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COUNTY OF CONTRA COSTA

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CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

July 30, 2024

Peter Appert, Foreperson
2024-2025 Civil Grand Jury
725 Court Street P.O. Box 431
Martinez, CA 94553-0091

VIA EMAIL AND US MAIL

RE: Grand Jury Report No. 2404, County Petroleum Refineries and Hazardous Material Releases: Improving the Hazmat Response.

Dear Mr. Appert:

In response to your letter dated June 12, 2024, wherein you submitted findings and recommendations regarding County Petroleum Refineries and Hazardous Material Releases: Improving the Hazmat Response, please see the responses below:

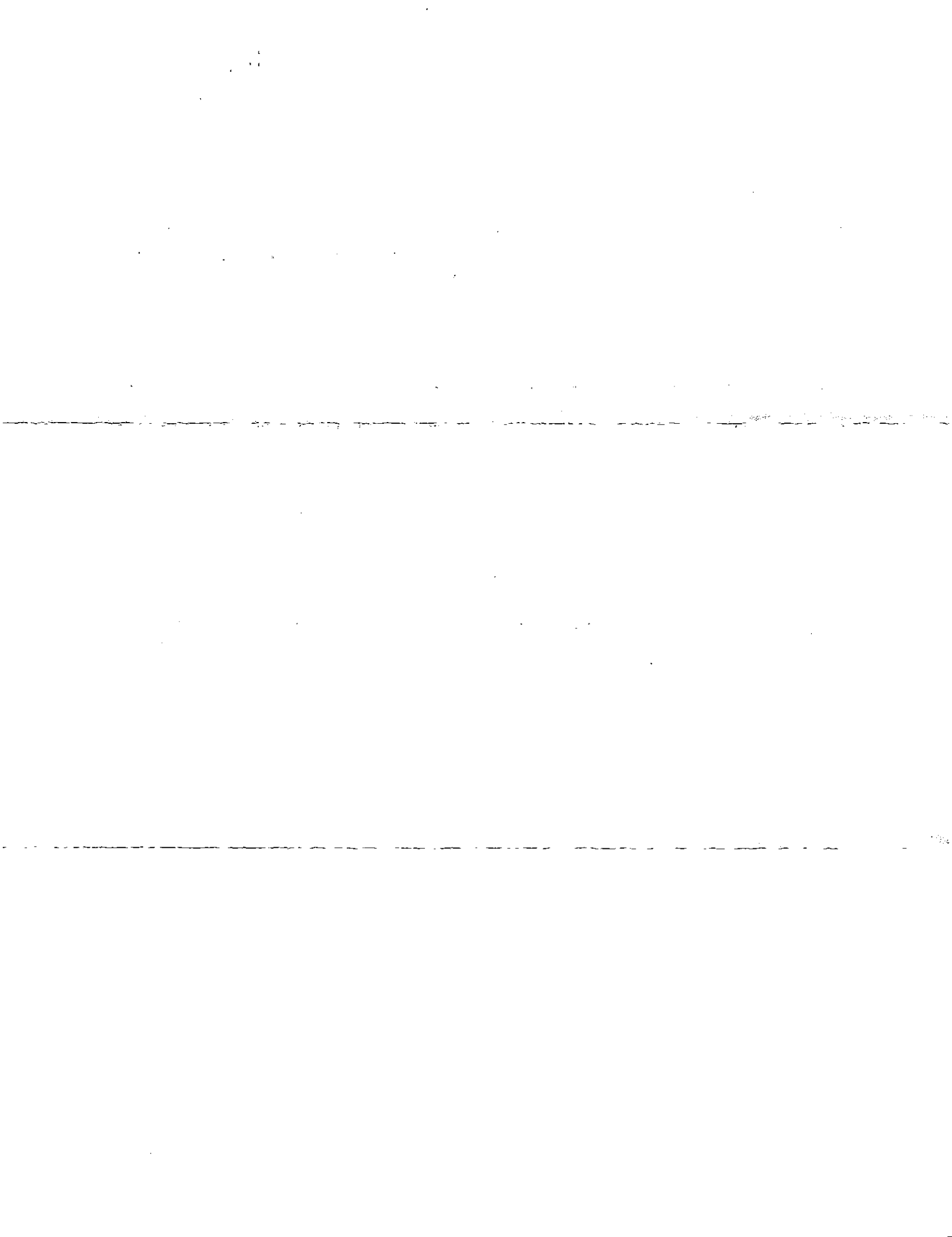
Findings:

F1. An opt-out rather than an opt-in system for all cell phone numbers of county residents should increase the percentage of residents receiving accurate and timely information regarding hazardous material releases.

Response: Agree with the finding. The CWS Unit utilizes various tools and communication pathways, such as Wireless Emergency Alerts and the Emergency Alert System, to reach Contra Costa County residents and visitors without requiring them to opt-in. Although we agree with the finding, it is important to note that an opt-out system does not ensure recipients will notice or read such information promptly or prefer to receive such information, either initially or in the future.

F2. A Level One incident that may include flaring, fire/smoke/plume, odors, or other conditions that can be observed or sensed by the public off site is not presently reported by CWS to landline telephones or registered cell phones, and the system can be modified to do so.

Response: Agree with the finding. The CWS Unit is currently working with Contra Costa Health Services Hazardous Materials Program (HazMat) to develop a process for opt-in Level One notification to the public via text messages and email. We anticipate a six-month timeline for technological changes to the system, testing, and implementation.



Recommendations:

R1. By March 31, 2025, the Board of Supervisors should develop a plan to modify CWS so that it automatically registers all available contact data for all county residents and businesses into CWS and provides a mechanism for residents and businesses to opt out of the automatic registration process.

Response: The recommendation requires further analysis. This recommendation is directed to the Board of Supervisors and does not direct the Office of the Sheriff or the CWS Unit to act. The Board of Supervisors likely does not have the technological expertise or knowledge of the system to implement such a plan. Additionally, a legal analysis by County Counsel would be necessary to ensure the County has the authority to capture contact data for all county residents without their consent using CWS. Last, Contra Costa County CWS is within State and Federal industry standards with the current combined opt-in and opt-out system structure.

R2. By December 31, 2025, the Board of Supervisors should complete the implementation of the plan to modify CWS so that it automatically registers all available contact data for all county residents and businesses into CWS and provides a mechanism for residents and businesses to opt out of the automatic registration process.

Response: The recommendation requires further analysis. This recommendation is directed to the Board of Supervisors and does not direct the Office of the Sheriff or the CWS Unit to act. The Board of Supervisors likely does not have the technological expertise or knowledge of the system to implement such a plan. Additionally, a legal analysis by County Counsel would be necessary to ensure the County has the authority to capture contact data for all county residents without their consent using CWS. Last, Contra Costa County CWS is within State and Federal industry standards with the current combined opt-in and opt-out system structure.

Please let me know if my staff or I can be of any further assistance.

Sincerely,

DAVID O. LIVINGSTON, Sheriff-Coroner



Jose Beltran, Assistant Sheriff
Support Services Bureau

JB:sl