

## **Hazardous Materials Commission**

### **Draft Minutes**

Planning and Policy Development Committee

March 16, 2022

#### **Members and Alternates:**

**Present:**, Don Bristol, Ken Carlson, Mark Hughes, Jim Payne, Ron Chinn (alternate), Ed Morales (alternate)

**Absent:** Mark Ross, Jonathan Bash (represented by alternate), George Smith (represented by alternate)

**Staff:** Michael Kent, Matt Kaufmann,

**Public:** Jan Warren

#### **1) Call to Order, Announcements:**

Commissioner Hughes called the meeting to order at 4:03 (Chairperson Payne was on the phone)

Michael Kent announced:

- The General Public Alternate seat and the Environmental Justice seat flyer have been sent out to all the Commissioners and an interested parties list.
- The Sustainability committee of the Board of Supervisors will meet on March 28<sup>th</sup> at 1:00 to review the draft Climate Action Plan.
- The Hazardous Materials Program will host an on-line public meeting to discuss ISO and CalARP audits on March 31<sup>st</sup> at 6:00 pm.
- On April 13<sup>th</sup> at 6:30 the Planning Commission will meet to discuss the draft Health and Safety Element for the update to the General Plan.

#### **2) Public Comments: None**

#### **3) Approval of Minutes:**

The minutes from the January 19, 2022 meeting were moved by Commissioner Morales, seconded by Commissioner Bristol and approved 4-0-1 with Commissioner Chinn abstaining.

#### **4) Old Business:**

##### **a) Elect Committee Chair and Vice-Chair**

Michael Kent provided the committee with the findings of the research he did on this issue:

Commissioner Carlson made a motion, seconded by Commissioner Bristol, to nominate Commissioner Payne as Chair of the Committee and Commissioner Hughes as Vice-Chair of the committee. The motion carried 6-0.

**b) Discuss potential hazardous of marijuana processing waste**

Michael Kent said he spoke with Nick Crain from the Riverside County CUPA who told him that after AB 318 failed, which would have provided an exemption from hazardous waste laws for marijuana plant waste, the CUPAs have not tried to introduce new legislation and are in a holding pattern.

Commissioner Carlson said that part of the fear around the plant waste is that it could get into the leachate at compost facilities and affect the waste water systems. There is a Byron composting facility that could impact the delta if marijuana plant waste was going to it. Commissioner Bursan thought that maybe other states like Oregon and Colorado may have data on this issue.

**5) New Business:**

**a) Review and consider recommendations for the hazardous materials-related sections of the draft Contra Costa County General Plan Stronger Communities Element being reviewed by the Planning Commission**

The committee reviewed two policy recommendations they made to the Board of Supervisors in a letter dated March 1, 2021 that could have been included in the Stronger Communities Element. However, staff reported that these policies were not addressed in the Stronger Communities Element. The Committee directed staff to reach out to the Department of Conservation and Development staff working on the General Plan update to find out if these policy recommendations were reviewed, if so, if they were rejected and why, or if they are going to be addressed in the Health and Safety Element which is due to come out in April.

**b) Review and consider recommendations for proposed household lithium-ion battery legislation**

The committee reviewed the text of SB 1215 and AB 2440.

Commissioner Bristol asked if the committee felt if the Board of Supervisors writing to the Legislature about a particular bill based on the recommendation of the Commission would make a significant difference and is worth doing. Commissioner Carlson said that he thought that based on his experience as an elected official that it does make a difference and encouraged the committee to consider developing recommendations about the bills.

The committee asked staff to find out if the bill intends that the producers of products with embedded batteries be covered by the legislation, or just the producers of the batteries in products with embedded batteries be covered by the legislation.

The committee decided to consider the bills again at their next meeting once this research had been completed.

**c) Review and consider recommendations for proposed PFAS legislation**

The committee reviewed the text of the three bills. Commissioner Chinn raised concern over one of the potential definitions of whether a product was covered by the legislation, which was:

The presence of PFAS in a product or product component at or above the practical quantitation limit, as measured in total organic fluorine.

He thought this definition was problematic in that different labs could have different detection limits, and there was no standard methodology established for measuring PFAS.

The committee agreed, and directed staff to find out why this definition was used. They asked that this item be put back on the agenda for their next meeting.

**6) Reports from Commissioners on matters of Commission interest:** None

**7) Plan Next Agenda:** The Committee will review the lithium-ion battery legislation and the PFAS legislation, and will review the draft Health and Safety Element of the updated General Plan for Contra Costa County.

**8) Adjournment** – The meeting was adjourned at 5:15.