

DRAFT ONLY

INSERT PARTY ONE AND PARTY TWO LOGOS

**MEMORANDUM OF UNDERSTANDING—REFINERY ALERT & WARNING SYSTEM
PER A.B. 1646, Integrated Community Alerting and Warning System, 2017, (Health
and Safety Code section 25536.6 et seq)**

Between

_____ **(PARTY ONE)**

and

_____ **(PARTY TWO)**

for

(REFINERY NAME) ALERT AND WARNING SYSTEM

1. PURPOSE

In October 2017, Governor Edmund Gerald Brown Jr. signed Assembly Bill (AB 1646, Muratsuchi). AB 1646 amended the California Health and Safety Code (section 25536.6 et seq.) administered by the Unified Program Agencies (UPA, usually a *Certified* Unified Program Agency, or CUPA) under the California Accidental Release Prevention (CalARP) Program. It mandates a “*local implementing agency*” (LIA¹) to develop an integrated Alert and Warning system, in coordination with local emergency management agencies, UPA, local first response agencies, petroleum refineries, and the public, to be used to notify the community surrounding a petroleum refinery in the event of an incident at the refinery warranting the use of the notification system.

2. BACKGROUND

The Alert and Warning system required by AB 1646 should be configured and used to Alert and/or Warn the communities surrounding a petroleum refinery, including single and multiple-family homes, schools, public facilities, hospitals, transient and special needs populations (as defined), and residential care homes. The system needs to have the capabilities to integrate with similar systems in neighboring Cities/County that have refineries. Costs to develop and maintain the system will typically be collected by the UPA from its refineries and passed on to the LIA.

See Appendix I for details.

¹ LIA is defined as the entity that has been designated by a local governing body to develop, implement, and maintain an integrated alerting and notification system, which may include a local law enforcement or fire agency, joint powers agency, authority, or entity, or other local agency.

3. AUTHORITIES

This MOU is entered into under the authority of the Health and Safety Code section 25536.6 et seq. (pursuant to AB 1646, Chapter 588, Statutes of 2017). **INSERT LOCAL AUTHORITIES IF APPLICABLE**

This MOU is consistent with the *California Statewide Alert and Warning Guidelines*, developed by a collaborative group of local, state, federal, and tribal partners at the direction of the Standardized Emergency Management System (SEMS) Technical Group through the SEMS Alert & Warning Specialist Committee.

The California Statewide Alert & Warning Guidelines provide the minimum expectations for jurisdictions and designated authorities implementing Alert and Warning systems within the State of California. The Guidelines also provide overarching direction to the sub-components of the Statewide Alert and Warning System, including the State Emergency Alert System (EAS).

4. ROLES AND RESPONSIBILITIES FOR ESTABLISHMENT OF CROSS-BOUNDARY INTEGRATED ALERT AND WARNING SYSTEM

Agencies should maintain an alerting capability at all times by maintaining a primary operational capability, as well as, a back-up capability for use when the primary capability is not functioning or inaccessible. Maintaining the capability to send out an alert is imperative as disasters may strike at any time, and jurisdictions are responsible for informing the public in a timely manner of the threat and protective actions to take.

Agencies should issue alert and warning messages as soon as feasible given the circumstances of the situation. Access to the designated alerting authority and alerting originator should not be delayed due to limited resources or non-operational equipment. Designated alerting staff should have ready and reasonable access to primary or back-up alerting systems and be properly trained and well versed in how to operate the equipment.

Party One is the (DESCRIPTION OF ENTITY AND THEIR ROLE RELATING TO THIS MOU TO ESTABLISH CROSS- BOUNDARY INTEGRATED ALERT AND WARNING SYSTEM).

Party TWO is the (DESCRIPTION OF ENTITY AND THEIR ROLE RELATING TO THIS MOU TO ESTABLISH CROSS- BOUNDARY INTEGRATED ALERT AND WARNING SYSTEM).

INSERT INFORMATION REGARDING REFINERY REQUIRING THE INTEGRATED ALERT AND WARNING SYSTEM AND SHARED JURISDICTIONS.

5. FORMS OF COOPERATION

This relationship will coordinate Alert and Warning systems across jurisdictions in regards to the communities surrounding a petroleum refinery in the event of an incident at (Refinery Name).

INSERT INFORMATION / LANGUAGE / TECHNICAL SPECS REGARDING COORDINATION. APPROPRIATE TOPICS MAY INCLUDE:

- Agreement on Alert and Warning triggers, by incident type and other factors.
- Sharing Standard Operating Procedures regarding alert and notification processes, definitions of emergency levels or thresholds, and content of emergency messaging
- Conducting after action reviews after significant incidents to identify lessons learned and update coordination plans and activities.
- Jointly participating in tests and exercises of the alert and notification systems
- Sharing emergency contact information and notification flow charts

6. PROTECTION OF INFORMATION

Party One and Party Two may share information relative to planning, preparedness, response, and recovery in regards to the above mentioned refinery. It is understood that Party One and Party Two will treat the information it receives from each other in accordance with California law and local ordinances.

7. TERM

This MOU shall remain in effect until such time as either party to the agreement terminates their participation by providing written notice to the other party, no less than sixty (60) days in advance, of its intent to terminate.

8. SIGNATURES

Party One:

Party Two:

(Title), Party One

(Title), Party Two

Date

Date

Appendix I: Background Details

AB 1646 requires the LIA to ensure jurisdictions enter into effective agreements with adjacent jurisdictions to coordinate Alerts, Warnings, and messaging when a release crosses or threatens to cross-city, county, or other jurisdictional boundaries, and to document those agreements in the UPA's Area Plan. Coordination among neighboring jurisdictions shall include clear language identifying the delegation of authority to send out timely Alerts and Warnings, and to identify whom is an authorized Alert and Warning initiator.

Implicit in this requirement (and consistent with this MOU) is timely notification to the initiator and other pertinent local public safety agencies of the conditions or incident resulting in the need to Alert or Warn the public so that all other appropriate public safety measures may be taken in an equally timely manner. Reasons for prompt and accurate notification of the initiator and pertinent public safety agencies include enabling measures to mitigate the impacts the condition or event, including:

- Dispatching emergency response teams quickly and with the appropriate equipment and personnel.
- Assessing the extent of the release or the potential extent of the release and whether neighboring communities are at risk of exposure.
- Determining whether the Alert and/or Warning System should be activated (if not already activated).
- Responding to inquiries from the media to ensure the distribution of public information consistent with the Alert or Warning and the facts of the situation or event.
- Responding to inquiries from the public officials from schools, public facilities, and hospitals, and representatives of transient and special needs populations.

CalARP requires refineries (and other facilities that handle, manufacture, use, or store regulated substances above certain threshold quantities in a process) to determine the potential off-site consequences from accidental releases of regulated substances. This information should be (has been) used in developing the Alert and Warning system that is the subject of this MOU, consistent with Article 1 of Chapter 6.95 of the California Health and Safety Code, which mandates the Business Plan program and requires immediate notification in the event of a hazardous materials release.

In the State of California, a **Public Alert** is defined as a *communication intended to attract public attention to an unusual situation and motivate individual awareness*. The measure of an effective alert message is the extent to which the intended audience becomes attentive and searches for additional information.²

² State of California Statewide Alert & Warning Guidelines (draft, October 2018)

In the State of California, a **Public Warning** is defined as a *communication intended to persuade members of the public to take one or more protective actions in order to reduce losses or harm*. The measure of an effective public warning message is the extent to which the intended audience receives the message and takes the protective action and/or heeds the guidance.³

Immediate notification of the initiator for potential Alert or Warning is required in the following situations:

- 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.)
- The release or threatened release of hazardous materials that may affect the surrounding population including odor, eye or respiratory irritation.

- The situation or event may cause general public concern, such as in cases of fire, explosion, smoke, or excessive flaring.

- 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.

- The release or threatened release may cause off-site environmental damage.

- The refinery'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.



³ State of California Statewide Alert & Warning Guidelines