

RESOLUTION NO. 25- 33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING THE INDUSTRIAL INCIDENT NOTIFICATION POLICY

WHEREAS, major disasters, emergencies, terrorist attacks, wildland and urban fires, floods, hazardous materials spills and releases, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, tsunamis, public health and medical emergencies, and other occurrences requiring an emergency response pose risks to life and property; and

WHEREAS, industrial facilities handling and storing hazardous materials in Benicia located near residential areas and natural resources pose risks from hazardous materials release incidents, including emissions, spills, fires, and explosions; and

WHEREAS, recent industrial incidents within the City, including a significant fire at the Amports port in 2022 that released potentially harmful smoke into the air around the City for over 24 hours, and a hydrocarbon release at the Valero tank farm in 2024 that resulted in dangerous emissions of hydrogen sulfide highlight the need for additional local oversight over high hazard facilities to supplement existing state and federal regulations; and

WHEREAS, the City and the Valero Benicia Refinery (Valero) have cooperated in a memorandum of understanding that provides for certain industrial health and safety incident reporting by Valero for incidents at the refinery, but which is no longer adequate because it applies only to Valero and no other High-Hazard Facilities in the City, it is not enforceable, it is terminable at any time, and it does not include public engagement components; and

WHEREAS, the City has the legal authority to control and investigate fires and other emergency incidents occurring in the City; and

WHEREAS, the Benicia Fire Department's ability to make quick and informed decisions and to take actions to mitigate the impacts of an incident that may result in injury or damage to persons, businesses, the broader community and/or the environment is dependent upon receiving prompt notification and information about the incident; and

WHEREAS, prompt notification enables the Benicia Fire Department to take immediate measures to mitigate the impacts, such as:

1. Dispatching emergency response teams quickly and with the appropriate equipment and personnel.

2. Assessing the extent of the incident, to determine whether areas of the community are at risk and if protective actions such as sheltering in place or evacuations are appropriate.
3. Determining if, and to what extent, community notifications are appropriate.
4. Responding to inquiries from the public and the media.
5. Coordinating incident responses with other regulatory agencies, such as the Solano County Certified Unified Program Agency (CUPA) or the Bay Area Air Quality Management District (BAAQMD).

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby adopt the Industrial Incident Notification Policy.


On motion of Council Member **Scott**, seconded by Council Member **Birdseye**, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 4th day of March 2025 by the following vote:

Ayes: **Council Members Birdseye, Largaespada, Macenski, Scott, and Mayor Young**

Noes: **None**

Absent: **None**

Abstain: **None**

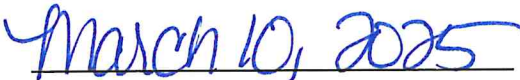


Steve Young, Mayor

Attest:



Lisa Wolfe, City Clerk



Date

Date

CITY OF BENICIA
INDUSTRIAL INCIDENT NOTIFICATION POLICY

I. PURPOSE:

The purpose of this Policy is to promote prompt reporting to the City of Benicia Fire Department of Incidents as defined by, "An occurrence, natural or human-caused, that requires a response to protect life, property, or the environment. This includes major disasters, emergencies, terrorist attacks, wildland and urban fires, floods, hazardous materials spills and releases, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, tsunamis, public health and medical emergencies, and other occurrences requiring an emergency response."

Prompt notification enables the Benicia Fire Department to take immediate measures to mitigate the impacts, such as:

1. Dispatching emergency response teams quickly and with the appropriate equipment and personnel.
2. Assessing the extent of the incident, to determine whether areas of the community are at risk and if protective actions such as sheltering in place or evacuations are appropriate.
3. Determining if, and to what extent, community notifications are appropriate.
4. Responding to inquiries from the public and the media.

II. BACKGROUND:

The City has the legal authority for the control and investigation of fires and other emergency incidents occurring in the City. Businesses and individuals shall promptly notify the City's dispatch center of any incidents including hazardous and/or dangerous conditions (real or potential) occurring in the City.

III. BENEFITS OF PROMPT NOTIFICATION:

The Benicia Fire Department's ability to make quick and informed decisions to mitigate the impacts of an incident is dependent upon receiving prompt notification and information. The Benicia Fire Department is aware that information provided during the initial notification may be preliminary and that facilities may not be able to provide completely accurate information.

IV. POLICY:

A. Immediate Notification Required. Responsible businesses are required to provide immediate notification to the Benicia Fire Department of any level 1, 2, or 3 incidents as defined below. Note: Immediate shall mean as soon as safely possible.

B. Level 1 Incident

1. Level 1 incidents are any incidents that have no off-site (off property) health or environmental impacts yet meet one of the following criteria.
 - a. An incident that may cause general public concern, such as a small fire, small smoke plume, or routine flaring that lasts (or is expected to last) 15 minutes or longer.
 - b. A spill or release which may contaminate on-site surface water, groundwater, air, or soil and meets or exceeds the Federal or State Reportable Quantity notification requirements and has no off-site odor or other impacts to the community.
 - c. An incident that results in the facility's Safety Supervisor, Shift Superintendent, or equivalent personnel being placed on alert due to a release, threatened release, or major unit start-ups.
 - d. An incident at a facility with private emergency response personnel or emergency response equipment, which results in such personnel or equipment being mobilized, yet has no off-site impacts.
 - e. An incident at a facility with an employee emergency notification system such as a horn, siren, or electronic notification, which results in the activation of such system, yet has no off-site impacts. This does not include activation due to testing or drills.

C. Level 2 Incident

1. Level 2 incidents are any incident that has potential for off-site (of-property) health or environmental impacts.
 - a. A spill or release that meets or exceeds the Federal or State Reportable Quantity notification requirements and has potential off-site health or environmental impacts.
 - b. An incident at a facility with private emergency response personnel or emergency response equipment, which results in such personnel or equipment being mobilized and has potential off site health or environmental impacts.
 - c. An incident at a facility with an employee emergency notification system such as a horn, siren, or electronic notification, which results in the activation of such system and has potential off-site health or environmental impacts. This does not include activation due to testing or drills.

- d. An incident such as fire, explosion, spill, or other release that impacts the surrounding community's health such as nausea, eye irritation, or respiratory irritation.
- e. An incident such as a release or spill that results in any off-site surface water, groundwater, or soil contamination.

D. Level 3 Incident

- 1. Level 3 incidents are any incident that meet level 2 parameters but also meet one or more of the following.
 - a. An incident that requires activation of the facility's or the City's EOC or JIC.
 - b. An incident that results in hospital admission or hospitalization of more than 24 hours of 2 or more persons.
 - c. Any incident that results in the death of one or more persons.

E. Who to Notify. Immediately notify the Benicia Fire Department dispatch center (on-call 24 hours a day)

- 1. Direct emergency number 707-745-2424 or 9-1-1
- 2. Advise the dispatcher to notify the Fire Department Duty Chief and provide a callback number

F. 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.

Note: Notification 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.

ATTACHMENT A
FACILITY INCIDENT CHECKLIST

Date: _____

Time: _____

Initial: _____

- A. Call Benicia Fire Department Dispatch Center - Phone: (707) 745-2424 or 9-1-1

INFORMATION NEEDED IMMEDIATELY (IF KNOWN)

- B. State your name and identify your facility/business and its address.
- C. State your phone number or a number with immediate access to an individual who can answer further questions from the City. (Preferably no voicemail phone numbers)
- D. Has any 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?
- E. 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
- F. State estimated quantity of chemical released
- G. Have you received any public complaints? Yes/ No/ Unknown
- H. Are there any injuries on-site or off-site? Yes/No/Unknown
- I. Has the facility's "Emergency Operations Center" or emergency response staff been activated? Yes/ No/ Unknown

ATTACHMENT B
CITY OF BENICIA
72 HOUR FOLLOW-UP NOTIFICATION REPORT

INCIDENT DATE: _____ INCIDENT TIME: _____

FACILITY AND ADDRESS: _____

PERSON TO CONTACT FOR ADDITIONAL INFORMATION _____

PHONE NUMBER _____

1. DESCRIPTIONS OF THE INCIDENT, INCLUDING WHETHER THERE ARE OFFSITE IMPACTS, THE AREA AFFECTED BY THE INCIDENT, AND WHETHER ANY STORM DRAINS OR SURFACE WATERS MAY BE AFFECTED
 2. DESCRIPTIONS OF METEOROLOGICAL CONDITIONS AT TIME OF EVENT INCLUDING WIND SPEED, DIRECTION, AND TEMPERATURE
 3. DESCRIPTIONS OF THE CHEMICALS AND MATERIALS INVOLVED IN THE INCIDENT AND THE PHYSICAL STATE OF THOSE CHEMICALS AND MATERIALS (SOLID, LIQUID, GAS, AND/OR VAPOR), INCLUDING THE ESTIMATED QUANTITIES INVOLVED
 4. DESCRIPTIONS OF ANY PUBLIC COMPLAINTS RECEIVED ABOUT THE INCIDENT
 5. DESCRIPTIONS OF ANY ONSITE OR OFFSITE INJURIES RELATED TO THE INCIDENT
 6. CONFIRMATION OF WHETHER THE HIGH-HAZARD FACILITY'S EMERGENCY OPERATIONS CENTER OR SIMILAR EMERGENCY RESPONSE PERSONNEL HAVE BEEN ACTIVATED
- A hard copy and an electronic copy of this report is to be submitted within 72 hours after becoming aware of any Level 2 and Level 3 incidents or when requested by the Benicia Fire Department.
 - See Attachment B-1 for suggestions regarding the type of information to be included in the report. Attach additional sheets as necessary.
 - Note: Notification and reporting requirements are not a substitute for existing laws and regulations requiring notifications and reporting to agencies such as CalOES, CalEPA, the CUPA, BAAQMD, and others as set forth in state and federal Law.

Forward the completed form to: ATTENTION: Fire Chief
Benicia Fire Department
250 East L Street, Benicia, CA 94510

ATTACHMENT B-1

72-Hour Report Guidelines

The following list suggests items that may be included in the 72-Hour Report to the Benicia Fire Department. Not all the items below may be applicable or available at the time of submission.

Description of the incident

- Off-Site Consequence / Impacts
- The area / streets, neighborhood affected
- Background Information/ Events Preceding the Incident
- Incident Summary, including timing of key events
- Instrument logs, air monitoring data, etc.
- Storm drains or surface waters affected
- Sampling Data including air monitoring data

Description of material released

- Physical state (solid, liquid, gas, and/or vapor)
- Estimated Quantities
- Material Safety Data Sheets

Descriptions of meteorological conditions at time of event

- Wind speed and direction
- Temperature
- Rain/sun, etc.

Descriptions of any public complaints

- Community Impact
- Complaints received (visual, Audio, Odor, Health)
- Number of complaints

Injuries

- Type
- Severity
- Number
- On-site or Off-site

Emergency Actions

- EOC Activation
- JIC Activation
- Emergency response personnel Activated