

**§ 2765.1 Emergency Response Applicability.**

(a) Except as provided in section (b), the owner or operator of a stationary source with Program 2 and Program 3 processes shall comply with the requirements of Section 2765.2. In addition, the owner or operator of a petroleum refinery shall comply with the requirements of Section 2765.3.

**§ 2765.3 Emergency Response Program for Petroleum Refineries**

(a) Within 12 months of the effective date of this section and annually thereafter, the owner or operator of a petroleum refinery shall update and implement its Emergency Response Program to reflect the requirements of Section 2765.3. For any elements that may take longer than 12 months, the refinery shall develop a schedule with the UPA for implementation. The Emergency Response Plan that is developed and describes all of the elements of the Emergency Response Program shall be submitted to the UPA for review and evaluation, pursuant to section 2745.2. The owner or operator of a petroleum refinery shall notify the UPA of any significant Emergency Response Program changes after the latest submittal of the Emergency Response Plan. The UPA may engage a third party to assist in the review and evaluation of the Emergency Response Plan and Program and charge the refinery reasonable fees.

(b) In consultation with the UPA, the air district, and the community, the owner or operator of a petroleum refinery shall designate a geographic primary zone subject to potential direct offsite impacts of a release and a secondary zone that may reasonably be affected by the consequences of a release such as traffic patterns of persons evacuating the impacted area, evacuation sites, emergency vehicles entering the impacted area, and medical facilities where victims may attempt to access. The primary zone shall not be less than the outer limit of the Worst Case Scenario.

(c) The owner or operator of a petroleum refinery shall ensure the Emergency Response Program includes provisions that address the following components for the geographic zone designated in Section 2765.3(b):

(1) An effective outreach program in the primary and secondary zones and notification systems in the primary zone that informs the public of potential hazards, the means by which they will be notified in the event of a release or threatened release, actions they should take, and how to obtain additional information. The community outreach program shall include provisions that address:

(A) The use of multiple languages;

(B) The use of multiple and varying communication technologies;

(C) Communication and recommendations for people with functional and access needs;

(D) Communication with emergency response agencies and organizations, the

community and institutions including, but not limited to, local medical facilities, schools, transit agencies, railroads, utilities, employers who may have workers in the field and areas where populations congregate, such as sporting, shopping, and cultural venues;

(E) Regular testing and maintenance schedule of existing physical and technological communications; including coordination with the UPA;

(F) Potential gaps in the community outreach and notification systems identified;

(G) Plans to minimize or eliminate potential gaps in the community outreach and notification systems as identified in subsection (F).

(2) Procedures and measures for emergency response shall contain provisions for the establishment of an Unified Command within the Standardized Emergency Management System when multiple agencies may be involved in responding to an incident, and shall specifically describe how the mandated needs, policies, procedures, and guidelines of response and regulatory agencies are incorporated into the emergency management organizational structure.

(A) Refinery shall provide information on the chemical release and full disclosure of available health information, regardless of trade secrets.

(3) Identification and documentation of the process for accessing sufficient resources available to address onsite and offsite impacts, and how those resources fit into the emergency management organizational structure (including readiness, capabilities and capacities), within the geographic zones designated in 2765.3(b). Resources shall include those under the direct control of the petroleum refinery and those resources that can be immediately accessed by the petroleum refinery, including:

(A) Identification of mutual aid providers;

(B) Identification of external response organizations;

(C) Materiel and trained personnel, based on the expected emergency management, response, support job functions and type of release;

(D) Interoperable communications between the petroleum refinery and the local emergency responding agencies and other private and non-governmental organizations that will support emergency response activities;

(E) Types and amounts of response equipment;

(F) Availability of medical and emergency medical services, including

decontamination of contaminated victims; and

(G) Resources needed for demobilization.

(4) Training and competencies for personnel relevant to their expected job functions regarding emergency management, response and support, including, but not limited to:

(A) The Standardized Emergency Management System;

(B) The National Incident Management System; and

(C) Applicable worker safety standards.

(5) A master schedule and procedures for conducting annual drills and exercises to maximize the safe and effective response to a release or threatened release. Drills and exercises shall:

(A) Be modeled after drills, tabletop, functional, and full scale exercises as defined in the Homeland Security Exercise Evaluation Program, MARSEC, or other recognized program;

(B) Assess plans, materiel, and training competencies for the petroleum refinery, responding, and supporting organizations relevant to emergency management, response, recovery, and support functions;

(C) The petroleum refinery shall incorporate worker and community safety elements into the drills and exercises.

(D) Test organizational capabilities and capacities, including notification systems and procedures;

(E) At least once triennially, conduct a full scale exercise, involving external resources and organizations involved in emergency support and response, including: air districts, fire department(s) or other governmental and non-governmental agencies, and responding and supporting personnel and non-governmental organizations (NGO's);

(F) Include a description of the process used to evaluate the effectiveness of drills and exercise; and an improvement plan.

(6) Plans and procedures, including provisions for ensuring fixed and mobile emergency air monitoring and detection systems, both within the petroleum refinery and in the area within the geographic primary zone designated in 2765.3(b).

(d) The owner or operator of the petroleum refinery shall closely coordinate with the UPA to ensure the required documentation for the Emergency Response Program

is sufficient to comply with this section.

(e) Existing documents to meet some, or all, of the requirements of this section as appropriate may be included as appendices.

NOTE: Authority cited: Section 8585, Government Code; Sections 25531 and 25534.05, Health and Safety Code. Reference: Section 8585, Government Code; Sections 25531 and 25537.5, Health and Safety Code; and Section 68.95, Part 68, Title 40, Code of Federal Regulations.