



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 9, 2016
Subject: Hazardous Materials Incident Notification Policy

RECOMMENDATION(S):

APPROVE the revised Hazardous Materials Incident Notification Policy.

FISCAL IMPACT:

No expected fiscal impact.

BACKGROUND:

Revisions to the Hazardous Materials Incident Notification Policy was reviewed and accepted by the Ad Hoc Committee on the Industrial Safety Ordinance and the Community Warning System (Committee) on January 7, 2016. The Committee approved having the revised policy go to the Board of Supervisors for approval.

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

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

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/09/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: John Gioia, District I
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 9, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Randy Sawyer,
335-3210

1. Dispatching emergency response

BACKGROUND: (CONT'D)

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)
4. Responding to inquiries from the public and the media

A. Origin of Policy

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

B. Policy Supplements Regulations

CCHS administers Article 1 of Chapter 6.95 of the California Health and Safety Code, often referred to as the "AB 2185" or "Business Plan" program, which requires immediate notification in the event of a hazardous materials release. 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. Notification to CCHS does not absolve the facility of requisite notifications to other regulatory agencies.

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

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 success of the CWS is dependent upon industry's prompt notification to CCHS. CCHS would like the public to be assured that the CWS will be activated in a timely manner to implement preventive measures, such as sheltering-in-place. (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

Information provided during the initial notification may be preliminary and facilities may not be able to provide completely accurate information. The implementation of this policy is not intended for the need to provide notification to CCHS to impede other emergency response activities related to the release. However, CCHS's ability to make quick and informed decisions to mitigate the impacts of a release is dependent upon receiving prompt notification and accurate information about the release.

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

E. Changes in this Revision

The revisions in this revision of the policy is to make it consistent with the Health and Safety Code, which has changed; minor revisions to make the requirements clearer; and redoing Attachment A-1 that is used to assist the businesses to determine the appropriate notification level. In addition to the revised policy, attached is a red lined copy of the existing policy that will show the changes and a copy of the existing attachment A-1.

CONSEQUENCE OF NEGATIVE ACTION:

The policy will not be consistent with changes that have made to the Health and Safety code requiring notifications and there would be a greater change of notifying incorrectly.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Redlined policy

Final Policy

Attachment A-1