

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM

Requested by: **Mayor Patterson** _____

Desired Initial Council Meeting Date: **May 23, 2016** _____

Desired Date for Second Step or Policy Calendar Review: **July, 2016** _____

Deadline for Action, if any: _____

Problem/Issue/Idea Name: **Industrial Safety Ordinance** _____

Description of Problem/Issue/Idea: Consider Council adoption of an ISO

Time has shown that Benicia needs to have an Industrial Safety Ordinance. This was considered in the early 2000s but no action was taken.

Recent events are compelling for adoption of an ISO modeled on the Contra Costs ISO. See the link below. Unlike the other 4 refineries in the Bay Area (all in Contra Costa County), Valero is an "integrated refinery" where power loss in one area of the refinery impacts the whole facility. In other refineries in the Bay Area, power outages can be isolated to parts of a refinery.

The 4 refineries in Contra Costa are subject to the local Industrial Safety Ordinance (ISO) (which is built upon authority under the California Accidental Release Prevention Program). According to BAAQMD, Stationary Source Committee Chair John Gioia (and past chair of the board) CCC ISO is the STRONGEST local refinery safety ordinance in the United States and has been recognized as such by the U.S. Chemical Safety Board. Gioia writes, "The ISO has improved refinery safety in Contra Costa County since its adoption 1999. The number of serious accidents has decreased during this time."

The State of California has been considering adopting parts of it into statewide law to apply to all refineries. This ordinance was passed by the CC Board of Supervisors in 1999 and is a risk based program and requires that refineries install "inherently safer systems." It has many beneficial elements which make refineries safer. We should consider adopting such an ordinance.

In Contra Costa, the 3 refineries in the unincorporated area are subject to the ordinance; the Chevron Refinery in Richmond is subject to the Richmond version of the ordinance (they adopted the County ordinance). The Contra Costa Hazardous Materials Division (which employ trained engineers) implements and enforces the ordinance at all 4 refineries.

There has been pressure around the state to adopt the regulatory safety structure of the ISO. I believe the public interest and safety (of both Solano and Contra Costa residents) would be served if Benicia had such an ordinance.

<http://cchealth.org/hazmat/iso/>

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COUNCIL DIRECTION

- No Further Action
- Schedule for Second Step on _____
- Schedule for Policy Calendar Review on _____
- Refer to: Staff _____
 Commission _____
 Board _____
 Committee _____

Date Due: _____