

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

TEXT OF REGULATIONS

CALIFORNIA CODE OF REGULATIONS

Title 19. Public Safety

Division 2. Office of Emergency Services

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Article 1. Definitions.

Section 2620. ~~Control.~~ Definitions.

~~“Control” means any actions necessary to stop, prevent, abate, or mitigate a release or threatened release thereby ensuring the elimination of a condition of substantial probability of harm to human health and safety, property, or the environment.~~

~~NOTE: Authority cited: Section 25520, Health and Safety Code. Reference: Sections 25503(b)(5), 25507 and 25520, Health and Safety Code.~~

For the purposes of this Chapter only:

- (a) “Control” means any actions necessary to stop, prevent, abate, or mitigate a release or threatened release thereby ensuring the elimination of a condition of substantial probability of harm to human health and safety, property, or the environment.
- (b) “Contained release” means a release that is completely contained in a secondary containment area and is recovered from secondary containment within 24 hours. No release reporting is required for a contained release if there is no hazard posed to the employees in the immediate area or in areas in the path of the release, or from byproducts or its effects, such as vapors, fire, over-pressurization, toxic gases or toxic particulates.
- (c) “Facility” means all contiguous land and structures, other appurtenances, and improvements on the land that are defined, pursuant to Health and Safety Code (HSC) Section 25501(m), as a handler of hazardous materials. For purposes of emergency release reporting, “facility” includes motor vehicles, rolling stock, and aircraft.
- (d) “Immediate” means upon discovery of a release or threatened release of a hazardous material.
- (e) “Incidental release” means a release of a hazardous material that does not pose a significant hazard to health, safety, property, or the environment. Incidental releases are limited in quantity, exposure potential, or toxicity, remain within facility boundaries, and may be safely cleaned up by facility personnel. No release reporting is required for an incidental release if there is no hazard posed to the employees in the immediate area or in areas in the path of the release, or from byproducts or its effects, such as vapors, fire, over-pressurization, toxic gases, or toxic particulates.
- (f) “Office” means the California Governor’s Office of Emergency Services (Cal OES).
- (g) “Person” means any employee, authorized representative, agent, or designee of a handler.
- (h) “Pesticide drift exposure incident” means an unintended airborne transport of a pesticide to non-target areas, potentially resulting in exposures that could affect public health and safety and the environment. For the purposes of this Chapter, the term “pesticide” has the same meaning as “pesticide”, as defined in the Food and Agricultural Code, Section 12753.
- (i) “Release” is defined in HSC, Section 25501(p). “Release” includes the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substances, pollutants or contaminants. “Release” further includes spills into the workplace that may threaten harm to facility personnel.
- (j) “Release Reporting” means 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 (UPA), and to the Office, unless the release is contained or incidental. 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 or emergency response personnel with access to the handler's facilities.

(k) "Significant" means a release or spill of hazardous materials that poses an imminent actual or potential hazard to health, safety, property, or the environment.

(l) "Threatened Release" is defined in HSC, Section 25501(t), and means that a release is imminent. If the threatened release is not contained, stopped, or removed, the threatened release would pose a hazard to the employees in the immediate area or in areas in the path of the threatened release, or from byproducts or its effects, such as vapors, fire, over-pressurization, toxic gases, or toxic particulates.

NOTE: Authority cited: Section 8585, Government Code, Section 25510, Health and Safety Code, Section 12997.7, Food and Agricultural Code. Reference: Sections 25404, 25501 and 25510, Health and Safety Code, Sections 12753 and 12997.7, Food and Agricultural Code.

~~Section 2650. — Person.~~

~~"Person" means any employee, authorized representative, agent or designee of a handler.~~

~~NOTE: Authority cited: Section 25520, Health and Safety Code. Reference: Sections 25507, 25515 and 25520, Health and Safety Code.~~

~~Section 2660. — Pesticide Drift Exposure Incident.~~

~~"Pesticide drift exposure incident" means an unintended airborne transport of a pesticide to non-target areas, potentially resulting in exposures that could affect public health and safety and the environment. For the purposes of this Chapter, the term "pesticide" has the same meaning as "pesticide", as defined in the Food and Agricultural Code, Section 12753.~~

~~NOTE: Authority cited: Section 25503, Health and Safety Code, Section 12997.7, Food and Agricultural Code. Reference: Sections 12753 and 12997.7, Food and Agricultural Code.~~

Article 2. Reporting Requirements.

Section 2701. Applicability.

The provisions of this subchapter shall not, in any way, preempt more restrictive reporting requirements pursuant to other local, state, or federal ordinances, statutes, or regulations.

Pursuant to Section 23112.5 of the Vehicle Code, reporting of on-highway releases shall be made to the Department of the California Highway Patrol.

~~NOTE: Authority cited: Section 25520, Health and Safety Code. Section 8585, Government Code. Reference: Section 25520, Health and Safety Code. Section 8585, Government Code~~

Section 2703. Immediate Reporting of a Release or a Threatened Release.

- (a) A person shall provide an immediate, verbal report of any release or threatened release of a hazardous material to the ~~administering agency UPA~~ and the Office of Emergency Services* as soon as:
- (1) a person has knowledge of the release or threatened release;
 - (2) notification can be provided without impeding immediate control of the release or threatened release;
 - (3) notification can be provided without impeding immediate emergency medical measures.
- (b) The immediate reporting pursuant to subsection (a) of this section shall include, as a minimum:
- (1) the exact location of the release or threatened release;
 - (2) the name of the person reporting the release or threatened release;
 - (3) the hazardous materials involved in the release or threatened release;
 - (4) an estimate of the quantity of hazardous materials involved; and if known, the potential hazards presented by the hazardous material involved in the release or threatened release;
- (c) The immediate reporting pursuant to subsection (a) of this section shall not be required if there is a reasonable belief that the release or threatened release poses no significant present or potential hazard to human health and safety, property, or the environment.
- (d) Immediate reporting pursuant to subsection (a) of this section shall be made to the Office of Emergency Services, at telephone number (916) 845-8911 or (800) 852-7550, and to the ~~local administering agency UPA~~ at a nonemergency number maintained pursuant to HSC Section 25510(d). ~~The administering agency may designate a call to the 911 emergency number as meeting the requirement to call the administering agency.~~
- (e) The notifications in subsection (d) shall constitute compliance with the requirements of subdivision (b) of section 11004 of title 42 of the United States Code (1989) regarding verbal notification of the State Emergency Planning Commission and the Local Emergency Planning Committee.

* For additional guidance on notification procedures, consult the State of California Hazardous Material Incident Contingency Plan (HMICP).

NOTE: Authority: Section 8585, Government Code, Sections 25503, 25503.1 and 25520 25510 and 25510.1, Health and Safety Code. Reference: Sections 25503(b)(4), 25503.1, 25507, 25518 and 25520 25501 and 25510, Health and Safety Code.

Section 2705. Written Reporting of Emergency Releases.

- (a) If required to submit a written emergency release follow-up notice pursuant to 42 U.S.C. section 11004(c) (1989), or as that section may be subsequently amended, a business shall prepare the

written emergency release follow-up notice using the form specified in subsection (c) of this section.

- (b) A written emergency release follow-up notice prepared pursuant to subsection (a) shall be sent to the ~~Chemical State Emergency Planning and Response Commission (CEPRC)~~SERC at 3650 Schriever Avenue, Mather, CA 95655. This written report shall be sent as soon as practicable following a release, but no later than 30 days from the date of the release.
- (c) The following reporting form (with instructions), the 'Emergency Release Follow-up Notice Reporting Form,' shall be used for filing the written emergency release follow-up notice required by subsection (a) of this section.

EMERGENCY RELEASE FOLLOW - UP NOTICE REPORTING FORM

A	BUSINESS NAME	FACILITY EMERGENCY CONTACT & PHONE NUMBER () -		
B	INCIDENT DATE	MO DAY YR	TIME OES NOTIFIED	OES CONTROL NO.
C	INCIDENT ADDRESS LOCATION		CITY / COMMUNITY	COUNTY ZIP
D	CHEMICAL OR TRADE NAME (print or type)			CAS Number
D	CHECK IF CHEMICAL IS LISTED IN 40 CFR 355, APPENDIX A <input type="checkbox"/>		CHECK IF RELEASE REQUIRES NOTIFICATION UNDER 42 U.S.C. Section 9603 (a) <input type="checkbox"/>	
D	PHYSICAL STATE CONTAINED <input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> GAS		PHYSICAL STATE RELEASED <input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> GAS	
D	ENVIRONMENTAL CONTAMINATION <input type="checkbox"/> AIR <input type="checkbox"/> WATER <input type="checkbox"/> GROUND <input type="checkbox"/> OTHER		TIME OF RELEASE	DURATION OF RELEASE ___DAYS ___HOURS ___MINUTES
E	ACTIONS TAKEN			
E				
E				
E				
E				
F	KNOWN OR ANTICIPATED HEALTH EFFECTS (Use the comments section for addition information)			
F	<input type="checkbox"/> ACUTE OR IMMEDIATE (explain) _____			
F	<input type="checkbox"/> CHRONIC OR DELAYED (explain) _____			
F	<input type="checkbox"/> NOTKNOWN (explain) _____			
G	ADVICE REGARDING MEDICAL ATTENTION NECESSARY FOR EXPOSED INDIVIDUALS			
G				
G				
H	COMMENTS (INDICATE SECTION (A - G) AND ITEM WITH COMMENTS OR ADDITIONAL INFORMATION)			
H				
H				
H				
I	CERTIFICATION: I certify under penalty of law that I have personally examined and I am familiar with the information submitted and believe the submitted information is true, accurate, and complete.			
I	REPORTING FACILITY REPRESENTATIVE (print or type) _____			
I	SIGNATURE OF REPORTING FACILITY REPRESENTATIVE _____ DATE: _____			

EMERGENCY RELEASE FOLLOW-UP NOTICE
REPORTING FORM INSTRUCTIONS
(This form may be reproduced, as needed)

GENERAL INFORMATION:

Chapter 6.95 of Division 20 of the California Health and Safety Code requires that written emergency release follow-up notices prepared pursuant to 42 U.S.C. § 11004, be submitted using this reporting form. Non-permitted releases of reportable quantities of Extremely Hazardous Substances (listed in 40 CFR 355, appendix A) or of chemicals that require release reporting under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. § 9603(a)] must be reported on the form, as soon as practicable, but no later than 30 days, following a release. The written follow-up report is required in addition to the verbal notification.

BASIC INSTRUCTIONS:

- The form, when filled out, reports follow-up information required by 42 U.S.C § 11004. Ensure that all information requested by the form is provided as completely as possible.
- If the incident involves reportable releases of more than one chemical, prepare one report form for each chemical released.
- If the incident involves a series of separate releases of chemical(s) at different times, the releases should be reported on separate reporting forms.

SPECIFIC INSTRUCTIONS:

Block A: Enter the name of the business and the name and phone number of a contact person who can provide detailed facility information concerning the release.

Block B: Enter the date of the incident and the time that verbal notification was made to Cal OES. The Cal OES control number is provided to the caller by Cal OES at the time verbal notification is made. Enter this control number in the space provided.

Block C: Provide information pertaining to the location where the release occurred. Include the street address, the city or community, the county and the zip code.

Block D: Provide information concerning the specific chemical that was released. Include the chemical or trade name and the Chemical Abstract Service (CAS) number. Check all categories that apply. Provide best available information on quantity, time and duration of the release.

Block E: Indicate all actions taken to respond to and contain the release as specified in 42 U.S.C. § 11004(c).

Block F: Check the categories that apply to the health effects that occurred or could result from the release. Provide an explanation or description of the effects in the space provided. Use Block H for additional comments/information if necessary to meet requirements specified in 42 U.S.C. § 11004(c).

Block G: Include information on the type of medical attention required for exposure to the chemical released. Indicate when and how this information was made available to individuals exposed and to medical personnel, if appropriate for the incident, as specified in 42 U.S.C. § 11004(c).

Block H: List any additional pertinent information.

Block I: Print or type the name of the facility representative submitting the report. Include the official signature and the date that the form was prepared.

MAIL THE COMPLETED REPORT TO:

**~~Chemical~~State Emergency Planning and Response Commission (CEPSERC) /
Local Emergency Planning Committee (LEPC)
Attn: Section 304 Reports
3650 Schriever Avenue
Mather, CA 95655**

NOTE: Authority cited: Section 8585, Government Code, Sections 25503, 25503.1 and 25507.1
25510 and 25510.1, Health and Safety Code. Reference: Sections 25503(b)(4), 25503.1,
25507.1, 25518 and 25520 25510.1, Health and Safety Code.