

Hazardous Materials Commission

Draft Minutes Operations Committee

January 13, 2023

Members and Alternates

Present: Marielle Boortz, Maureen Brennan, Fred Glueck, Steve Linsley, Madeline Kronenberg (alternate)

Absent: Tim Bancroft, Labor seat (vacant), City Seat (vacant)

Staff: Michael Kent

Members of the Public: Asha Setty, Kathy Petricca, Paul Kilkenny

1) Call to order, announcements:

Commissioner Glueck called the meeting to order at 10:03 am.

Michael Kent announced:

- The Board of Supervisors Ad Hoc committee on the ISO and CWS met yesterday and discussed the upcoming consultant review of the February 9, 2021 Chevron oil spill and the process for conducting a root cause analysis and risk assessment of the November 24, 2022 catalyst release from MRC.
- The next Commission annual Supervisor meeting will be with Supervisor Andersen in the near future.
- Commissioners should provide short bios of themselves to help the interns decide who they would like to conduct informational interviews with.
- The next meeting to discuss addressing bulk chemical storage in the ISO will be on January 25th at 9:00 am.

2) Approval of Minutes:

Approval of the minutes from the November 11, 2022 meetings were moved by Commissioner Linsley, seconded by Commissioner Boortz and approved with corrections by a vote of 4-0.

3) Public Comments:

4) Old Business:

None

5) New Business:

a) **Presentation by the Department of Toxic Substances Control about contaminated site clean-up community engagement**

Asha Setty from DTSC gave the presentation. She began by explaining that she has been doing community engagement with DTSC for 7 years and is responsible for several sites in the Richmond area. DTSC normally has 5 Community Outreach Specialists for Northern California, but currently has two vacancies. They are in the Office of Environmental Equity, and the recently created Board of Environmental Safety will have a role in shaping the way they do their work. They also work closely with the Regional Water Quality Control Board on site clean-up community engagement.

Ms. Setty gave a brief ppt presentation that outlined the steps in DTSC's community engagement process for a contaminated site (attached).

Commissioner Glueck thanked her for her presentation and asked if any Commissioners had questions.

Commissioner Boortz let Ms. Setty know that she appreciates the work that she has done.

Commissioner Glueck asked if there is any existing or proposed legislation that would allow a site clean-up to proceed without legal appeal or lawsuits if a use for the site has already been approved by the local jurisdiction. Ms. Setty gave the example of site in Morgan Hill to make her point. She said members of the community sued several entities, which delayed the process, but eventually the site was cleaned up. She said that in her experience, site clean-up might get delayed, but never stopped. She doesn't know of any legislative efforts that would stop people from being able to sue over a clean-up plan.

Michael Kent asked about what type of technical assistance is available to communities to engage in review site clean-up plans. Ms. Setty said that there is a Vulnerable Communities Initiative being implemented by the State that is supposed to be developing technical assistance programs. There has been a polling session conducted to gather public input on the proposed process. There might be a reassessment made of the approach due to community feedback.

Michael Kent also asked what she thought of a recommendation the Commission made in 2010 when they did their first report on Brownfield policy that would have resulted in the date of a site's 5-year review be listed on the summary page of sites in Envirostor. He said the Commission made this recommendation so that it would be easier for community members to find out when a 5-year review was being scheduled for various sites. He said that five-year reviews are now especially important as the potential impacts of sea level rise and groundwater intrusion into previously cleaned-up sites need to be accounted for. Ms. Setty asked him to send her a screen shot of the summary page from Envirostor where he thought five-year review times could be listed. He agreed to do so.

Ms. Setty was asked what is the responsibility of the responsible parties in engaging the public. She said it really depends on the responsible party. For instance, DTSC contracts for translation at their meetings and it is a challenge to have sufficient funding. They are hoping to get more support from responsible parties for doing translation, but they need to make sure that the quality is still good.

Michael Kent asked how a Community Advisory Group is formed. Ms. Setty said she would have to get back to us with more information about that because she has only been working with a CAG for a short period of time. But she added that DTSC has limited funding to support CAGs. The CAGs are supposed to organize themselves, and DTSC doesn't want to impose their perspective on them. DTSC does want CAGs to be well-representative of the community, and that be hard to sustain over time. She has noticed that younger people like to get their information and be involved in ways that are different than for older people, and those ways of being involved can sometimes be hard for older people to understand. She wonders if CAGs are becoming an outdated too. But she also added that every community is different. She said she had a CAG handbook she could send the Commission. Commissioner Linsely noted that the Richmond South Shoreline Area CAG that he represents had to take over responsibility of their operations because there was lots of staff turnover at DTSC.

She did note that she was recently contact by two retired Water Board staff who wanted to volunteer to help communities to review technical documents. She said she had contacted Health Contra Costa to see if they would like to advantage of this offer. She also said that their new Deputy Director wants to be able to use more modes of communication to reach out to communities.

b) Continue debrief on the interview process for the student intern seat

The committee continued to reflect on the process they just went through to screen and interview the 26 candidates for the 2 student intern seats, focusing on the question of whether the internships should be geared to High School or College students.

Commissioner Boortz thought that it is important that college candidates live in Contra Costa County.

Commissioner Glueck said he would like to see the internships geared toward High School students. He sees college students as looking more for an experience to put on their resumes, while High School students may be more interested in learning, and the internship may help with their growth.

Commissioner Brennan observed that the High School students that applied had little experience with environmental issues while college students had more understanding of policy issues. But on the whole, she felt that the internships should be offered to both and both have lots to offer and to learn.

Commissioner Kronenberg thought that the Commission should continue to offer the internships to both High School and College students. But she thought High School students were more likely to share what they learned with their teachers and fellow students.

Commissioner Glueck thought it might be a good idea to ask the County Supervisors their opinion on this issue.

c) Review the process for recruiting and interviewing candidates for the Environmental Justice Alternate seat.

The committee reviewed a recruitment flyer that was previously developed for the Environmental seat in anticipation of recruiting candidates for the EJ alternate seat that was vacated by Heather Youngs. They modified the language to be appropriate for an alternate seat, decided to keep the recruitment period open till March 1, 2023, conduct interviews at the Operations committee on March 10, 2023 and take the committee's recommendation to the full Commission on March 23, 2023. The committee felt the recruitment strategy that was previously developed for the EJ seat should be continued for this recruitment.

6) Plan Next Agenda: The committee will try to have a speaker on brownfield clean from the Richmond South Shoreline CAG. Also they will elect a committee chair. The committee also wanted a speaker to either update them on the Community Warning System or the County Pharmaceutical Ordinance.

7) Adjournment: The meeting was adjourned at 12:00 pm.