

HAZARDOUS MATERIALS

8576

(No. 35 September 1994)

The threat of hazardous materials to public health and environmental contamination has been increasingly recognized by today's society. The problem is of particularly broad scope, encompassing such issues as the contamination of farmland, transportation incidents (including rail, highway, pipeline, shipping), accidents at fixed facilities, pesticide warehouse fires, and waste storage sites.

Hazardous material incidents require a specialized type of response. Mandated Federal and State training of emergency response personnel is a high priority, as well as updated emergency action plans.

FEDERAL WATER POLLUTION CONTROL ACT

8576.1.1

(No. 35 September 1994)

One of the first federal laws addressing materials that are hazardous to the environment was the Federal Water Pollution Control Act, which in 1974 established the National Response Center (NRC) under the National Oil and Hazardous Substances Pollution Contingency Plan. The NRC is a 24-hour point of contact service operated by the U.S. Coast Guard for the reporting of hazardous materials spills or other releases into the environment. The contingency plan also established (1) a National Response Team composed of representatives from 15 federal agencies having emergency preparedness and response responsibilities, and (2) 13 Regional Response Teams composed of federal agency and state emergency preparedness and response officials. These national and regional teams are not emergency responders in the traditional sense; their function is to identify state and federal resources and maintain a contingency plan for the coordinated use of those resources.

COMPREHENSIVE EMERGENCY RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980

(CERCLA)

8576.1.2

(No. 35 September 1994)

The 1980s saw a dramatic increase in public awareness and alarm about hazardous wastes and other hazardous materials. Numerous federal and state laws were enacted to address what seemed to be a constantly changing and growing problem. In response to the contamination of the Niagara Falls, New York, neighborhood of Love Canal, CERCLA, or the "Superfund" program was passed. Its primary purpose was to allow federal funds to be used to mitigate or clean up hazardous materials spills and compensate local and state government for their part in such cleanup activities. The act focused on long-term health dangers posed by hazardous wastes and contained little beyond its title that pertained to emergency response.

HAZARDOUS MATERIALS TRANSPORTATION

8576.1.3

(No. 35 September 1994)

In 1971, the Chemical Manufacturers Association established the Chemical Transportation Emergency Center (CHEMTREC) to provide information to responders on handling chemical incidents.

The Federal Hazardous Materials Transportation Act (HMTA), enacted in 1975, consolidated responsibilities previously dispersed among numerous agencies under the DOT; defined regulated materials; authorized regulation of labeling, placarding, packages and containers, and handling practices; continued enforcement powers; and preempted inconsistent state laws.

In late 1986, the EPA established the voluntary Chemical Emergency Preparedness Program (CEPP) to make state and local officials aware of the potential for accidents involving extremely hazardous substances and to foster development of state and local emergency plans.

At about the same time, the Chemical Manufacturers Association, an industry group representing 90 percent of the productive capacity of basic industrial chemicals in the United States, establishing a voluntary program called Community Awareness and Emergency Response (CAER) to encourage plant managers to become more involved in their local community by explaining their plant's operation and participating in local emergency planning.

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA)

8576.1.4

(No. 35 September 1994)

In 1986, when the Superfund Amendments and Reauthorization Act (SARA) became law, many of the voluntary programs dealing with hazardous materials were made mandatory. Although SARA was primarily an expansion of the Superfund hazardous waste cleanup program, two sections of the act provided guidance not addressed: Title I addressed training and training requirements for hazardous materials responders; and Title III contained a new authorization, the Emergency Planning and Community Right-to-Know Act (EPCRA), as a direct response to the Bhopal tragedy. EPCRA provides for community-wide planning for chemical emergencies, emergency notification of chemical accidents and releases, reporting of hazardous chemical inventories, and reporting chemical releases.

29 CFR 1910.120
(No. 35 September 1994)

8576.1.4.1

The final rule of 29 CFR 1910.120 - Hazardous Waste Operations and Emergency Response became effective March 6, 1990. It closely parallels SARA Title III requirements.

MANDATORY TRAINING
(No. 35 September 1994)

8576.1.4.2

The comprehensive, mandatory training standards established by SARA Title III and 29 CFR 1910.120 for emergency response personnel who must deal with hazardous materials incidents are articulated in terms of hours of training and competency to be achieved. The content or nature of the mandatory training is not prescribed. The standards established six levels of hazardous materials training:

First Responder Awareness

First Responders at the awareness level are individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further action beyond notifying the authorities of the release.

First Responder Operational

First responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.

Hazardous Materials Technician

Hazardous materials technicians are individuals who respond to releases or potential releases of hazardous substances for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch, or otherwise stop the release of a hazardous substance.

Hazardous Materials Specialist

Hazardous materials specialists are individuals who respond with and provide support to hazardous materials technicians. Their duties parallel those of the hazardous materials technician, however, those duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The hazardous materials specialist would also act as the site liaison with federal, state, local, and other government authorities in regards to site activities.

Incident Commander/Scene Manager

Incident Commanders, who will assume control of the incident scene beyond the first responder awareness level, shall receive training equal to the first responder operations level and in addition have competency in several areas.

Trainer

Trainers who teach any of the above training subjects shall have satisfactorily completed a training course for teaching the subjects they are expected to teach, such as the U.S. Fire Academy, or they shall have the training and/or academic credentials and instructional experience necessary to demonstrate competent instructional skills and a good command of the subject matter of the courses they are to teach.

LOCAL EMERGENCY RESPONSE PLANS

8576.1.4.3

(No. 35 September 1994)

SARA Title III establishes a new framework for improved community preparedness and notification around facilities that handle hazardous substances. Governors appoint state emergency response commissions (SERCs) that establish emergency planning districts and appoint, supervise, and coordinate local emergency response plans and review them at least annually.

SARA Title III requires that information about specific chemicals used, stored, or produced at local facilities be submitted to fire departments and local emergency planning committees (LEPCs) and state emergency response committees (SERCs) in the form of Material Safety Data Sheets (MSDSs) or lists of MSDS chemicals.

RESPONSE PLANS

8576.1.4.4

(No. 35 September 1994)

Under SARA Title III, LEPCs are required to develop hazardous materials response plans for the local emergency planning district for which they are responsible.

MATERIAL SAFETY DATA SHEETS

8576.1.4.5

(No. 35 September 1994)

Sections 311 and 312 of SARA Title III require the reporting of certain quantities of specific chemicals to the SERCs, LEPCs, and local fire departments. Facilities that meet these threshold quantities are required to send MSDS's or chemical inventory listing to their LEPC for distribution to the other agencies mentioned above. Required by statute, the MSDSs provide information that delineates the hazardous materials at fixed sites.

HAZARDOUS MATERIALS TRANSPORTATION UNIFORM SAFETY ACT (HMTUSA)

8576.1.4.6

(No. 35 September 1994)

The Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA) is the first substantial revision to the federal transportation regulatory scheme since the 1975 HMTA.

One of the most important provisions of HMTUSA is the direction to DOT to establish a schedule of registration fees for shippers and carriers of hazardous materials. Of particular interest to local emergency response personnel is the creation of a national grant program to help prepare local communities to deal with hazardous materials incidents. This program, funded from the revenues generated by user fees, authorized \$5 million for planning grants, of which 75% must be a pass-through to the local level, and \$7.5 million for first responder training. In the training grant program, there is no requirement that the funds pass directly to the state and local level, although it is stipulated that 75 percent of program activities must benefit localities. This act is a positive response to state and local criticisms that the federal government has imposed significant burdens but has provided little or no tangible assistance.

LEPCs and SERCs set statewide priority for distribution of HMTUSA funds within California.

CDF HAZARDOUS MATERIALS RESPONSE

8576.2

(No. 35 September 1994)

CDF ROLE IN HAZARDOUS MATERIALS RESPONSE

8576.2.1

(No. 35 September 1994)

Hazardous Materials can be found in many locations, including industrial/commercial facilities, highway and rail accidents, illegal drug labs, homes and CDF facilities. All incidents involving fire are hazardous materials incidents. CDF encounters hazardous materials as a first response to emergencies and as support to other agencies for the California Hazardous Material Incident Contingency Plan.

The following operational guidelines shall be followed when responding to hazardous materials incidents:

CDF Operations

CDF responds to hazardous material incidents as a first responder. First Responders are defined by California Occupational Safety and Health Standards Board Title 8, Chapter 4 Section 5192 as the following:

First Responders at the awareness level are individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further action beyond notifying the authorities of the release.

First Responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.

Local Government Operations

The degree of CDF employee involvement, when local cooperative agreements exist, will depend upon local hazardous materials response program policies commensurate with employment of knowledgeable staff, employee training, and personal protection provided. Current levels of local government hazardous materials response vary from First Responders at the awareness and operations level to Hazardous Materials Teams with Hazardous Materials Technicians and Specialists. Under no circumstances will local government require CDF participation in a hazardous materials program when Title 8 CAC requirements are not met or when qualified occupational health leadership is not provided.

INCIDENT COMMAND

8576.2.2

(No. 35 September 1994)

Command of an on-highway hazardous material incident is vested in the law enforcement agency having primary traffic investigative authority where the incident occurs.

The Department of Fish and Game (DFG) and/or the appropriate law enforcement agency functions as incident commander for off-road incidents. In addition, the Coast Guard is responsible for incidents to coastal and navigable waters, and the Environmental Protection Agency (EPA) is responsible for incidents on inland waters.

The state plan contains provisions for a coordinated planning and response effort by federal, state, local, and private entities.

INTERAGENCY AGREEMENTS

8576.2.3

(No. 35 September 1994)

CDF has recently entered into memoranda of understanding with DFG and CHP. These MOUs sets forth the mechanism and response procedures to be used in the event of a major hazardous material (including oil) incident that exceeds the response resources of the these agencies. The CDF resources that may be requested include logistical support and incident management teams.

MATERIALS IDENTIFICATION

8576.2.4

(No. 35 September 1994)

Hazardous material identification should be coordinated by the incident commander. Due to the large number of materials produced, reference to the DOT guide or CHEMTREC is necessary for material identification. Refer to the Local Emergency Response Plan for additional sources, which has an Assisting Information List.

QUALIFIED IMMUNITY FROM LIABILITY

8576.2.5

(No. 35 September 1994)

The California Legislature has declared that a threat to the public health and safety exists whenever there is a discharge, spill, or presence of hazardous substances on public or private property, and that public safety employees should be encouraged to abate such hazards.

To that end, Health and Safety Code Section 25400 provides that neither CDF nor its employees are liable for any injury caused by an action taken, within the scope of employment, to abate or attempt to abate hazards reasonable believed to be an imminent peril to public health and safety. There is no immunity in cases where action was performed in bad faith or in a grossly negligent manner.

DANGERS

(No. 35 September 1994)

8576.2.6

Immediate

Immediate dangers are numerous, and some are probably not fully understood.

- Fire, explosion, and the possible contamination of a community's environment and resources.
- The release of toxic gases may cause immediate death or disablement.
- Water resources, if contaminated, would be unsafe and unusable.
- Some chemicals can cause painful and damaging burns to the skin if one comes in direct contact with them.
- Contamination of air, ground, or water may cause farmers to lose livestock or crops; wildlife may be threatened.

Long-Term

- The release of hazardous materials into the environment may cause debilitation, disease, or genetic defects.
- Loss of livestock and crops may lead to economic disaster within the community and food shortages to communities supplied by the affected area. The exact effect of loss of wildlife to an area is unknown. Certainly the economy of a community which is dependent on its wildlife would suffer.

APPROPRIATE ACTIONS

(No. 35 September 1994)

8576.2.8

Appropriate actions are identification, isolation and evaluation. Identification is by label, identifiable properties or hazcatting within the scope of training. Isolation is the diking, barricading and/or cording off the location as indicated by current guides. Evacuation is the removal or shelter in place of victims or potential victims to safeguard and prevent further contamination.

ACCIDENT/INJURY REPORTING

8576.2.9

(No. 35 September 1994)

The possibilities for exposure to hazardous materials and the attendant dangers to CDF firefighters must be constantly evaluated at each incident. In spite of preventative measures, injuries may occur.

Accident/injury/exposure reporting is described in the [1700 Health, Safety and Physical Fitness Procedures Handbook](#). Included are procedures pertinent to completing Employer's Report/Occupational Injury or Illness form SCIF-67 when hazardous materials are involved.

STATE HAZARDOUS MATERIALS PLANS

8576.3

(No. 35 September 1994)

STATE OF CALIFORNIA HAZARDOUS MATERIAL INCIDENT CONTINGENCY PLAN

8576.3.1

(No. 35 September 1994)

The State of California Hazardous Material Contingency Plan (HMICP) was developed under the mandate of Senate Bill 183 (1980) as part of the Governor's program to control toxic substances.

The Plan describes pre-emergency preparedness and some management for hazardous material incidents. The plan establishes the framework which identifies hazardous material emergency activities of each state level participating agency as well as those of private industry and local jurisdiction.

Activation of the emergency response portion of the plan occurs when either CHP or OES receives notification of a substantial hazardous material incident. The plan is approved by the California Emergency Council and is part of the California Emergency Plan.

The plan, as prepared by the OES, has been distributed to the field; fire-going personnel and administrators should be familiar with its contents.

INTERAGENCY PLANS AND ORGANIZATIONS

8576.3.2

(No. 35 September 1994)

In California there are several organizations that assist in the coordination of hazardous material emergency planning and response. Some are multi-purpose (e.g. hazardous waste, toxics advisory, disaster councils), while others are solely devoted to hazardous materials.

RAILROAD ACCIDENT PREVENTION AND IMMEDIATE DEPLOYMENT (RAPID) FORCE PLAN

8576.3.2.1

(No. 35 September 1994)

The mission of the RAPID Force Plan is to describe how the member state departments (CDF is a member) of the RAPID Force will respond and work cooperatively at large-scale hazardous material releases resulting from surface transportation accidents. The plan provides immediate, onsite technical assistance in an organized and predictable manner to state and local agencies at large-scale surface transportation incidents involving hazardous materials, where the resources of multiple state agencies are needed and/or where multiple state agencies have statutory responsibilities in order to minimize the potential damage to the public health and safety, property, and environment.

CALIFORNIA OIL SPILL CONTINGENCY PLAN

8576.3.2.2

(No. 35 September 1994)

State Interagency Oil Spill Committee (SIOSC) addresses the need for a specific response to land and water releases of oil and petroleum products within California. SIOSC is composed of representatives of state agencies (including CDF) and is chaired by a representative of the Department of Fish and Game. SIOSC coordinates day-to-day procedures and practices between state agencies and other organizations relative to the prevention and mitigation of oil pollution from oil discharges.

HAZARDOUS WASTE STRIKE FORCE

8576.3.2.3

(No. 35 September 1994)

CDF is also a member of the Hazardous Waste Strike Force (HWSF). The HWSF, chaired by a representative of the Department of Health Services Toxic Substances Control Program, is intended to coordinate activities of state agencies in the enforcement of hazardous substance laws. The Strike Force may be involved in a post-incident enforcement action where state or federal agencies are involved, or when the enforcement action is beyond the capabilities of local government. The HWSF can be reached by calling the "Toxics Hot-Line" at 800-258-6942.

FEDERAL REGIONAL RESPONSE TEAM

8576.3.2.4

(No. 35 September 1994)

The Federal Regional Response Team (RRT), consisting of representatives from selected federal and state agencies, is the regional body responsible for planning and preparedness functions prior to an oil discharge or hazardous substance release and provides advice and assistance to the Federal On-Scene Coordinator (OSC) during and following such discharges and/or releases. The Coast Guard and EPA provide the co-chairs of the RRT. The RRT is able to provide an Incident-Specific Team responsible for providing specific advice and assistance to the OSC during an actual incident.

LOCAL EMERGENCY PLANS

8576.3.2.5

(No. 35 September 1994)

The State Hazardous Materials Contingency Plan envisions a coordinated response to hazardous material incidents with local, state, and federal resources; therefore CDF units must become involved with agencies in the local planning process.

CDF RESPONSIBILITIES UNDER THESE PLANS

8576.3.2.6

(No. 35 September 1994)

In the event of a significant hazardous material incident, CDF may be asked to do the following:

- Provide Incident Management Teams
- Support emergency feeding operations of other state agencies
- Provide communications support as requested by the State Agency Coordinator or Incident Commander.
- Monitor environmental contamination as requested by the state agency coordinator. (Refer to "Radiological Monitoring and Reporting" in this handbook.)
- Support local firefighting in accordance with fire mutual aid agreements.
- Coordinate and manage the use of inmate, ward, and California Conservation Corps (CCC) corpsmember personnel under CDF supervision.

CDF may have additional, different responsibilities as participants in local jurisdiction planning.

HAZARDOUS MATERIAL DEFINITION
(No. 35 September 1994)

8576.4

There are several legal definitions relating to hazardous materials.

Health and Safety Code Chapter 6.95 Section 25501

Hazardous Material is defined as any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103

Hazardous substance is defined as:

- a) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act.
- b) any element, compound, mixture, solution, or substance designated pursuant to section 102 of CERCLA.
- c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the SWDA has been suspended by Act of Congress).
- d) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act.
- e) any hazardous air pollutant listed under section 112 of the Clean Air Act, and
- f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15.

Exception:

The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)

Hazardous Chemical for which a material safety data sheet or a listing is required under the Occupational Safety and Health Act of 1970.

TRAINING

8576.5

(No. 35 September 1994)

CDF Fire Protection [4300 Training Handbook](#) contains a section on hazardous materials training. This section covers a vast array of information on hazardous materials, including but not limited to, chemistry, detection and recognition, placards and labels, toxicology, personal protective equipment, safety, decontamination, scene management and frequently encountered hazardous materials incidents.

The [1700 Health, Safety, and Physical Fitness Procedures Handbook](#) contains information pertinent to hazardous materials as may be used by CDF employees. Included are policies concerning the posting of warnings, handling of explosives and use of hazardous materials, and requirements for Material Safety Data Sheets (MSDS).

HAZARDOUS MATERIALS SPILL NOTIFICATION

8576.6

(No. 35 September 1994)

CDF AS RESPONSIBLE PARTY

8576.6.1

(No. 35 September 1994)

If CDF is the responsible party for a release or spill, there are legal requirements which we must follow for notification. For additional information, refer to Unit Plan and ECC Procedures Handbook.

GENERAL SPILL OR RELEASE NOTIFICATION

8576.6.2

(No. 35 September 1994)

The notification varies, depending upon the specific authority involved. All significant releases or potential releases of a hazardous material, including oil, require emergency notification to government agencies. The law specifies who must notify, what information is needed, which government agencies must be notified, when they must be notified, and the release quantity or basis for the report.

WHO MUST NOTIFY?

(No. 35 September 1994)

8576.6.2.1

Requirements for immediate notification of all significant spills or releases covers: Owners, operators, persons in charge, and employers. Notification is required regarding significant releases from: Facilities, vehicles, vessels, pipelines and railroads.

State law: Handlers, any employees, authorized representatives, agents or designees of handlers shall, upon discovery, immediately report any release or threatened release of hazardous materials (Health and Safety Code Section 25507).

Federal law: Notification is required for all releases that equal or exceed federal reporting quantities.

Owners and Operators to report (EPRA)

Persons in Charge to report (CERCLA)

REQUIRED INFORMATION

(No. 35 September 1994)

8576.6.2.2

State notification requirements for a spill or release include:

- Identity of caller
- Location, date and time of spill or release
- Substance and quantity involved
- Chemical name (if known, it should be reported if the chemical is extremely hazardous)
- Description of what happened

Federal immediate verbal reporting requires additional information for spills (CERCLA chemicals) that exceed federal reporting requirements, which includes:

- Medium or media impacted by the release
- Time and duration of the release
- Proper precautions to take
- Known or anticipated health risks
- Name and phone number for more information

NOTIFICATION
(No. 49 October 2004)

8576.6.2.3

Notification must be given to the following agencies:

The Local Emergency Response Agency

e.g., 9-1-1 or the Local Fire Departments, and, if different from Local Fire:

The Local Administering Agency

9-1-1 or enter local number (usually County Health Department, etc.)

The Governor's Office of Emergency Services Warning Center

Phone 1-800-852-7550 or (916) 262-1621

And, in addition, as necessary, one or more of the following:

California Highway Patrol

(Must be notified for spills on those highways under CHP jurisdiction)

National Response Center

Phone: 1-800-424-8802
(If the spill equals or exceeds CERCLA Federal Reportable Quantities)

Cal/OSHA

(For serious injuries or harmful exposures to workers, call the nearest Cal/OSHA District Office)

Regional Water Quality Control Board

Waste discharges or proposed discharges that threaten or may impact water quality (This includes ground and surface water impacts).

Department of Toxic Substances Control

Hazardous waste tank system releases
Secondary containment releases
Phone appropriate DTSC Regional Office

Oil Spill at a Fixed Facility

California Division Oil and Gas (DOG)
Phone the appropriate DOG District Office

Hazardous Liquid Pipeline Releases

Phone OES (State Fire Marshall jurisdiction)

Natural Gas Pipeline Releases

Phone OES and PUC

Waterway Spill/Release

United States Coast Guard
Marine Safety Offices:

MSO S.F. (Alameda): (415) 399-3547
MSO Long Beach: (310) 732-2000
MSO San Diego: (800) 424-8802

WHEN TO NOTIFY

(September 1994)

8576.6.2.4

All significant spills or releases of hazardous material, including oil, must be immediately reported. Notification should be made by telephone. Also, written follow-up reports may be required.

WRITTEN REPORTS

(No. 35 September 1994)

8576.6.2.5

Different laws have different time requirements and criteria for submitting written reports. After a spill or release of hazardous materials, including oil, immediate verbal emergency notification should be followed up as soon as possible with a written after action report to the following agencies:

1. Governor's Office of Emergency Services, e.g.,

Section 304 After Action Report
CHMIRS Report-Incident Report from local government

2. The responsible regulating agency, e.g.,

Department of Toxic Substances Control, Facility Incident or Tank System Release Report

California Division of Oil and Gas, oil spill at a fixed facility

Cal/OSHA, serious injury or harmful exposure to workers
3. U.S. DOT-transportation-related incidents, e.g.,

HMIS Form Report

PENALTIES

8576.6.2.6

(No. 35 September 1994)

Federal and state law provides for penalties of up to \$25,000 per day for each violation of emergency notification requirements. Criminal penalties may also apply.

PROPOSITION 65: THE SAFE WATER AND TOXIC ENFORCEMENT ACT OF 1986

8576.6.3

(No. 35 September 1994)

Proposition 65, approved by the voter in 1986, went into effect January 1, 1987. The reporting requirements of this proposition significantly affect the Department and its designated employees. It states the following:

"Any designated government employee who obtains information in the course of his official duties revealing the illegal discharge or threatened illegal discharge of a hazardous waste within the geographical area of his jurisdiction and who knows that such discharge or threatened discharge is likely to cause substantial injury to the public health or safety must within seventy-two hours, disclose such information to the local Board of Supervisors and the local Health Officer."

Section 82019(c) of the Government Code defines "designated employee" as those employees required to complete the yearly conflict of interest statement because, "...the position entails the making of decisions which may foreseeably have a material effect on any financial interest."

There are two principles to keep in mind when deciding whether a particular discharge is or is not reportable.

When in doubt, report. There is no penalty for over reporting. The penalty for under reporting can include fines up to \$25,000, imprisonment for up to three years, and a forfeiture of government employment for any designated employee who is convicted of knowingly or intentionally failing to disclose information.

The ultimate reporting responsibility rests with the designated employees. While a designated employee should make his/her supervisor aware of all discharges reported to the county, designated employees are not precluded from reporting discharges directly to the counties as required.

PARTIAL LISTING OF AUTHORITIES AND STATUTES **8576.6.4** (No. 35 September 1994)

Emergency Notification Statutes

California Health and Safety Code, Sections 25270.7, 25270.8, 25507

Vehicle Code Section 23112.5

Public Utilities Code Section 7673 (PUC General Orders #220B, 161)

Government Code Sections 51018, 8670.25.5(a)

Water Code Sections 13271, 13272

California Labor Code Section 6409.1(b)

Title 42, U.S. Code, Sections 9603, 11004

Federal Regulations

49 CFR, Parts 100-177, esp. Section 171.15, and Part 263, Section 263.30

Written Follow-up Reports Statutory Provisions

Health and Safety Code Section 25503(c)(9)

California Labor Code Section 6409.1(a)

Water Code Sections 13260, 13267

Title 42, U.S. Code Section 11004

Federal Regulations -(49 CFR, 171.16)

NUCLEAR INCIDENTS

8576.7

(No. 49 October 2004)

There are several situations where nuclear materials could affect California: (1) A situation involving nuclear weapons, (2) a situation involving the transportation of nuclear materials, or (3) an incident involving a nuclear generating station.

Transportation of nuclear and/or irradiated materials is of growing concern. A severe transportation incident could require the evacuation of a large number of people, major re-routing of traffic systems, and an expensive decontamination process for the area involved.

A detailed discussion of radiation hazards and their effects on humans along with a description of the operation of a nuclear power generating facility and the hazards posed thereby are contained in the [State of California Nuclear Power Plant Emergency Response Plan](#).

RADIOLOGICAL MONITORING AND REPORTING

8576.7.1

(No. 49 October 2004)

CDF is responsible for performing radiological monitoring and reporting services for nonfire emergencies and disaster purposes through the state Radiological Intelligence Plan.

Some CDF stations have been designated as component units of the California Civil Defense and Radiological Monitoring net. Region chiefs have been advised of the specific department radiological monitoring stations in their region.

Certain employees act as coordinators and some act as monitors in the radiological monitoring program. The Director appoints a departmental coordinator who represents CDF in radiological monitoring matters. Each region chief designates a regional coordinator. Each CDF radiological monitoring station will have two employees as monitors to perform the required services. In the event a battalion headquarters station is selected as a reporting station, the battalion chief assigned to such station should be designated as one of the monitors.

Regions will report to Sacramento Cooperative Fire Section the number, location, and name of the monitors by February 1 of each year. Sacramento will prepare a statewide summary and submit it to OES by February 15. Each monitor will be trained by the regional coordinator or attend a special OES training class. Sacramento staff will advise Region Offices of the location and date of OES-sponsored training classes.

The OES will notify CDF when radiological readings are to be taken. This could occur during an actual nuclear emergency or during a training program. The frequency of reporting from monitors to the dispatch centers will be determined by unit and regional ECCs at the time radioactive fallout is detected or reports are requested by OES.

Additional information is available in the individual emergency response plans for Rancho Seco, Diablo Canyon and San Onofre.

Departmental personnel designated as monitors shall maintain monitoring kits and other instruments in accordance with standards prescribed by the OES. Equipment and instructions are distributed to coordinators and monitors by the Director.

Instrument repairs that cannot be done by employees will be reported to an OES representative to have repairs or exchanges made. Additional information is contained in the Radiological Monitoring Kit Agreement.

NUCLEAR POWER PLANT

8576.7.2

(No. 35 September 1994)

Although the probability of a severe accident at a nuclear power facility is extremely low, such an accident affects the people living nearby. Each nuclear power plant has a plan to communicate information to the public. Such plans are developed as a cooperative effort between the plant, the local community, the affected county, and the State of California. The Nuclear Regulatory Commission requires these plans be kept current. Emergency drills and exercises are also required and held on a regular basis.

Radiation leakage from a reactor can cause acute and latent health effects. Acute effects occur over a short period of time ranging from a few minutes to about one year. Latent effects are those such as radiation-induced cancers which can occur many years after exposure. Protective actions are designed to mitigate these effects and are separable into two categories: (1) emergency responses to avoid or reduce the initial high radiation hazards, and (2) long-term actions involving food monitoring, interdiction (non-use) of contaminated areas, and decontamination procedures.

The Rancho Seco plant is the only inland site, located 25 miles southeast of Sacramento. Rancho Seco's one reactor has been shut down, but radioactive fuels have not been removed as of this printing.

The San Onofre plant is located 3 miles south of San Clemente. San Onofre is one of the oldest commercial nuclear power plants in the United States.

The Diablo Canyon plant is located in an agricultural area near San Luis Obispo.

[\(see next section\)](#)

[\(see Table of Contents\)](#)

[\(see Forms or Forms Samples\)](#)