



Agenda

INDUSTRIAL SAFETY ORDINANCE/ COMMUNITY WARNING SYSTEM AD HOC COMMITTEE

October 26, 2021
9:30 AM

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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 Actions from the Nu Star Incident
Presenters: 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

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:

AB	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

Contra Costa Health Services Hazardous Materials Programs

HAZARDOUS MATERIALS INCIDENT NOTIFICATION POLICY

I. PURPOSE:

The purpose of this Policy is to promote prompt and accurate reporting to Contra Costa Health Services Hazardous Materials Programs (“CCHSHMP”) 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 CCHSHMP is to enable CCHSHMP to take measures to mitigate the impacts of a hazardous materials release, such as:

1. Dispatching of CCHSHMP 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)¹
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 CCHSHMP 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

CCHSHMP 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

¹ 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.² 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.³ Notification to CCHSHMP does not absolve the facility of requisite notifications to other regulatory agencies.

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

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 computer integrated alerting and notification system that incorporates safety sirens, emergency responder pagers, Emergency Digital Information System (EDIS), the Emergency Alerting System (EAS), Wireless Emergency Alert (WEA), and a telephone emergency notification system (TENS). EDIS, and EAS are different ways of getting messages to emergency responders, including law enforcement, the media, and the National Weather Service (which transmits information to NOAA Weather Radios). The TENS calls households and businesses and transmits short messages about the incident and recommended protective actions. In addition to these tools, the CWS delivers text messages, make phone calls, send e-mail alerts to individuals that register their phones. WEA is a federal developed system that works with the cellular~~

² 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.

³ §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.

⁴ H&SC §25536.6

~~telephone companies in alerting all cell phones in a designated area. The CWS alert messages are broadcasted over Facebook and Twitter. Information about an incident can be found during an incident at cococws.us, including the area that is being requested to shelter in place.~~

~~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 and recommended protective actions. In addition to sent alerts, information about an incident can be found during an incident at 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 CCHSHMP, 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 CCHSHMP. CCHSHMP 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

CCHSHMP is aware that information provided during the initial notification may be preliminary and that facilities may not be able to provide completely accurate information. CCHSHMP also does not intend for the need to provide notification to CCHSHMP to impede other emergency response activities related to the release (e.g., calling 911 to report a hazardous materials release). However, CCHSHMP’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, CCHSHMP, and the public during hazardous materials emergency events. CCHSHMP remains committed to ongoing improvement of this policy as industry, CCHSHMP, and the public gain additional experience.

III. POLICY:

A. When Immediate Notification Required. Responsible businesses⁵ are required to provide immediate notification to the 911 system and CCHSHMP of a release or threatened release in the following situations.

1. **General.** Immediate notification to the 911 system, as well as CCHSHMP, 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 ~~excessive~~ 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.
 - ~~f. 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.~~

B. ~~Who to Notify~~CCHSHMP Notification. ~~Immediately notify the CCHS Incident Response Team (on-call 24 hours a day) by any of the following methods~~

⁵The 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 CCHSHMP under this policy.

1. Facilities with CWS Access – Immediately notify the CCHSHMP 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 ~~if your facility has a CWS terminal~~); or
 - b. Directly via emergency response pagers (If provided by CCHSHMP~~To receive the pager number, please contact the CCHS Incident Response Team in advance at (925) 335-3200 during normal business hours.~~); or
 - c. Any time by phone at (925) ~~335~~655-3232
2. Facilities without CWS Access – Immediately notify 911
 - a. First, immediately call 911;
 - b. Second, notify CCHSHMP via the following:
 - i. Directly via emergency response pager (If provided by CCHSHMP); or
 - ii. Any time by phone at (925) ~~655~~655-3232

C. Confirmation of Notification. The facility is responsible for ensuring that CCHSHMP 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.

CD. 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. Timeliness of Notification. Facilities are required to make notification to CCHSHMP as required by this policy as soon as possible or within ten (10) minutes from discovery of a release, or threatened release, of a hazardous material.

If confirmation of a release, or threatened release, of a hazardous material from the facility cannot be made within ten (10) minutes of being made aware of potential or actual hazardous materials release, communication should be made immediately to CCHSHMP (within ten (10) minutes) that the facility is investigating a potential release, or threatened release, of a hazardous material.

DF. Other Notifications May Be Required. Notification to CCHSHMP 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.

EG. 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. ~~Ambulance~~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 ~~effects~~ consequences to the ~~general~~ public.
4. ~~Non-process fires or incidents, such as a grass fire, where a process is not expected to be impacted.~~

FH. Follow-up Reporting of a Hazardous Materials Release.

1. For all Public Health Advisory – Level 2 and Public Protective Actions Required – Level 3~~Level 2 and Level 3~~ incidents (as defined in Attachment A-1), or upon request of CCHSHMP, 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 CCHSHMP 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~~Level 2 and Level 3~~ incidents and for any incident for which CCHSHMP 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 CCHSHMP. 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. CCHSHMP 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

27052632(b) of Title 19 of the California Code of Regulations, a copy of such report shall be sent to CCHSHMP within 4530 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 CCHSHMP CalARP Program guidance document.
6. Reports should be sent to the following address:

Contra Costa Hazardous Materials Programs
ATTENTION: Randall L. Sawyer
~~Chief Environmental Health and Hazardous Materials Officer~~
Hazardous Materials Programs Director
4585 Pacheco Boulevard, Suite 100
Martinez, CA 94553

I. 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 CCHSHMP 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 CCHSHMP
 - 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 §2703-2631 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

Figure 1. CCHS Hazardous Materials Programs Incident Notification Policy Flowchart

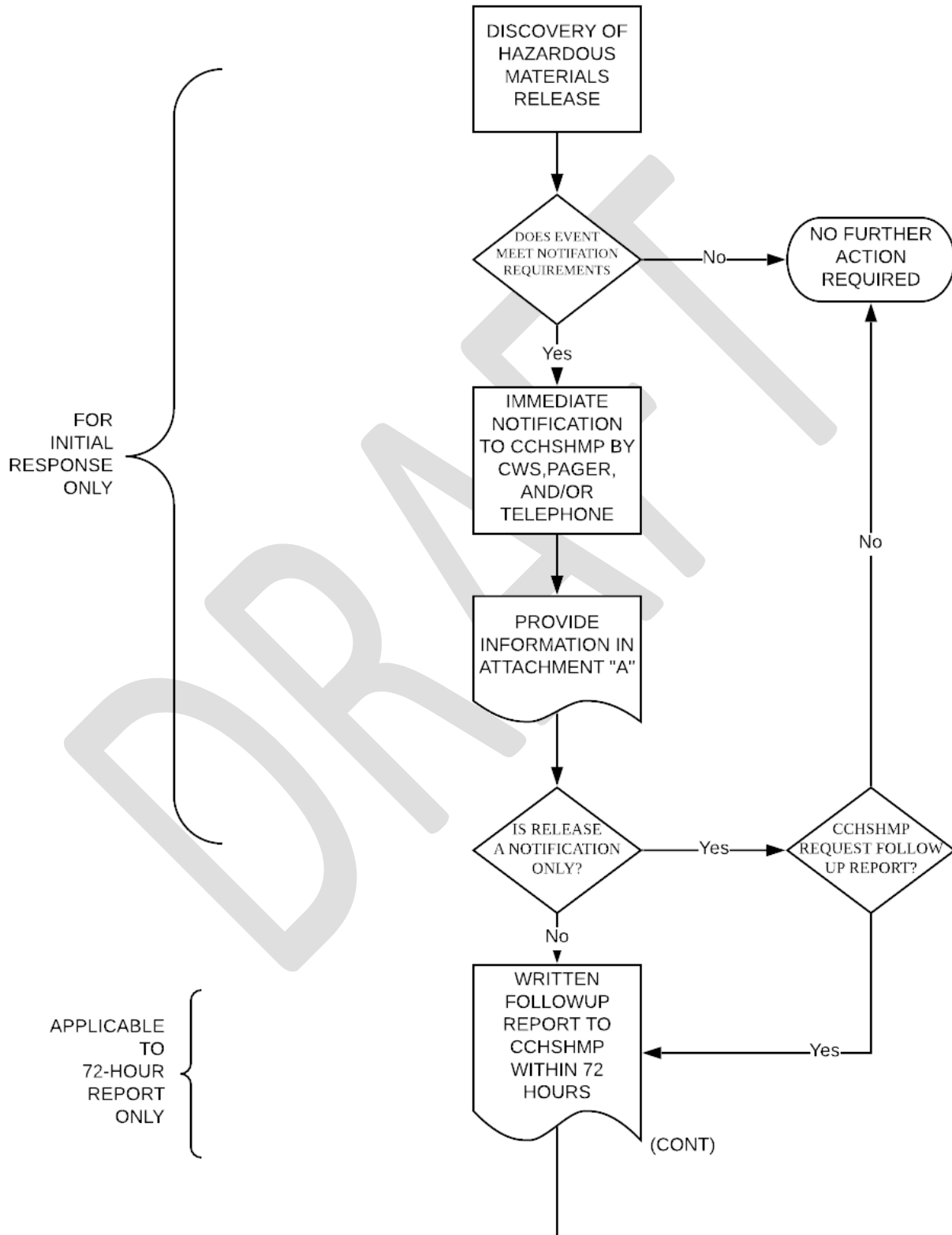
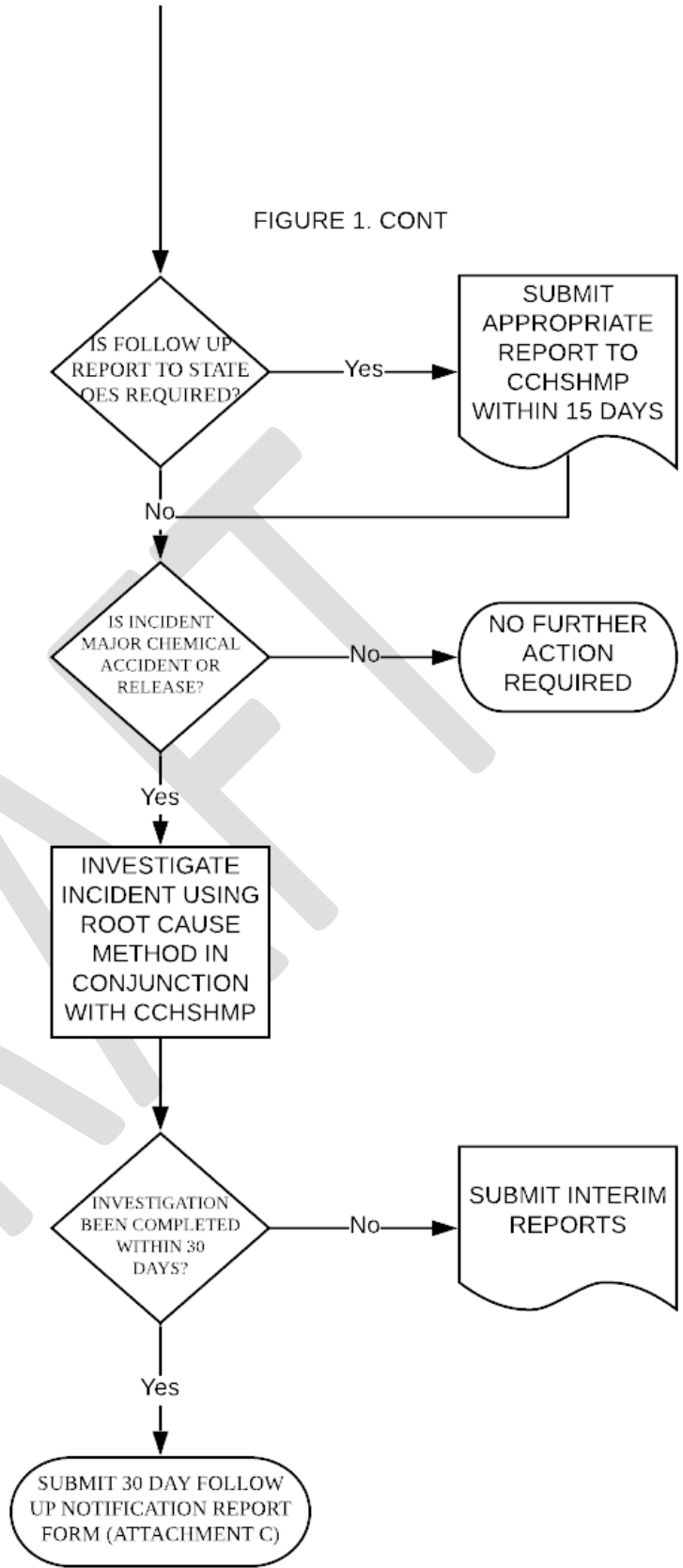


FIGURE 1. CONT

APPLICABLE TO 30 DAY REPORT



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

Date: _____ Time: _____ Initial: _____

- 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 CCHSHMP:
[Phone: (925) 335-655-3232, Pager: _____]

INFORMATION NEEDED IMMEDIATELY (IF KNOWN)

- B. State/Provide your name and identify your facility and its address.
- C. State/Provide 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/Provide the Community Warning System (CWS) Plant/Facility Reporting Classification Level (0, 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?
- IG. _____ 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

- JE. 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?
- KE. 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?

KG. 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

- LH. Have you received any public complaints? Yes/ No/ Unknown. _____

- IM. 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°)].

- IN. State wind speed. _____ (If wind speed is unknown, inform CCHSHMP whether the wind is blowing significantly or not.)

INFORMATION NEEDED AS SOON AS PRACTICABLE

- OK. Are there any injuries on-site or off-site? Yes/No/Unknown _____

- PL. State the on-site contact person and gate number or address to which the CCHSHMP Incident Response (IR) Team should respond. _____

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

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

SO. State estimated quantity of chemical released (over-estimate rather than under-estimate release) _____

TP. Have other agencies been notified? Yes/ No. _____ If yes, state list.

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

DRAFT

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 CCHSHMP</u>	<u>Immediate notification to CCHSHMP is required upon discovery of any release or threatened release of a hazardous material. 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 general public.</u>
<u>Incident Guidelines</u>	<u>- Flaring as defined in this policy</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>- A fire beyond the incipient stage</u> <u>- Three or more offsite odor complaints within an hour, odors confirmed as originating onsite</u>	<u>- Fire/explosion/pressure wave/smoke/plume/release 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/release 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 CCHSHMP Incident Response Team requires the sirens to be sounded</u>

	<p><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></p>		
<p><u>Response to be Expected from CCHS</u></p>	<p><u>- CCHSHMP will determine if the CWS level of activation is correct in accordance with this policy. CCHSHMP will consider incident-specific circumstances including potential or actual community exposure to the release. CCHSHMP will revise the CWS level as necessary to protect the public health of the community.</u></p> <p><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 CCHSHMP.</u></p> <p><u>- No further action expected from CCHSHMP unless any of the following apply:</u></p> <p><u>- Incomplete information provided in the CWS notification.</u></p> <p><u>- CCHSHMP may contact the facility when questions arise beyond the information provided in the CWS notification.</u></p>	<p><u>- CCHSHMP will determine if the CWS level of activation is correct in accordance with this policy. CCHSHMP will consider incident-specific circumstances including potential or actual community exposure to the release. CCHSHMP will revise the CWS level as necessary to protect the public health of the community.</u></p> <p><u>- CCHSHMP will be issuing a Public Health Advisory for those individuals with pre-existing medical conditions and/or chemical sensitivities.</u></p> <p><u>- CCHSHMP will contact the facility via phone. CCHSHMP will expect to speak with a facility representative that is knowledgeable about the incident.</u></p> <p><u>- CCHSHMP will dispatch response personnel to the community surrounding the facility to perform air monitoring.</u></p> <p><u>- CCHSHMP will send an agency representative to the facility (e.g., Emergency Operation Center).</u></p>	<p><u>- CCHSHMP will determine if the CWS level of activation is correct in accordance with this policy. CCHSHMP will consider incident-specific circumstances including potential or actual community exposure to the release. CCHSHMP will revise the CWS level as necessary to protect the public health of the community.</u></p> <p><u>- CCHSHMP will be issuing protective action instructions to the public for the affected areas.</u></p> <p><u>- CCHSHMP will contact the facility via phone. CCHSHMP will expect to speak with a facility representative that is knowledgeable about the incident.</u></p> <p><u>- CCHSHMP will dispatch response personnel to the community surrounding the facility to perform air monitoring.</u></p> <p><u>- CCHSHMP will send an agency representative to the facility (e.g., Emergency Operation Center).</u></p>

	<p><u>- CCHSHMP receives information that may not be consistent with the information provided in the CWS notification.</u></p>	<p><u>- Work within the established Incident Command System to ensure adequate mitigation measures are addressed.</u></p> <p><u>- CCHSHMP will initiate and/or participate in an After Action Review with facility representatives regarding the response to the incident.</u></p>	<p><u>- Work within the established Incident Command System to ensure adequate mitigation measures are addressed.</u></p> <p><u>- CCHSHMP will initiate and/or participate in an After Action Review with facility representatives regarding the response to the incident.</u></p>
<p><u>Community Notifications</u></p>	<p><u>To Be Determined</u></p>	<p><u>- Health Advisory issued by CCHSHMP for identified area(s) of actual and/or potential off-site impact</u></p> <p><u>- Posted on social media (Twitter and Facebook)</u></p> <p><u>- Posted on CWS website</u></p>	<p><u>- Health Advisory issued by CCHSHMP for identified area(s) of actual and/or potential off-site impact</u></p> <p><u>- Sirens sounded in identified area(s) of actual and/or potential off-site impact</u></p> <p><u>- Phone call to all landline phones and registered phones in identified areas of actual and/or potential off-site impact</u></p> <p><u>- Text message to all registered cellular phones in identified area(s) of actual and/or potential off-site impact</u></p> <p><u>- Email to all registered email addresses in identified area(s) of actual and/or potential off-site impact</u></p> <p><u>- Wireless Emergency Alert System in identified area(s) of actual and/or potential off-site impact</u></p> <p><u>- Emergency Alerting System activated on televisions and radios regionally</u></p>

			<ul style="list-style-type: none"> - <u>Posted on social media (Twitter and Facebook)</u> - <u>Posted on CWS website</u>
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NOTE: When in doubt of Level of Activation, always default to the higher level of activation.

	On-Site Only	On/Off Site	On/Off Site	On/Off Site
	Level 0	Level 1	Level 2	Level 3
Scope	<p>Hazardous Materials releases, or potential releases, that are limited to</p> <ul style="list-style-type: none"> - On Site, and - no Off Site consequences. 	<p>Hazardous Materials releases, or potential releases, that are limited to</p> <ul style="list-style-type: none"> - On Site, and - Possible Off Site consequences. 	<p>Hazardous Materials releases, or potential releases, that</p> <ul style="list-style-type: none"> - has been or expected to go Off Site, and - may have adverse health consequences for those with sensitivities. 	<p>Hazardous Materials releases, or potential releases, that</p> <ul style="list-style-type: none"> - has been or expected to go Off Site, and - may have adverse health consequences for the general public.
Guidelines	<ul style="list-style-type: none"> - A release not expected to pose an immediate threat to the health and safety of people in the affected area onsite (release is more than an instantaneous release or a puff) - A potential release due to process unit startups and shut downs, - Three or more unconfirmed offsite odor complaints within an hour. 	<ul style="list-style-type: none"> - Spill or release that may meet an RQ requirement that does not meet requirements of L2 or L3, - Fire/smoke/plume visible from offsite (does not include fire training exercises) - A fire beyond the incipient stage - Three or more offsite odor complaints within an hour, odors confirmed as originating onsite 	<ul style="list-style-type: none"> - Fire/explosion/pressure wave/smoke/plume that may cause off-site adverse health consequences for those with sensitivities 	<ul style="list-style-type: none"> - Fire/explosion/smoke/plume that may cause off-site adverse health consequences for the general public, * 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

~~-Flaring that could raise concerns from the community.~~

~~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 CCHSHMP 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 ~~Level 2 and 3~~ incidents or when requested by CCHSHMP. 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: Randall L. Sawyer
Chief Environmental Health and Hazardous Materials Officer
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 ~~suggests~~ are items that may be included in the 72-Hour Report to CCHSHMP 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)
 - CCHSHMP
 - 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?
 - ~~Material~~-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 CCHSHMP 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 ~~Level 2 and 3~~ incidents or when requested by CCHSHMP. 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: Randall L. Sawyer
Chief Environmental Health and Hazardous Materials Officer
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:

|

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|

30-DAY REPORT, PAGE 2

INCIDENT DATE: _____

FACILITY: _____

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

DRAFT

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 HMP 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
- **CCHSHMP** – Contra Costa Health Services Hazardous Materials Programs
- **CLERS** – California Law Enforcement Radio System
- **CWS** – Community Warning System
- **EAS** – Emergency Alerting System
- ~~**EDIS** – Emergency Digital Information 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 any amount of a hazardous material requires immediate notification to CCHSHMP in accordance with this policy. For the purposes of this policy, flaring at petroleum/renewable fuel refineries excludes auxiliary flares not connected to a process unit. Flaring conditions that should be considered when determining 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

For flaring that is not associated with the release, or threatened release, of a hazardous material, the following conditions should be considered when determining applicability for reporting and the associated CWS reporting level:

 1. Completeness of combustion
 2. Duration of the incident
 3. Any presence of smoke
 4. Adequacy of steam
 5. Intensity of burn
 6. Any presence of an odor
 7. Any 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

Flaring is considered a Notification Only – CWS Level 1 incident if there are no off-site health impacts to the surrounding community. However, incident-specific circumstances may result in an off-site health impact requiring the incident to be reported as a Public Health Advisory – CWS Level 2 or Public Protective Actions Required – CWS Level 3 incident.

- **Incidental Release:** ~~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. 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.
- ~~**Safety supervisor:** facility employee(s) responsible for coordinating and/or implementing emergency response activities. Note: This position may be incident specific.~~
- 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 Programs

HAZARDOUS MATERIALS INCIDENT NOTIFICATION POLICY

I. PURPOSE:

The purpose of this Policy is to promote prompt and accurate reporting to Contra Costa Health Services Hazardous Materials Programs (“CCHSHMP”) 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 CCHSHMP is to enable CCHSHMP to take measures to mitigate the impacts of a hazardous materials release, such as:

1. Dispatching of CCHSHMP 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)¹
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 CCHSHMP 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

CCHSHMP 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

¹ 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.² 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.³ Notification to CCHSHMP does not absolve the facility of requisite notifications to other regulatory agencies.

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

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

² 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.

³ §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, 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 CCHSHMP, 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 CCHSHMP. CCHSHMP 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

CCHSHMP is aware that information provided during the initial notification may be preliminary and that facilities may not be able to provide completely accurate information. CCHSHMP also does not intend for the need to provide notification to CCHSHMP to impede other emergency response activities related to the release (e.g., calling 911 to report a hazardous materials release). However, CCHSHMP’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, CCHSHMP, and the public during hazardous materials emergency events. CCHSHMP remains committed to ongoing improvement of this policy as industry, CCHSHMP, and the public gain additional experience.

III. POLICY:

A. When Immediate Notification Required. Responsible businesses⁵ are required to provide immediate notification to the 911 system and CCHSHMP of a release or threatened release in the following situations.

1. **General.** Immediate notification to the 911 system, as well as CCHSHMP, 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

⁵The 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 CCHSHMP under this policy.

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.

B. CCHSHMP Notification.

1. Facilities with CWS Access – Immediately notify the CCHSHMP 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 CCHSHMP); 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 CCHSHMP via the following:
 - i. Directly via emergency response pager (If provided by CCHSHMP); or
 - ii. Any time by phone at (925) 655-3232

C. Confirmation of Notification. The facility is responsible for ensuring that CCHSHMP 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. Timeliness of Notification. Facilities are required to make notification to CCHSHMP as required by this policy as soon as possible or within ten (10) minutes from discovery of a release, or threatened release, of a hazardous material.

If confirmation of a release, or threatened release, of a hazardous material from the facility cannot be made within ten (10) minutes of being made aware of potential or actual hazardous materials release, communication should be made immediately to CCHSHMP (within ten (10) minutes) that the facility is investigating a potential release, or threatened release, of a hazardous material.

F. Other Notifications May Be Required. Notification to CCHSHMP 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.

G. 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.

H. 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 CCHSHMP, 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 CCHSHMP 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 CCHSHMP 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 CCHSHMP. 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. CCHSHMP 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 CCHSHMP 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 CCHSHMP 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

I. 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 CCHSHMP 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 CCHSHMP

- 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.)

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 Programs Incident Notification Policy Flowchart

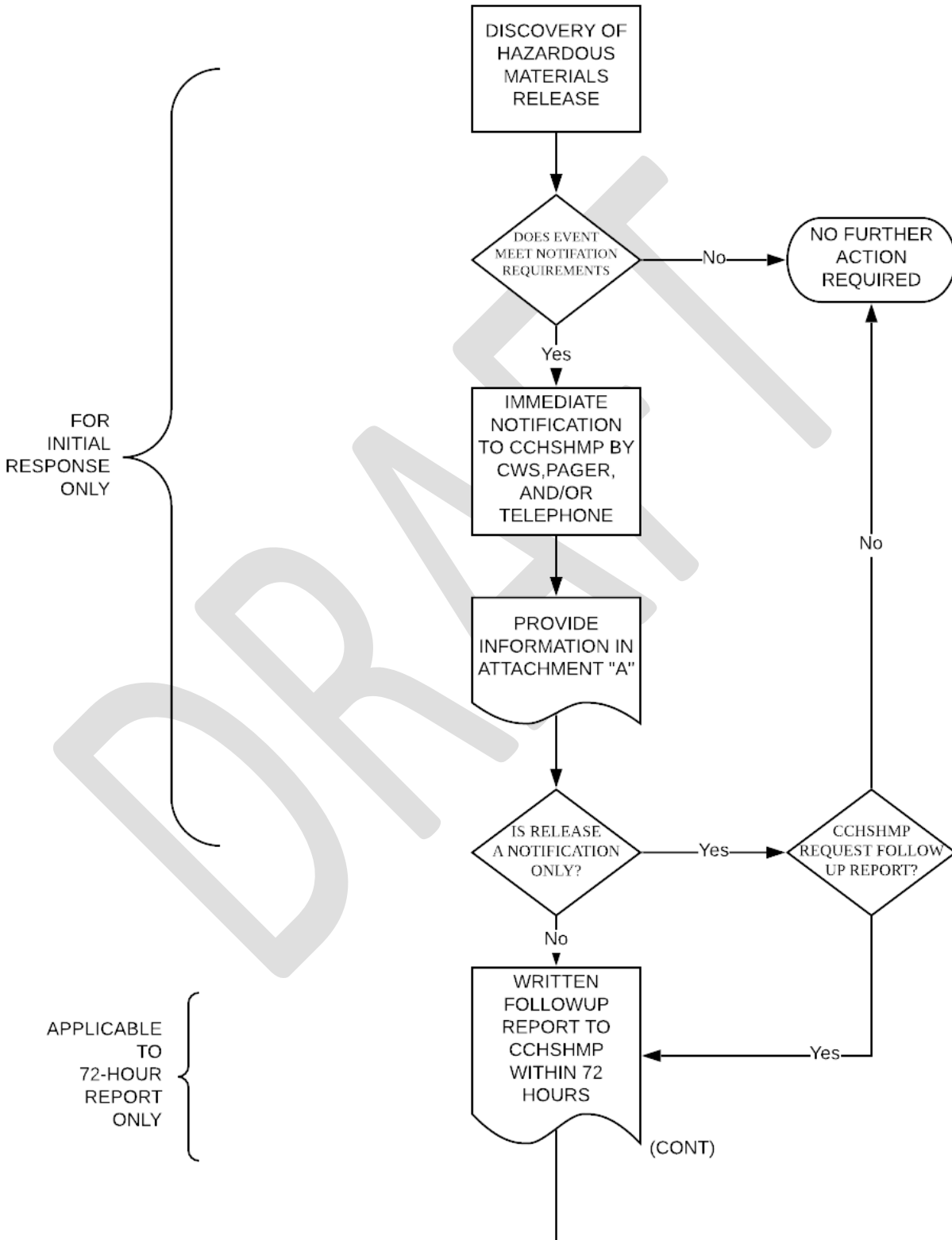
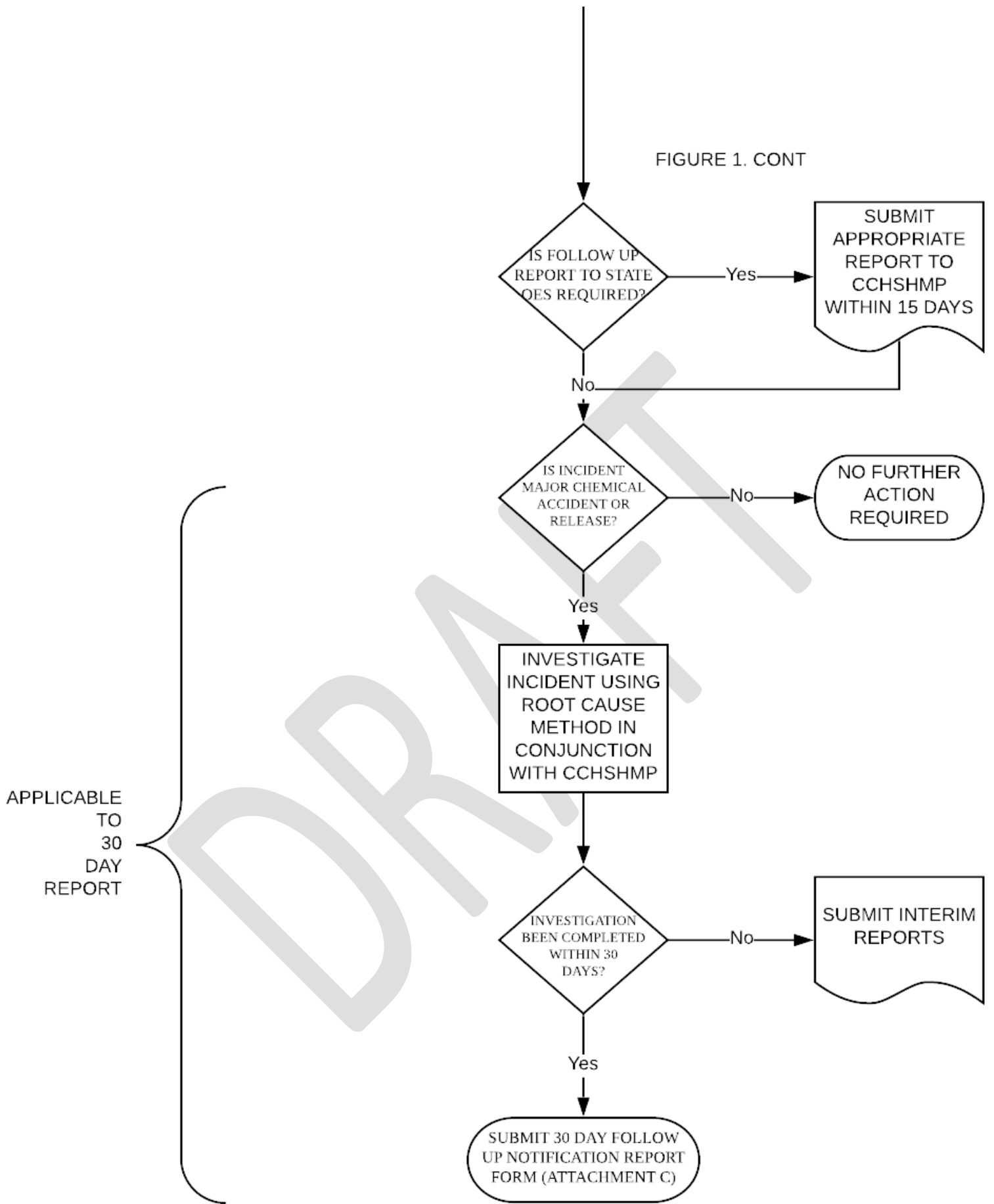


FIGURE 1. CONT



**ATTACHMENT A
FACILITY INCIDENT CHECKLIST**

- 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 CCHSHMP:
[Phone: (925) 655-3232, Pager: _____]

INFORMATION NEEDED IMMEDIATELY (IF KNOWN)

- B. Provide your name and identify your facility and its address.
- C. Provide your phone number or a number with immediate access to an individual who can answer further questions from CCHSHMP. (No voice mail phone numbers.)
- D. Provide the Community Warning System (CWS) Facility 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 CCHSHMP 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 CCHSHMP 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>
<u>When To Notify CCHSHMP</u>	Immediate notification to CCHSHMP is required upon discovery of any release, or threatened release, of a hazardous material. Specific situations are identified in Section III(A)(2).		
<u>Incident Description</u>	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 general public.
<u>Incident Guidelines</u>	<ul style="list-style-type: none"> - Flaring as defined in this policy - 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 - A fire beyond the incipient stage - Three or more offsite odor complaints within an hour, odors confirmed as originating onsite 	<ul style="list-style-type: none"> - Fire/explosion/pressure wave/smoke/plume/release that may have adverse health consequences for sensitive individuals including those with lung or heart disease, the elderly and the very young. 	<ul style="list-style-type: none"> - Fire/explosion/smoke/plume/release that may cause off-site adverse health consequences for the public, - Hazardous material or fire incident where the Incident Commander or Unified Command through consultation with CCHSHMP Incident Response Team requires the sirens to be sounded

	<p>- Any notification made for the release or threatened release of a hazardous material to the California Office of Emergency Services or National Response Center</p>		
<p>Response to be Expected from CCHSHMP</p>	<p>- CCHSHMP will determine if the CWS level of activation is correct in accordance with this policy. CCHSHMP will consider incident-specific circumstances including potential or actual community exposure to the release. CCHSHMP will revise the CWS level as necessary to protect the public health of the community.</p> <p>- 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 CCHSHMP.</p> <p>- No further action expected from CCHSHMP unless any of the following apply:</p> <ul style="list-style-type: none"> ○ Incomplete information provided in the CWS notification. ○ CCHSHMP may contact the facility when questions arise beyond the information provided in the CWS notification. ○ CCHSHMP receives information that may not be consistent with the 	<p>- CCHSHMP will determine if the CWS level of activation is correct in accordance with this policy. CCHSHMP will consider incident-specific circumstances including potential or actual community exposure to the release. CCHSHMP will revise the CWS level as necessary to protect the public health of the community.</p> <p>- CCHSHMP will be issuing a Public Health Advisory for those individuals with pre-existing medical conditions and/or chemical sensitivities.</p> <p>- CCHSHMP will contact the facility via phone. CCHSHMP will expect to speak with a facility representative that is knowledgeable about the incident.</p> <p>- CCHSHMP will dispatch response personnel to the community surrounding the facility to perform air monitoring.</p> <p>- CCHSHMP will send an agency representative to the facility (e.g., Emergency Operation Center).</p>	<p>- CCHSHMP will determine if the CWS level of activation is correct in accordance with this policy. CCHSHMP will consider incident-specific circumstances including potential or actual community exposure to the release. CCHSHMP will revise the CWS level as necessary to protect the public health of the community.</p> <p>- CCHSHMP will be issuing protective action instructions to the public for the affected areas.</p> <p>- CCHSHMP will contact the facility via phone. CCHSHMP will expect to speak with a facility representative that is knowledgeable about the incident.</p> <p>- CCHSHMP will dispatch response personnel to the community surrounding the facility to perform air monitoring.</p> <p>- CCHSHMP will send an agency representative to the facility (e.g., Emergency Operation Center).</p>

	<p>information provided in the CWS notification.</p>	<ul style="list-style-type: none"> - Work within the established Incident Command System to ensure adequate mitigation measures are addressed. - CCHSHMP will initiate and/or participate in an After Action Review with facility representatives regarding the response to the incident. 	<ul style="list-style-type: none"> - Work within the established Incident Command System to ensure adequate mitigation measures are addressed. - CCHSHMP will initiate and/or participate in an After Action Review with facility representatives regarding the response to the incident.
<p>Community Notifications</p>	<p>To Be Determined</p>	<ul style="list-style-type: none"> - Health Advisory issued by CCHSHMP for identified area(s) of actual and/or potential off-site impact - Posted on social media (Twitter and Facebook) - Posted on CWS website 	<ul style="list-style-type: none"> - Health Advisory issued by CCHSHMP for identified area(s) of actual and/or potential off-site impact - Sirens sounded in identified area(s) of actual and/or potential off-site impact - Phone call to all landline phones and registered phones in identified areas of actual and/or potential off-site impact - Text message to all registered cellular phones in identified area(s) of actual and/or potential off-site impact - Email to all registered email addresses in identified area(s) of actual and/or potential off-site impact - Wireless Emergency Alert System in identified area(s) of actual and/or potential off-site impact - Emergency Alerting System activated on televisions and radios regionally

			<ul style="list-style-type: none">- Posted on social media (Twitter and Facebook)- Posted on CWS website
--	--	--	---

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 CCHSHMP 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 CCHSHMP. 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 CCHSHMP 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)
 - CCHSHMP
 - 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 CCHSHMP 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 CCHSHMP. 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 CCHSHMP 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

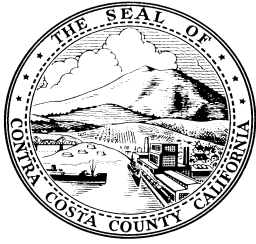
HAZARDOUS MATERIALS INCIDENT NOTIFICATION POLICY

GLOSSARY AND ACRONYMS

- **CalARP** – California Accidental Release Prevention Program
- **CAER** – Community Awareness and Emergency Response
- **CCHSHMP** – Contra Costa Health Services Hazardous Materials Programs
- **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 any amount of a hazardous material requires immediate notification to CCHSHMP in accordance with this policy. For the purposes of this policy, flaring at petroleum/renewable fuel refineries excludes auxiliary flares not connected to a process unit.
Flaring conditions that should be considered when determining 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 environmentFor flaring that is not associated with the release, or threatened release, of a hazardous material, the following conditions should be considered when determining applicability for reporting and the associated CWS reporting level:
 1. Completeness of combustion
 2. Duration of the incident
 3. Any presence of smoke
 4. Adequacy of steam
 5. Intensity of burn
 6. Any presence of an odor
 7. Any 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

Flaring is considered a Notification Only – CWS Level 1 incident if there are no off-site health impacts to the surrounding community. However, incident-specific circumstances may result in an off-site health impact requiring the incident to be reported as a Public Health Advisory – CWS Level 2 or Public Protective Actions Required – 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 COUNTY
Department of Conservation and Development
Community Development Division

30 Muir Road
Martinez, CA 94553-4601

Telephone: 925-655-2705

Fax: 925-655-2758

TO: Industrial Safety Ordinance/Community Warning System Ad Hoc Committee

- Supervisor John Gioia, District 1
- Supervisor Federal Glover, District 5

FROM: John Kopchik, Director, Department of Conservation and Development

DATE: October 19, 2021

SUBJECT: NuStar Energy Petroleum Products Storage Facility, Selby, CA

At the August 30, 2021 meeting of the Industrial Safety Ordinance/Community Warning System Ad Hoc Committee, in response to two tanks burning (i.e. tanks T2007 & 2009 on attached map) at the Selby NuStar Energy facility, Chair John Gioia requested that the Conservation and Development Department provide a review of the facility's land use permitting history.

Permit History

Circa 1979: The facility, then owned by Wickland Oil, was established to store petroleum products and oxygenates in 12 tanks, which were built in the early to mid 1980s. The facility was established without a land use permit as an allowed use of the heavy industrial zoning district. An EIR was prepared by the California State Lands Commission (CSLC).

1991: In 1991, Wickland Oil constructed 13 more tanks, including the two burned tanks in question (i.e. T2007 & T2009), for the purpose of storing MTBE. It appears that the County did not issue construction or land use permits for the tanks because MTBE was not classified as a hazardous material in 1991. Correspondence from District 2 Supervisor Nancy Cardinali Fahden dated November 23, 1992 (attached) indicates that the tank construction was approved and permitted ministerially by the Bay Area Air Quality Management District (BAAQMD) without County involvement. In fact, it appears that the County was unaware of the construction of the 13 tanks until the application for file #HZ-3-92 to exempt the storage of petroleum products in three of the tanks was submitted to the Community Development Department in 1992.

1992: In 1992, County File #HZ-3-92 granted a certificate of exemption to allow the storage of hazardous materials (i.e., gasoline for mixing with MTBE) in three of the 13 tanks that were constructed in 1991 for the storage of MTBE. Since the tanks were

constructed to store MTBE only, the proposed storage of gasoline required planning review and approval. This exemption permit included a condition of approval requiring Wickland Oil to apply for a land use permit for the 10 additional tanks if they too were also to be used to store petroleum products other than MTBE.

1994: As required by HZ-3-92, Wickland Oil applied for a land use permit to allow storage of “petroleum products and other oxygenates” in the remaining 10 tanks that were originally only approved for MTBE. Land use permit file #LP2058-92 was approved on December 29, 1994. An addendum to the 1979 EIR was prepared by the Community Development Department for this project. The permit also included authorization to construct a new 5,000 barrel “transmix” tank.

2012: NuStar submitted an application to the CSLC for a new 30-year lease of California sovereign land for their existing marine terminal. The CSLC prepared an EIR for the lease renewal. The lease renewal was fully executed on February 3, 2016.

2016: NuStar proposed a crude-by-rail project to bring crude oil to the facility by train and store it in tank #1501. Although the project had a preliminary hazard score of 69 (80 or more requires LUP by Chapter 84-63 of the County Code), it was determined that a land use permit was required since the facility was never approved to store crude oil (only petroleum products), and because new rail offloading equipment and apparatus would need to be constructed in order to implement the project. Hence, the proposed addition of crude-oil storage was considered an expansion to the use of the facility. A land use permit application was not submitted and the project was not implemented.

2016: The Selby Biofuels Project was proposed to provide storage and transportation for fuels that meet the state’s lower carbon intensity fuel standards. Biofuel offloaded at the dock and from the rail system would be pumped via pipeline to existing Tank 7901. CARB/Renewable diesel would be received at the dock and via existing pipeline. Both receipts would be pumped via existing pipeline to Tank 5001. Products from both Tanks 5001 and 7901 would be moved by pipe to a new lane at the existing truck loading rack. The BAAQMD issued a CEQA Notice of Exemption for this project.

2018: NuStar was required by the CSLC’s Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) to construct a transfer hose storage tower on the marine wharf to better protect public safety and the environment. NuStar did not request an exemption from Chapter 84-63, and a land use permit was required because the construction of such a large +40-foot tower was considered a significant change to the facility. File #LP18-2001 was approved on August 6, 2018. The project was exempt from CEQA.

2019: A determination of noncoverage for the Renewable Jet Fuel Project was made on September 17, 2019; therefore, a land use permit was not required under Chapter 84-63 of the ordinance code. The hazard score was 56 (80 or more requires LUP). A CEQA Notice of Exemption was posted on September 17, 2019. The project includes installation of piping, vessels, and pumps in order to provide blending capabilities of

renewable jet fuel with fossil fuel. Storing and blending will take place in existing tanks; no new storage tanks were proposed.

2019: NuStar proposes the Selby Soybean Feedstock Project. The project will install an approximately 2300-foot pipeline from Nustar to Phillips 66 to carry pretreated soybean oil feedstock to existing tankage and the Unit 250 diesel hydrotreater at the Phillips 66 refinery, which can already produce diesel from both renewable and crude feedstocks (see attached site plan). The soybean feedstock will be unloaded at existing Nustar rail facilities which will be modified with 33 offload headers to accommodate the soybean oil. It was determined that a land use permit was not required because the project did not propose a "change in risk", nor did it constitute a development project as defined by Chapter 84-63 of the ordinance code. A change-in-risk project is one that involves the use of hazardous materials or hazardous waste of a higher hazard category than the existing use. It was determined by the County Hazardous Materials Programs that pretreated soybean oil is not classified as a hazardous material nor does it meet the criteria of a hazardous waste. As such, it was determined that the modifications proposed by Nustar would not require a land use permit. The appropriate building permits have been issued and pipeline construction is in progress.

Building Permit History for Nustar Storage Tanks

Records research indicates that the first 12 tanks at Nustar facility were constructed in the early to mid 1980s and 13 additional tanks were constructed circa 1991, for a total of 25 tanks. DCD staff has researched the building permit history of the facility and no record has been found for the issuance of any building permits for construction of any of the storage tanks, including the two tanks that burned in 2019. Correspondence from District 2 Supervisor Nancy Cardinalli Fahden dated November 23, 1992 (attached) indicates that the County was unaware of the construction of the thirteen tanks in 1991 and that their construction was authorized by the Bay Area Air Quality Management District.

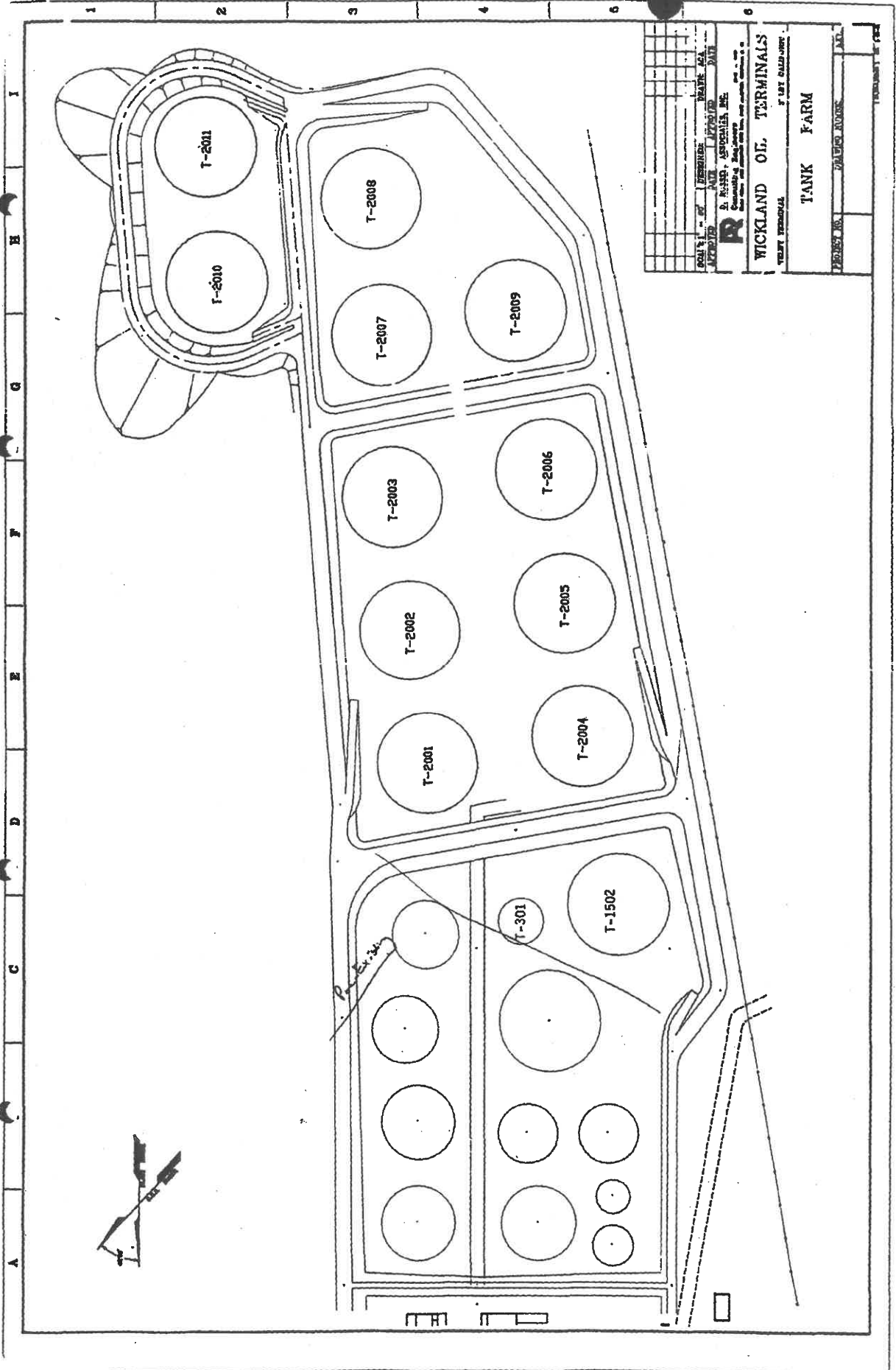
Although records reference 25 tanks on the site, the most current site map and current aerial photos show only 23 tanks. It is not clear if two of the 25 tanks were possibly never built, or if they were demolished at some point. Taking into account the two burned tanks, there are now only 21 storage tanks on the site.

Attachments:

- Tank List/Map
- District 2 Correspondence

TABLE 4-1
 SELBY TERMINAL STORAGE TANKS

TANK NUMBER	MAXIMUM CAPACITY
Multipurpose Storage (Constructed in early 1980s)¹	
T-141	558,516 gallons (13,298 barrels)
T-241	920,052 gallons (21,906 barrels)
T-501	1,930,194 gallons (45,957 barrels)
T-502	1,930,320 gallons (45,960 barrels)
T-671	2,529,576 gallons (60,228 barrels)
T-672	2,529,576 gallons (60,228 barrels)
T-801	3,058,566 gallons (72,823 barrels)
T-802	3,093,720 gallons (73,660 barrels)
T-803	3,094,266 gallons (73,673 barrels)
T-1501	5,832,918 gallons (138,879 barrels)
T-101	38,808 gallons (924 barrels)
Butane	29,988 gallons (714 barrels)
MTBE Storage Only (Constructed in 1991-92)²	
T-301	1,244,250 gallons (29,625 barrels)
T-1502	6,070,333 gallons (144,532 barrels)
T-2001	8,160,417 gallons (194,296 barrels)
T-2002	8,150,471 gallons (194,059 barrels)
T-2003	8,116,464 gallons (193,249 barrels)
T-2004	8,136,036 gallons (193,715 barrels)
T-2005	8,136,546 gallons (193,727 barrels)
T-2006	8,148,432 gallons (194,010 barrels)
T-2007	8,143,464 gallons (193,892 barrels)
T-2008	8,147,952 gallons (193,999 barrels)
T-2009	8,151,625 gallons (194,086 barrels)
T-2010	8,209,508 gallons (195,464 barrels)
T-2011	8,246,591 gallons (196,348 barrels)
Notes:	
¹ All tanks other than T-101 and the butane tank have been historically used to store a wide variety of petroleum and oxygenate liquids. Tank T-101 is designated as a slop tank, while the butane tank has only held butane gas.	
² Tanks T-301, T-1502 and T-2002 are subject to a Certificate of Exemption issued by the Contra Costa Zoning Administrator allowing the storage in said tanks of up to 309,649 tons of petroleum liquids and other oxygenates per year, as well as MTBE.	



TANK NO.	CAPACITY	STATUS	DATE
T-2001	1000	Full	10/1/00
T-2002	1000	Full	10/1/00
T-2003	1000	Full	10/1/00
T-2004	1000	Full	10/1/00
T-2005	1000	Full	10/1/00
T-2006	1000	Full	10/1/00
T-2007	1000	Full	10/1/00
T-2008	1000	Full	10/1/00
T-2009	1000	Full	10/1/00
T-2010	1000	Full	10/1/00
T-2011	1000	Full	10/1/00
T-301	1000	Full	10/1/00
T-1502	1000	Full	10/1/00

WICKLAND OIL TERMINALS
 TANK FARM

PROPERTY OF
 WICKLAND OIL TERMINALS

DATE
 DRAWN BY
 CHECKED BY
 APPROVED BY

C. KUTSURIIS

AZ 3-92

805 LAS JUNTAS
MARTINEZ, CA 94553-1726
(510) 646-2080
FAX (510) 646-1396



CONTRA COSTA

CONTRA COSTA COUNTY
BOARD OF SUPERVISORS

NOV 25 AM 10:48

NANCY CARDINALLI ~~DEVELOPMENT~~ COMMUNITY DEVELOPMENT DEPT
SUPERVISORIAL DISTRICT TWO

November 23, 1992

Milton Feldstein
Air Pollution Control Officer
BAAQMD
939 Ellis Street
San Francisco 94109

Dear Mr. Feldstein

RE: BAAQMD Permitting of Wickland Tanks

I'm told that Wickland received a ministerial permit from the BAAQMD to construct thirteen tanks near the hamlet of Tormey to hold the fuel additive MTBE. That Wickland has now changed their plans and will store gasoline in these tanks.

As you know I question the District's authority to exempt MTBE manufacture, use and storage from CEQA. Had Wickland originally applied for construction of thirteen gasoline tanks would your District have required CEQA compliance? Would you then have notified the County and adjacent residents who were unaware of the permit until construction commenced?

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy", with a long horizontal flourish extending to the right.

cc: BAAQMD Board of Directors
H. Bragden, Community Development Director
Crockett Improvement Association
Supervisor-Elect Jeff Smith

Inspection Program Summary

	DCD		CalOSHA		Con Fire		BAAQMD		Contra Costa Health Services Hazardous Materials Program						
									APSA	Bus Plan	CalARP	HWG	ISO	Storm Water (note 4)	UST
Facility Type	Refineries	Yes							Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Tank Farms	yes							Yes	Yes	No	Yes	No	Yes	No
	Wharfs	Yes							If apropos note 1	If apropos note 1	If apropos note 1	If apropos note 1	If apropos note 1	If apropos note 1	If apropos note 1
	Other H Occupancies	Yes							If apropos note 5	If apropos note 5	If apropos note 5	If apropos note 5	If apropos note 5	If apropos note 5	If apropos note 5
Building Permits Issued	Yes							No	No	No	No	No	No	No	
CUPA Program Permit Required or Issued	n/a								Yes	Yes	Yes	Yes	N/A	No	Yes
Permitting	Equipment use Permits								No	N/A	N/A	N/A	N/A	N/A	note 4
	New Construction	Yes							No	No	No note 2	No	No note 3	N/A	Yes
	Existing Facilities	Yes	note 7						No note 6	No note 6	No note 6	No	No note 6 & 3	N/A	Yes
Inspections	Inventory Required or Evaluated	None							Yes	Yes	Yes	Yes	No	NA	Yes
	Frequency of Inspections	Varies	Note 8						Varies	< 3 years	< 3 years	Varies	< 3 years	Varies	1 year
	Inspection Requirements Enforced	CBC							Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Code Reference Adopted or Utilized	Yes	2019 California Building						Yes HSC 6.67	Yes HSC 6.95, CCR T19	Yes HSC 6.95, CCR T19	Yes HSC 6.5, CCR T22	Yes Local	Yes Local	Yes HSC 6.7, CCR T23

notes:

- 1 Wharves are not considered a stand-alone operation; Wharves are only considered part of the regulated facility if the facility is already subject to CUPA or ISO requirements.
- 2 Facilities are subject to CalARP typically after they bring in a regulated substance over its corresponding TQ. New construction at a brand new facility is not regulated under CalARP.
- 3 Facilities are subject to ISO once they meet certain criteria, including a specific type of CalARP facility. New construction at a brand new facility is not regulated under ISO.
- 4 Stormwater is only for facilities in unincorporated areas as assigned by Public Works, the County agency that maintains County compliance with the SWRCB issued Municipal Stormwater Permit
- 5 H Occupancies are inspected when they are subject to CUPA program applicability.
- 6 If the facility is subject to a CUPA / ISO Program, they must self-report qualifying construction activities.
- 7 when alternations are done that require a building permit
- 8 During construction when a building permit is issued