EVENT** including wind speed, direction, and temperature:

VII. **DESCRIPTION OF INJURIES:**

VIII. **COMMUNITY IMPACT** including number of off-site complaints, air sampling data during event, etc.:

IX. **INCIDENT INVESTIGATION RESULTS**

Is the investigation of the incident complete at this time? \_\_\_\_\_ Yes \_\_\_\_\_ No

If the answer is no, submit a 30 day final or interim report.

If the answer is yes, complete the following:

X. **SUMMARIZE INVESTIGATION RESULTS BELOW OR ATTACH COPY OF REPORT:**

XI. **SUMMARIZE PREVENTATIVE MEASURES TO BE TAKEN TO PREVENT RECURRENCE INCLUDING MILESTONE AND COMPLETION DATES FOR IMPLEMENTATION:**

## **ATTACHMENT B-1**

### **72-Hour Report Guidelines**

*The following list are items that may be included in the 72-Hour Report to CCHS following an accidental release of a hazardous material. Not all of the items below may be applicable or available at the time of submission.*

- I. Summary of the Event
  - Background Information/ Events Preceding the Incident
  - Incident Summary, including timing of key events
  - Shift Logs, real-time computer/instrument logs, fenceline monitor data, etc.
- II. Emergency Notifications (include names, phone numbers and times)
  - CCHS
  - Time/ Level of CWS Activation
  - Other Agencies
  - Copy of State OES Emergency Release Follow-Up Notice Reporting Form
- III. Agencies Responding
  - Agency
  - Person or people responding
  - Contact person with telephone number
- IV. Emergency Response Actions
  - Mutual Aid Activated?
  - Fire Department Response?
- V. Material Involved
  - Estimated Quantities
  - CalARP Regulated Substances?
  - Safety Data Sheets
- VI. Meteorological Data (wind speed, direction, temperature, rain/sun, etc.)
- VII. Injuries (including number, type and severity)
- VIII. Community Impact
  - Community Complaints
  - Off-Site Consequence Impact Analysis (i.e., injury, property damage, etc.)
  - Sampling Data, including fenceline monitors, if applicable
  - Community Monitoring Results
- IX. Incident Investigation
  - Procedure Summary
  - Will Root Cause Analysis Be Performed?
  - Investigation Team/ Contact Person(s)
  - Findings/Conclusions
    - Root Causes
    - “Safety System” Flaws
  - Corrective Action/ Preventative Measures
  - Description
  - Implementation Dates

**ATTACHMENT C  
30-DAY FOLLOW-UP NOTIFICATION REPORT FORM  
CONTRA COSTA HEALTH SERVICES**

For CCHS Use Only: Received By: _____ Date Received: _____ Incident Number: _____ Copied To: _____ Event Classification Level: _____
---

**INSTRUCTIONS:** A hardcopy and an electronic copy of this report is to be submitted for all Public Health Advisory – Level 2 and Public Protective Actions Required – Level 3 incidents or when requested by CCHS. See Attachment C-1 for suggestions regarding the type of information to be included in the report. Attach additional sheets as necessary. This form is to be used for update reports after the initial 30-day report has been submitted. Forward the completed form to:

**ATTENTION:**  
Hazardous Materials Programs Director  
Contra Costa Hazardous Materials Programs  
4585 Pacheco Boulevard, Suite 100  
Martinez, CA 94553

**INCIDENT DATE:** \_\_\_\_\_  
**INCIDENT TIME:** \_\_\_\_\_  
**FACILITY:** \_\_\_\_\_

**PERSON TO CONTACT FOR ADDITIONAL INFORMATION**  
\_\_\_\_\_ Phone number \_\_\_\_\_

**PROVIDE ANY ADDITIONAL INFORMATION THAT WAS NOT INCLUDED IN THE 72-HOUR REPORT WHEN THE 72-HOUR REPORT WAS SUBMITTED, INCLUDING MATERIAL RELEASED AND ESTIMATED OR KNOWN QUANTITIES, COMMUNITY IMPACT, INJURIES, ETC.:**

**I. INCIDENT INVESTIGATION RESULTS**

Is the investigation of the incident complete at this time? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If the answer is no, when do you expect completion of the Investigation?  
\_\_\_\_\_  
If the answer is yes, complete the following:

**SUMMARIZE INVESTIGATION RESULTS BELOW OR ATTACH COPY OF REPORT:**

**SUMMARIZE PREVENTATIVE MEASURES TO BE TAKEN TO PREVENT RECURRENCE INCLUDING MILESTONE AND COMPLETION DATES FOR IMPLEMENTATION:**

**30-DAY REPORT, PAGE 2**

**INCIDENT DATE:** \_\_\_\_\_

**FACILITY:** \_\_\_\_\_

**STATE AND DESCRIBE THE ROOT-CAUSE(S) OF THE INCIDENT:**

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## **ATTACHMENT C-1 30-Day Report Guidelines**

*The following outline suggests items in addition to those listed on the 72-Hour report guidelines (Attachments B and B-1) that may be included in the 30-Day Final Report to CCHS following the accidental release of a hazardous material.*

*(Some of the items listed below may not be applicable or available at the time of submission.)*

### **I. ADDITIONAL INFORMATION**

- Detailed Event Timeline
- Correspondence (if determined to be relevant)
- Relevant History of Incidents with Similar Equipment or Procedures

### **II. INCIDENT INVESTIGATION**

- Findings/Conclusions, including causal factors, contributing factors, and root causes or their equivalent
- Preliminary Corrective Action/ Preventative Measures
  - Immediate
  - Long-Term
  - Implementation Dates

# HAZARDOUS MATERIALS INCIDENT NOTIFICATION POLICY

## GLOSSARY AND ACRONYMS

- **CalARP** – California Accidental Release Prevention Program
- **CAER** – Community Awareness and Emergency Response
- **CCHS** – Contra Costa Health Services
- **CLERS** – California Law Enforcement Radio System
- **CWS** – Community Warning System
- **EAS** – Emergency Alerting System
- **Environmental damage:** detrimental impact on surroundings beyond facility operations.
- **Flaring** - Smoke, fire or flame from a flare that involves the release, or threatened release, of a hazardous material. For the purposes of this policy, flaring at petroleum/renewable fuel refineries excludes auxiliary flares not connected to a process unit. The flaring conditions that should be considered when determining applicability for reporting and the associated CWS reporting level as required by this policy include, but are not limited to, the following:
  1. Completeness of combustion
  2. Duration of the incident
  3. Presence of smoke
  4. Adequacy of steam
  5. Intensity of burn
  6. Presence of an odor
  7. Visibility and/or audible impact to the public
  8. Weather conditions at the onset of, and throughout, the flaring incident.
  9. The flaring incident presents an actual or potential hazard to human health and safety, property, or the environmentTypically, flaring is a CWS Level 1 incident. However, incident-specific circumstances may result in an off-site impact requiring the incident to be upgraded to a CWS Level 2 or CWS Level 3 incident.
- **Incidental Release:** An incidental release is one that does not cause a health or safety hazard to employees and does not need to be cleaned up immediately to prevent death or serious injury to employees.
- **NOAA** - National Oceanic and Atmospheric Administration
- **NWS:** National Weather Service
- **Release:** Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment,

unless permitted or authorized by a regulatory agency.

- **Responsible Business:** The business that has the custody of the hazardous material when there is an accidental release or the business where the accidental release occurs. Examples are 1) transportation companies when they are off-site from a business is then the responsible business when there is a release from their transport vehicle, 2) if there is a release from a transport vehicle at a fixed facility, then the fixed facility is the responsible business.
- **Root cause investigation:** a method for investigating and categorizing the root causes of hazardous materials incidents with safety, health, AND environmental impacts. Root causes are the most basic causes that can reasonably be identified, that management has control to fix, and for which effective recommendations for preventing recurrence can be generated.
- **Telephone Emergency Notification System (TENS):** The automated telephone calling system that notifies the community downwind during an incident.
- **Threatened Release:** Threatened release means a condition, circumstance, or incident making it necessary to take immediate action to prevent, reduce, or mitigate a release with potential to cause damage or harm to persons, property, or the environment.
- **WEA:** Wireless Emergency Alerts

## Contra Costa Health Services

### HAZARDOUS MATERIALS INCIDENT NOTIFICATION POLICY

#### I. PURPOSE:

The purpose of this Policy is to promote prompt and accurate reporting to Contra Costa Health Services (“CCHS”) of releases or threatened releases of hazardous materials that may result in injury or damage to the community and/or the environment.

The primary reason for prompt and accurate notification to CCHS is to enable CCHS to take measures to mitigate the impacts of a hazardous materials release, such as:

1. Dispatching of CCHS emergency response teams quickly and with the appropriate equipment and personnel
2. Assessing the extent of the release or the potential extent of the release and whether neighboring communities are at risk of exposure
3. Determining whether the Community Warning System should be activated (if not already activated)<sup>1</sup>
4. Responding to inquiries from the public and the media

As outlined in Section III, facilities are required to call 911 immediately upon the discovery of a hazardous materials release. Notification to CCHS under this policy does not relieve the responsible business from having to comply with any legal requirement to notify other local, state or federal agencies.

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#### II. BACKGROUND:

##### A. Origin of Policy

The Contra Costa County Board of Supervisors approved the original Hazardous Materials Incident Notification Policy on November 5, 1991. The policy was established in response to incidents, both in Contra Costa County and elsewhere, which demonstrated that preliminary assessments of hazardous materials releases often underestimate the extent and potential danger of such releases.

##### B. Policy Supplements Regulations

CCHS administers Article 1 of Chapter 6.95 of the California Health and Safety Code, often referred to as the “AB 2185” or “Business Plan” program, which requires immediate

<sup>1</sup> Facilities capable of initiating the Community Warning System shall follow the Community Warning System Operating Protocols established for it in addition to this policy.

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notification in the event of a hazardous materials release.<sup>2</sup> For purposes of this policy, the definition of a hazardous material is that of California Health and Safety Code Section 25501(n). The fines that can be assessed for not reporting can be up to \$25,000 per day and up to one year in jail for the first conviction.<sup>3</sup> Notification to CCHS does not absolve the facility of requisite notifications to other regulatory agencies.

CCHS also administers Article 2 of Chapter 6.95 of the California Health and Safety Code, referred to as the California Accidental Release Prevention (CalARP) Program. This policy assists facilities to meet their obligations under these and other laws.

This Notification Policy assists CCHS in meeting the requirements established in Assembly Bill (AB) 1646 (approved by the California Governor on October 8, 2017). AB 1646 requires CCHS to develop and implement an alerting and notification system to alert surrounding communities of an incident at a petroleum refinery.<sup>4</sup>

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### C. Community Warning System

The CalARP Program requires facilities to determine the potential off-site consequences from accidental releases of a CalARP Program regulated substance. This information has been used in developing emergency response plans for such potential releases and was used to help design the Community Warning System (CWS).

The CWS is a fully integrated web based alert and notification system that incorporates outdoor safety sirens, emergency responder pagers, the Emergency Alert System (EAS), Wireless Emergency Alerts (WEA), NOAA weather radios via the National Weather Service (NWS), phone calls to landline telephones, phone calls, text messages and emails to registered users, posts to social media and public website. Direct communication is made to emergency responders, including law enforcement. EAS, WEA and NOAA weather radios provide a means of getting messages out to a broad range of residents. WEA is a federally maintained tool that can broadcast short text-like alerts to WEA capable cell phones. The CWS sends messages about the incident

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<sup>2</sup> Health and Safety Code Division 20, Chapter 6.95, Section 25510(a) Except as provided in subdivision (b), the handler or an employee, authorized representative, agent, or designee of a handler, shall, upon discovery, immediately report any release or threatened release of a hazardous material to the unified program agency, and to the office, in accordance with the regulations adopted pursuant to this section. The handler or an employee, authorized representative, agent, or designee of the handler shall provide all state, city, or county fire or public health or safety personnel and emergency response personnel with access to the handler's facilities.

<sup>3</sup> §25515.3 Any person or business that violates Section 25510 shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment. If the conviction is for a violation committed after a first conviction under this section, the person shall be punished by a fine of not less than two thousand dollars (\$2,000) or more than fifty thousand dollars (\$50,000) per day of violation, or by imprisonment in the state prison for 16, 20, or 24 months or in the county jail for not more than one year, or by both the fine and imprisonment. Furthermore, if the violation results in, or significantly contributes to, an emergency, including a fire, to which the county or city is required to respond, the person shall also be assessed the full cost of the county or city emergency response, as well as the cost of cleaning up and disposing of the hazardous materials.

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and recommended protective actions. In addition to sent alerts, information about an incident can be found during an incident at [www.cococws.us](http://www.cococws.us), including the area where protective actions have been issued.

The CWS was developed through the efforts of the Contra Costa County Community Awareness and Emergency Response (“CAER”) Group working cooperatively with CCHS, representatives from local industry, the community, and other regulatory agencies to provide local residents with timely notification of emergencies, including hazardous materials releases.

The success of the CWS is dependent upon industry’s prompt notification to CCHS. CCHS would like the public to be assured that the CWS will be activated in a timely manner to implement preventive measures, such as sheltering-in-place. The CWS may also be activated to allay community concerns when a visible incident occurs, such as an explosion that does not pose a health hazard. (In order to expedite notification, some facilities have CWS terminals on-site and may activate the CWS directly using pre-defined protocols and procedures.)

#### **D. Benefits of Prompt Notification and Cooperation**

CCHS is aware that information provided during the initial notification may be preliminary and that facilities may not be able to provide completely accurate information. CCHS also does not intend for the need to provide notification to CCHS to impede other emergency response activities related to the release (e.g., calling 911 to report a hazardous materials release). However, CCHS’s ability to make quick and informed decisions to mitigate the impacts of a release is dependent upon receiving prompt notification and accurate information about the release.

Since its adoption in 1991, this policy has improved cooperation and communication between industry, CCHS, and the public during hazardous materials emergency events. CCHS remains committed to ongoing improvement of this policy as industry, CCHS, and the public gain additional experience.

### **III. POLICY:**

**A. When Immediate Notification Required.** Responsible businesses<sup>5</sup> are required to provide immediate notification to the 911 system and CCHS of a release or threatened release in the following situations.

<sup>5</sup>The term “responsible business” or “business” includes facilities and other entities that have custody of the hazardous material at the time that it is accidentally released, or the facility where the release occurs. For example, a transportation company is the responsible business if the material is released in transit. If there is a release from a transport vehicle when the vehicle is at a fixed facility, the fixed facility is primarily responsible for notifying CCHS under this policy.

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1. **General.** Immediate notification to the 911 system, as well as CCHS, is required upon discovery of any release or threatened release of a hazardous material that may have or did have the potential for an adverse health effect from exposure to the chemicals release. This can be on-site, or during transport, handling, storage, or loading of such material, via vehicle, rail, pipeline, marine vessel, or aircraft.
2. **Specific Situations.** Immediate notification is required in the following situations:
  - a. The release or threatened release of a hazardous material that results in a substantial probability of harm to nearby workers or the general public. This includes all hazardous materials incidents in which medical attention beyond first aid is sought. (Do not delay reporting if the level of treatment is uncertain.)
  - b. The release or threatened release of hazardous materials that may affect the surrounding population including odor, eye or respiratory irritation.
  - c. The event may cause general public concern, such as in cases of fire, explosion, smoke, or flaring. This does not include a non-process fire, such as a grass fire, as long as the non-process fire will not impact a process.
  - d. The release or threatened release may contaminate surface water, groundwater or soil, either on-site (unless the spill is entirely contained and the clean-up is initiated immediately and completed expeditiously) or off-site.
  - e. The release or threatened release may cause off-site environmental damage.

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**B. CCHS Notification.**

1. Facilities with CWS Access – Immediately notify the CCHS Incident Response Team (on-call 24 hours a day) by any of the following methods:
  - a. Through a CWS communication terminal (this is the preferred method); or
  - b. Directly via emergency response pager, (If provided by CCHS); or
  - c. Any time by phone at (925) 655-3232
2. Facilities without CWS Access – Immediately notify 911
  - a. First, immediately call 911;
  - b. Second, notify CCHS via the following:
    - i. Directly via emergency response pager (If provided by CCHS); or
    - ii. Any time by phone at (925) 655-3232

Deleted: <#>The facility's Safety Supervisor or equivalent personnel is placed on alert due to a release or threatened release in the likelihood of an emergency situation, including, but not limited to, emergency shutdowns or major unit start-ups.¶

Deleted: Who to Notify

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Deleted: To receive the pager number, please contact the CCHS Incident Response Team in advance at (925) 335-3200 during normal business hours.

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**C. Confirmation of Notification.** The facility is responsible for ensuring that CCHS has received the notification. If confirmation cannot be achieved within ten (10) minutes of notification, an alternative method of notification identified above in Subsection B should be used in order of ascending priority.

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**D. Required Information.** Provide the information required by the Facility Incident Checklist (Attachment A). *Do not delay* the notification due to inability to provide any of the information called for in the Facility Incident Checklist.

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**E. Other Notifications May Be Required.** Notification to CCHS under this policy does not relieve the responsible business from having to comply with any legal requirement to notify other local, state or federal agencies.

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**F. When Notification Is Not Required.** This policy does not require reporting of a release of a hazardous material that *clearly* does not meet any of the criteria described in Subsection A, above. Examples of such situations are:

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1. **Emergency Medical Services** calls *not* associated with hazardous materials incidents (e.g., falling off of a ladder).
2. Incidental release (as defined by Title 8 of the California Code of Regulations, Section 5192(a)(3)).
3. Small spills where the spill is contained, and where it is clear that none of the situations described in Subsection A apply. Spill containment means:
  - a. The spilled material is caught in a fixed berm or dike or other impermeable surface, or is contained by using effective spill control measures (NOTE: Petroleum refineries (only) the petroleum spill is less than 150 gallons.);
  - b. All of the spilled material is prevented from contaminating surface or groundwater; and
  - c. The spill does not pose a substantial probability of adverse health consequences to the public.

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**G. Follow-up Reporting of a Hazardous Materials Release.**

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1. For all **Public Health Advisory – Level 2 and Public Protective Actions Required – Level 3** incidents (as defined in Attachment A-1), or upon request of CCHS, a written follow-up report of the incident shall be submitted within 72-hours. (If the due date falls on a weekend or holiday, the Director of Hazardous Materials Programs may allow the report to be submitted on the next business day.) The report shall confirm, modify and/or update the information provided in the initial notification (Facility Incident Checklist). The report shall be submitted on the 72-Hour Follow-Up Report Form (Attachment B). A hard copy and electronic copy of the report should be submitted.
2. A written final report of the incident shall be made to CCHS as soon as practicable, but no later than 30 calendar days from the date of the release, for all **Public Health Advisory – Level 2 and Public Protective Actions Required – Level 3** incidents and for any incident for which CCHS requests such a report. If the investigation has not been completed within 30 calendar days, an interim report shall be submitted and a final report submitted when the investigation is completed. The facility shall give written monthly

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status reports of the incident investigation, which is submitted the last business day of the month following the 30-day report, until the incident investigation is complete and the final report has been issued to CCHS. Refer to Attachment C for the 30-Day Final Incident Report format. A hard and an electronic copy of the 30-day and subsequent reports should be submitted.

3. All "Major Chemical Accidents or Releases" (defined at County Ordinance Code section 450-8.014(h)) should be investigated using root cause investigation methodology. CCHS will either participate in or closely monitor the investigation. (County Ordinance Code, §450.8.016(c)(1).)
4. If the release requires a written emergency release follow-up report to be submitted to the Chemical Emergency Planning and Response Commission pursuant to section 2632(b) of Title 19 of the California Code of Regulations, a copy of such report shall be sent to CCHS within 30 calendar days.
5. A facility may elect to include with the 30-Day Incident Report Form (Attachment C) a brief narrative of how this incident relates to any of the prevention programs required by CalARP Program regulations and described in the CCHS CalARP Program guidance document.
6. Reports should be sent to the following address:

Contra Costa Hazardous Materials Programs  
ATTENTION: Hazardous Materials Programs Director  
4585 Pacheco Boulevard, Suite 100  
Martinez, CA 94553

#### H. Additional Communications

1. There may be situations where notification is not required by Chapter 6.95 of the California Health and Safety Code; however, communication to CCHS and local law enforcement and/or fire agency dispatch centers is warranted.
2. Examples of situation that warrant communication:
  - a. Non-process fires or incidents, such as a grass fire, where a process is not involved or expected to be impacted.
  - b. Training exercises or other activities that may result in fire/smoke visible offsite.
  - c. Three (3) or more unconfirmed offsite odor complaints within one hour.
  - d. Flaring that does not meet the definition of this policy; however, the visibility of the flare to the public may be of concern.
3. How to Communicate with CCHS
  - a. Preferably communications under Section III(H) should be made during normal working hours (Monday thru Friday, 8 AM to 5 PM) unless there is enhanced media or public interest.
  - b. See Section III(B) above for communication methods.

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Chief Environmental Health and Hazardous Materials Officer

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**IV. REFERENCES:** California Health and Safety Code Chapter 6.95 (§25500 et seq.); Title 19 Cal. Code Regs §2631 et seq.; County Ordinance Code Chapter 450.8. (Californian Public Utilities Commission Decision 91-08-019/R.88-07-039 requires similar notification for rail accidents.)

Bd approved 11/5/91  
Revised Bd Approved 1/93  
Revised Bd Approved 6/19/01  
Revised Bd Approval 12/14/04  
Revised Bd Approved 2/9/16

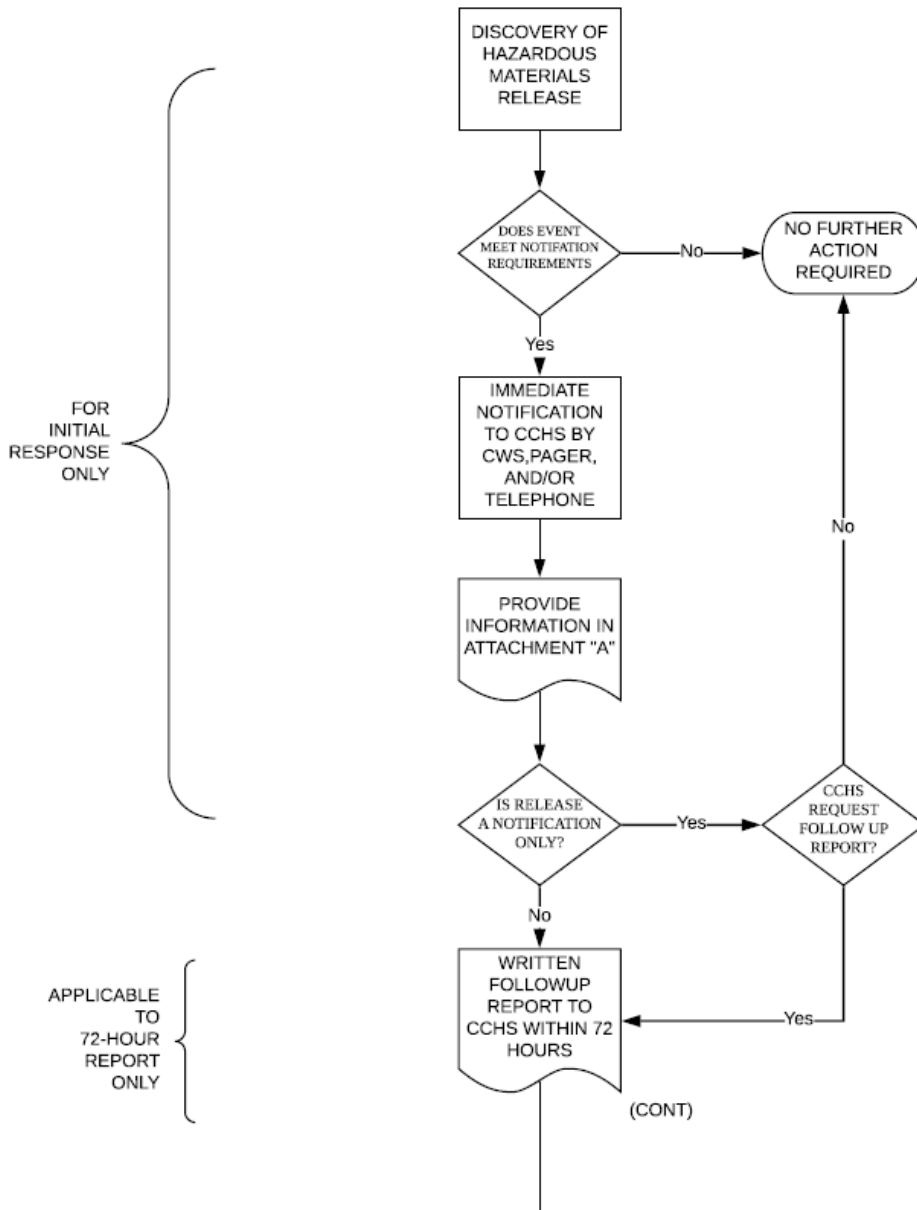
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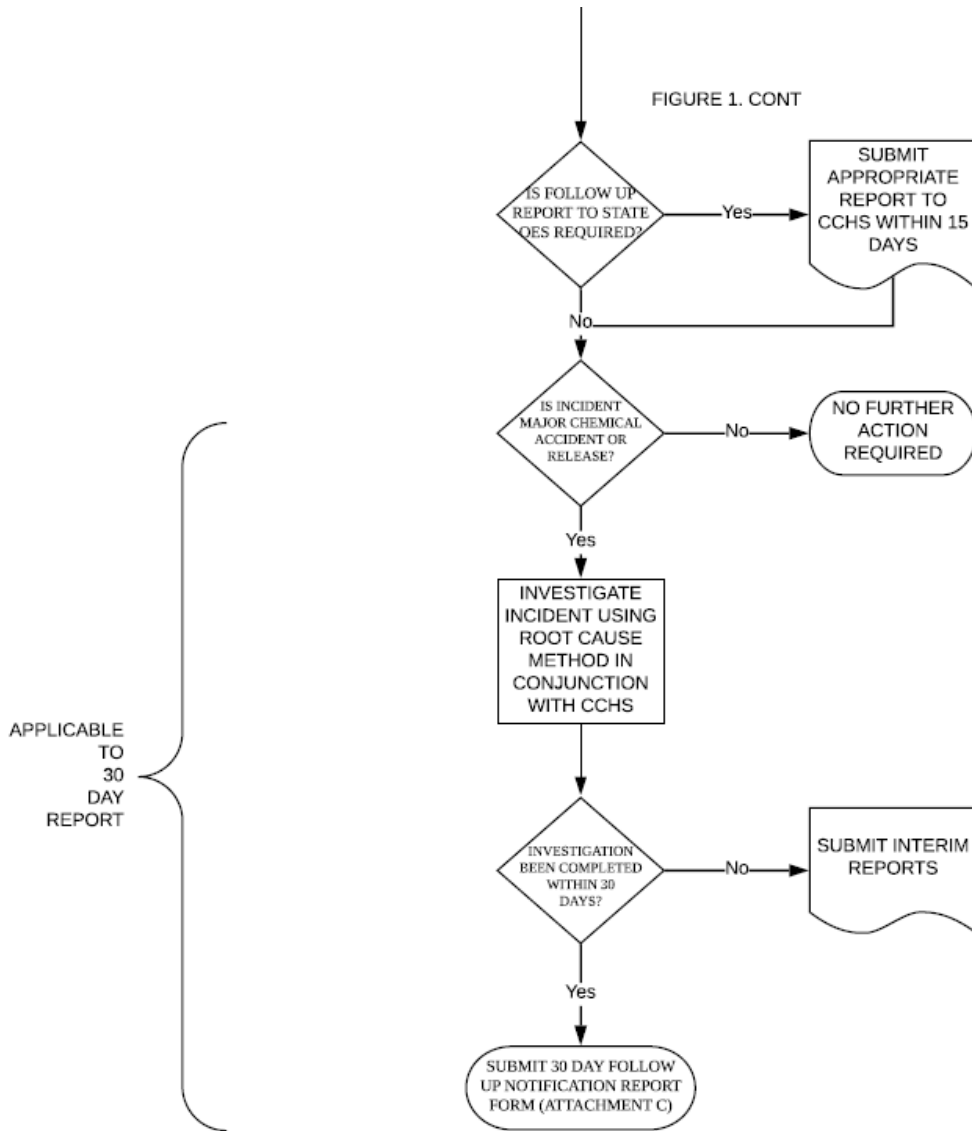
Figure 1. CCHS Hazardous Materials Incident Notification Policy Flowchart

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FIGURE 1. CONT



**ATTACHMENT A  
FACILITY INCIDENT CHECKLIST (Questions asked by the HazMat Response Team)**

A. Send a Community Warning System alert at the appropriate level (see Attachment A-1).  
If the CWS is not available or you do not have access, call/page CCC Hazardous Materials Programs Division:  
[Phone: (925) 655-3232, Pager: \_\_\_\_\_]

**INFORMATION NEEDED IMMEDIATELY (IF KNOWN)**

B. State your name and identify your facility and its address.

C. State your phone number or a number with immediate access to an individual who can answer further questions from CCHS. (No voice mail phone numbers.)

D. State the Community Warning System (CWS) Plant Reporting Classification Level (1, 2 or 3): (See Attachment A-1).

E. Date of Release: \_\_\_\_\_ Time of Release: \_\_\_\_\_

F. Is this release associated with a planned or unplanned activity?

G. Is the release ongoing? Yes/ No If yes, what is the expected release duration? \_\_\_\_\_ Hours/ Unknown

H. Is the release expected to be continuous or intermittent?

I. State, if known, the chemical or material released and describe the physical state (solid, liquid, gas and/or vapor). Has this been verified? Yes/No/ Unknown

J. Has the material gone off-site? Yes/ No/ Unknown. If yes, what area is being impacted? What is the direction of flow? \_\_\_\_\_ Is there any impact to storm drains or surface waters?

K. Have TENS Zones been activated? Yes/No? If yes, which TENS Zones have been activated? If no, which TENS Zones should be activated, if any?

L. Have you received any public complaints? Yes/ No/ Unknown. \_\_\_\_\_

M. State wind direction out of (from) the \_\_\_\_\_ to the \_\_\_\_\_ and degrees if known.  
[e.g., "Wind is blowing from the Northwest (300°) to the Southeast (120°)].

N. State wind speed. \_\_\_\_\_ (If wind speed is unknown, inform CCHS whether the wind is blowing significantly or not.)

**INFORMATION NEEDED AS SOON AS PRACTICABLE**

O. Are there any injuries on-site or off-site? Yes/No/Unknown \_\_\_\_\_

P. State the on-site contact person and gate number or address to which the CCHS Incident Response (IR) Team should respond. \_\_\_\_\_

Q. Are any sensitive receptors or subdivisions nearby? (e.g., School/ Day Care facilities/Hospitals/ Nursing Homes) \_\_\_\_\_

R. Has the facility's "Emergency Operations Center" or emergency response staff been activated? Yes/ No/ Unknown \_\_\_\_\_

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S State estimated quantity of chemical released (over-estimate rather than under-estimate release) \_\_\_\_\_

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T Have other agencies been notified? Yes/ No. \_\_\_\_\_ If yes, state list.

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U Is there potential for involvement of other hazardous materials due to the proximity to the incident?

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**ATTACHMENT A-1: NOTIFICATION GUIDELINES AND RESPONSE MATRIX FOR FACILITIES WITH COMMUNITY WARNING SYSTEM TERMINAL**

	<u>Notification Only – Level 1</u>	<u>Public Health Advisory – Level 2</u>	<u>Public Protection Actions Required – Level 3</u>
<u>When To Notify CCHS</u>	<u>Immediate notification to CCHS is required upon discovery of any release or threatened release of a hazardous material that may have or did have the potential for an adverse health effect from exposure to the chemicals release. Specific situations are identified in Section III(A)(2).</u>		
<u>Incident Description</u>	<u>Hazardous Materials releases, or threatened releases, that are not expected to have off-site health consequences.</u>	<u>Hazardous Materials releases, or threatened releases, that:</u> <u>- has been or expected to go off-site, and;</u> <u>- may have adverse health consequences for sensitive individuals including those with lung or heart disease, the elderly and the very young.</u>	<u>Hazardous Materials releases, or threatened releases, that</u> <u>- has been or expected to go off-site, and</u> <u>- may have adverse health consequences for the public.</u>
<u>Incident Guidelines</u>	<u>- Flaring as defined in this policy (Typically, flaring is a CWS Level 1 incident. However, incident-specific circumstances may result in an off-site impact requiring the incident to be upgraded to a CWS Level 2 or CWS Level 3 incident.)</u>  <u>- A release or threatened release of a hazardous material as defined by this policy that is not expected to have an off-site consequence.</u>  <u>- Fire/smoke/plume visible from offsite</u>	<u>- Fire/explosion/pressure wave/smoke/plume/spill that may have adverse health consequences for sensitive individuals including those with lung or heart disease, the elderly and the very young.</u>	<u>- Fire/explosion/smoke/plume/spill that may cause off-site adverse health consequences for the public,</u>  <u>- Hazardous material or fire incident where the Incident Commander or Unified Command through consultation with Contra Costa Health Services HAZMAT Incident Response Team requires the sirens to be sounded</u>

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	<ul style="list-style-type: none"> <li>- <u>A fire beyond the incipient stage</u></li> <li>- <u>Three or more offsite odor complaints within an hour, odors confirmed as originating onsite</u></li> <li>- <u>Any notification made for the release or threatened release of a hazardous material to the California Office of Emergency Services or National Response Center</u></li> </ul>		
<p><b><u>Response to be Expected from CCHS</u></b></p>	<ul style="list-style-type: none"> <li>- <u>If notifying through the CWS, an automated reply should be received within ten (10) minutes to confirm the message was sent. If confirmation is not received, use Section III(B) to ensure notification was received by CCHS.</u></li> <li>- <u>No further action expected from CCHS unless any of the following apply:</u></li> <li>- <u>Incomplete information provided in the CWS notification.</u></li> <li>- <u>CCHS may contact the facility when questions arise beyond the information provided in the CWS notification.</u></li> <li>- <u>CCHS receives information that may not be consistent with the information provided in the CWS notification.</u></li> </ul>	<ul style="list-style-type: none"> <li>- <u>CCHS will be issuing a Public Health Advisory for those individuals with pre-existing medical conditions and/or chemical sensitivities.</u></li> <li>- <u>CCHS will contact the facility via phone. CCHS will expect to speak with a facility representative that is knowledgeable about the incident.</u></li> <li>- <u>CCHS will dispatch response personnel to the community surrounding the facility to perform air monitoring.</u></li> <li>- <u>CCHS will send an agency representative to the facility (e.g., Emergency Operation Center).</u></li> <li>- <u>Work within the established Incident Command System to ensure adequate mitigation measures are addressed.</u></li> </ul>	<ul style="list-style-type: none"> <li>- <u>CCHS will be issuing protective action instructions to the public for the affected areas.</u></li> <li>- <u>CCHS will contact the facility via phone. CCHS will expect to speak with a facility representative that is knowledgeable about the incident.</u></li> <li>- <u>CCHS will dispatch response personnel to the community surrounding the facility to perform air monitoring.</u></li> <li>- <u>CCHS will send an agency representative to the facility (e.g., Emergency Operation Center).</u></li> <li>- <u>Work within the established Incident Command System to ensure adequate mitigation measures are addressed.</u></li> <li>- <u>CCHS will initiate and/or participate</u></li> </ul>

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		<u>- CCHS will initiate and/or participate in an After Action Review with facility representatives regarding the response to the incident.</u>	<u>in an After Action Review with facility representatives regarding the response to the incident.</u>
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**NOTE: When in doubt of Level of Activation, always default to the higher level of activation.**

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**ATTACHMENT B  
72 HOUR FOLLOW-UP NOTIFICATION REPORT FORM  
CONTRA COSTA HEALTH SERVICES**

**INSTRUCTIONS:** A hardcopy and an electronic copy of this report is to be submitted for all Public Health Advisory – Level 2 and Public Protective Actions Required – Level 3 incidents or when requested by CCHS. See Attachment B-1 for suggestions regarding the type of information to be included in the report. Attach additional sheets as necessary. Forward the completed form to:

For CCHS Use Only:

Received By: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Incident Number: \_\_\_\_\_  
Copied To: \_\_\_\_\_  
Event Classification Level: \_\_\_\_\_

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**ATTENTION:**

Hazardous Materials Programs Director  
Contra Costa Hazardous Materials Programs  
4585 Pacheco Boulevard, Suite 100  
Martinez, CA 94553

Deleted: Randall L. Sawyer  
Chief Environmental Health and Hazardous Materials Officer

**INCIDENT DATE:** \_\_\_\_\_  
**INCIDENT TIME:** \_\_\_\_\_  
**FACILITY:** \_\_\_\_\_

**PERSON TO CONTACT FOR ADDITIONAL INFORMATION**

\_\_\_\_\_ Phone number \_\_\_\_\_

**I. SUMMARY OF EVENT:**

**II. AGENCIES NOTIFIED, INCLUDING TIME OF NOTIFICATION:**

**III. AGENCIES RESPONDING, INCLUDING CONTACT NAMES AND PHONE NUMBERS:**

**IV. EMERGENCY RESPONSE ACTIONS:**

**V. IDENTITY OF MATERIAL RELEASED AND ESTIMATED OR KNOWN QUANTITIES:**

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**72-HOUR REPORT, PAGE 2**

**INCIDENT DATE:** \_\_\_\_\_

**FACILITY:** \_\_\_\_\_

VI. **METEOROLOGICAL CONDITIONS AT TIME OF EVENT** including wind speed, direction, and temperature:

VII. **DESCRIPTION OF INJURIES:**

VIII. **COMMUNITY IMPACT** including number of off-site complaints, air sampling data during event, etc.:

IX. **INCIDENT INVESTIGATION RESULTS**

Is the investigation of the incident complete at this time? \_\_\_\_\_ Yes \_\_\_\_\_ No

If the answer is no, submit a 30 day final or interim report.

If the answer is yes, complete the following:

X. **SUMMARIZE INVESTIGATION RESULTS BELOW OR ATTACH COPY OF REPORT:**

XI. **SUMMARIZE PREVENTATIVE MEASURES TO BE TAKEN TO PREVENT RECURRENCE INCLUDING MILESTONE AND COMPLETION DATES FOR IMPLEMENTATION:**

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**ATTACHMENT B-1**  
**72-Hour Report Guidelines**

The following list are items that may be included in the 72-Hour Report to CCHS following an accidental release of a hazardous material. Not all of the items below may be applicable or available at the time of submission.

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- I. Summary of the Event
  - Background Information/ Events Preceding the Incident
  - Incident Summary, including timing of key events
  - Shift Logs, real-time computer/instrument logs, fenceline monitor data, etc.
- II. Emergency Notifications (include names, phone numbers and times)
  - CCHS
  - Time/ Level of CWS Activation
  - Other Agencies
  - Copy of State OES Emergency Release Follow-Up Notice Reporting Form
- III. Agencies Responding
  - Agency
  - Person or people responding
  - Contact person with telephone number
- IV. Emergency Response Actions
  - Mutual Aid Activated?
  - Fire Department Response?
- V. Material Involved
  - Estimated Quantities
  - CalARP Regulated Substances?
  - Safety Data Sheets
- VI. Meteorological Data (wind speed, direction, temperature, rain/sun, etc.)
- VII. Injuries (including number, type and severity)
- VIII. Community Impact
  - Community Complaints
  - Off-Site Consequence Impact Analysis (i.e., injury, property damage, etc.)
  - Sampling Data, including fenceline monitors, if applicable
  - Community Monitoring Results
- IX. Incident Investigation
  - Procedure Summary
  - Will Root Cause Analysis Be Performed?
  - Investigation Team/ Contact Person(s)
  - Findings/Conclusions
    - Root Causes
    - "Safety System" Flaws
  - Corrective Action/ Preventative Measures
  - Description
  - Implementation Dates

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**ATTACHMENT C  
30-DAY FOLLOW-UP NOTIFICATION REPORT FORM  
CONTRA COSTA HEALTH SERVICES**

**INSTRUCTIONS:** A hardcopy and an electronic copy of this report is to be submitted for all Public Health Advisory – Level 2 and Public Protective Actions Required – Level 3 incidents or when requested by CCHS. See Attachment C-1 for suggestions regarding the type of information to be included in the report. Attach additional sheets as necessary. This form is to be used for update reports after the initial 30-day report has been submitted. Forward the completed form to:

For CCHS Use Only:
Received By: _____
Date Received: _____
Incident Number: _____
Copied To: _____
Event Classification Level: _____

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**ATTENTION:** Hazardous Materials Programs Director  
Contra Costa Hazardous Materials Programs  
4585 Pacheco Boulevard, Suite 100  
Martinez, CA 94553

Deleted: Randall L. Sawyer  
Chief Environmental Health and Hazardous Materials Officer

Deleted:

**INCIDENT DATE:** \_\_\_\_\_  
**INCIDENT TIME:** \_\_\_\_\_  
**FACILITY:** \_\_\_\_\_

**PERSON TO CONTACT FOR ADDITIONAL INFORMATION**  
\_\_\_\_\_ Phone number \_\_\_\_\_

**PROVIDE ANY ADDITIONAL INFORMATION THAT WAS NOT INCLUDED IN THE 72-HOUR REPORT WHEN THE 72-HOUR REPORT WAS SUBMITTED, INCLUDING MATERIAL RELEASED AND ESTIMATED OR KNOWN QUANTITIES, COMMUNITY IMPACT, INJURIES, ETC.:**

**I. INCIDENT INVESTIGATION RESULTS**

Is the investigation of the incident complete at this time? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If the answer is no, when do you expect completion of the Investigation?  
\_\_\_\_\_  
If the answer is yes, complete the following:

**SUMMARIZE INVESTIGATION RESULTS BELOW OR ATTACH COPY OF REPORT:**

**SUMMARIZE PREVENTATIVE MEASURES TO BE TAKEN TO PREVENT RECURRENCE INCLUDING MILESTONE AND COMPLETION DATES FOR IMPLEMENTATION:**

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30-DAY REPORT, PAGE 2

INCIDENT DATE: \_\_\_\_\_

FACILITY: \_\_\_\_\_

STATE AND DESCRIBE THE ROOT-CAUSE(S) OF THE INCIDENT:

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**ATTACHMENT C-1**  
**30-Day Report Guidelines**

*The following outline suggests items in addition to those listed on the 72-Hour report guidelines (Attachments B and B-1) that may be included in the 30-Day Final Report to CCHS following the accidental release of a hazardous material.*

*(Some of the items listed below may not be applicable or available at the time of submission.)*

**I. ADDITIONAL INFORMATION**

- Detailed Event Timeline
- Correspondence (if determined to be relevant)
- Relevant History of Incidents with Similar Equipment or Procedures

**II. INCIDENT INVESTIGATION**

- Findings/Conclusions, including causal factors, contributing factors, and root causes or their equivalent
- Preliminary Corrective Action/ Preventative Measures
  - Immediate
  - Long-Term
  - Implementation Dates

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## HAZARDOUS MATERIALS INCIDENT NOTIFICATION POLICY

### GLOSSARY AND ACRONYMS

- **CalARP** – California Accidental Release Prevention Program
- **CAER** – Community Awareness and Emergency Response
- **CCHS** – Contra Costa Health Services
- **CLERS** – California Law Enforcement Radio System
- **CWS** – Community Warning System
- **EAS** – Emergency Alerting System
- **Environmental damage:** detrimental impact on surroundings beyond facility operations.
- **Flaring** - Smoke, fire or flame from a flare that involves the release, or threatened release, of a hazardous material. For the purposes of this policy, flaring at petroleum/renewable fuel refineries excludes auxiliary flares not connected to a process unit. The flaring conditions that should be considered when determining applicability for reporting and the associated CWS reporting level as required by this policy include, but are not limited to, the following:
  1. Completeness of combustion
  2. Duration of the incident
  3. Presence of smoke
  4. Adequacy of steam
  5. Intensity of burn
  6. Presence of an odor
  7. Visibility and/or audible impact to the public
  8. Weather conditions at the onset of, and throughout, the flaring incident.
  9. The flaring incident presents an actual or potential hazard to human health and safety, property, or the environment

Typically, flaring is a CWS Level 1 incident. However, incident-specific circumstances may result in an off-site impact requiring the incident to be upgraded to a CWS Level 2 or CWS Level 3 incident.
- **Incidental Release:** An incidental release is one that does not cause a health or safety hazard to employees and does not need to be cleaned up immediately to prevent death or serious injury to employees.
- **NOAA** - National Oceanic and Atmospheric Administration
- **NWS:** National Weather Service
- **Release:** Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

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Deleted: A release of a hazardous substance which does not pose a significant safety or health hazard to employees in the immediate vicinity or to the employee cleaning it up, nor does it have the potential to become an emergency within a short time frame.

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unless permitted or authorized by a regulatory agency.

- **Responsible Business:** The business that has the custody of the hazardous material when there is an accidental release or the business where the accidental release occurs. Examples are 1) transportation companies when they are off-site from a business is then the responsible business when there is a release from their transport vehicle, 2) if there is a release from a transport vehicle at a fixed facility, then the fixed facility is the responsible business.
- **Root cause investigation:** a method for investigating and categorizing the root causes of hazardous materials incidents with safety, health, AND environmental impacts. Root causes are the most basic causes that can reasonably be identified, that management has control to fix, and for which effective recommendations for preventing recurrence can be generated.
- **Telephone Emergency Notification System (TENS):** The automated telephone calling system that notifies the community downwind during an incident.
- **Threatened Release:** Threatened release means a condition, circumstance, or incident making it necessary to take immediate action to prevent, reduce, or mitigate a release with potential to cause damage or harm to persons, property, or the environment.
- **WEA:** Wireless Emergency Alerts

Deleted: <#>Safety supervisor: facility employee(s) responsible for coordinating and/or implementing emergency response activities. Note: This position may be incident specific.¶

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