

Hazardous Materials Commission

Draft Minutes Operations Committee

April 14, 2023

Members and Alternates

Present: Maureen Brennan, Fred Glueck, Julian Vinatieri

Absent: Marielle Boortz, Antony Tave, Environmental Org seat (vacant)

Staff: Michael Kent, Adam Springer

Members of the Public: Tim Bancroft via Zoom (as a member of the public)

1) Call to order, announcements:

Commissioner Glueck called the meeting to order at 10:02 am.

Michael Kent announced:

- The Board of Supervisors ISO/CWS Ad Hoc committee meets on April 20th at 9:00.
- The Board of Supervisors TWIC committee meets on May 8th to consider adopting the AIA pipeline safety website.

Commissioner Glueck announced that the Chevron incident report from the February 9, 2021 oil spill is being reviewed by the County's consultant, Acutech.

2) Approval of Minutes:

Approval of the minutes from the March 10, 2023 meeting were moved by Commissioner Brennan, seconded by Commissioner Vinatieri and approved by a vote of 3-0.

3) Public Comments: None

4) Old Business:

a) Review and continue to discuss Brownfield clean-up policy

Commissioner Glueck, reflecting on what activity has happened since the Commission published its report on Brownfield Policy in 2010, didn't think the Board of Supervisors wants to push brownfield redevelopment and was leaving it to private developers to push it. He thought that maybe a grading system for sites in the County as to their potential for reuse might be helpful. He was not sure why communities opposed redevelopment.

Commissioner Brennan observed that many communities are using brownfield sites for solar farms. She noted that Supervisor Burgis has told the Commission that she is very supportive of

brownfield redevelopment. Commissioner Brennan said that she is concerned about brownfield reuse as residential areas, but other industries make sense. She thought the presentation that Commissioner Linsley gave about his community's experience with the cleanup of the Zeneca site was heartbreaking because of the lack of progress over the last 20 years. She thought in that case they should prohibit residential development.

Commissioner Glueck thought that if the County is going to support redevelopment at a site, they need to do aggressive communication to the community. But he doesn't like communities leveraging projects. He thinks the Department of Conservation and Development should be more involved with community engagement during the clean-up process.

5) New Business:

a) Discuss Community Warning System Emergency notification policy issues related to Level 1 releases.

Adam Springer, Hazardous Materials Program Assistant Manager, gave a detail explanation of the different levels of notification for the CWS, what level of community impact they imply and what type of communication to the public is provided for each level. (ppt attached).

Commissioner Glueck asked if the CWS can be used for rail or highway incidents. Mr. Springer said that the CWS is used for these incidents, the only difference is that instead of being notified by a facility of the incidents, the Hazardous Materials Program is usually notified of these types of incidents by law enforcement or the State Office of Emergency Services.

Commissioner Glueck then put forward for discussion whether the CWS should only be used to notify the public for incidents needing an emergency response by the public (Level 2 and Level 3 incidents) or if, as has been suggested, the CWS be used to notify the public when there are Level 1 incidents for people that want to know about every type of incident.

Commissioner Brennan said that many impacts are from odorless and colorless chemicals, so incidents need to be monitored and data sent to the public when it becomes available because the public has the right to know what has been released into the air. Commissioner Bancroft responded that the Air District has rules for monitoring air pollution, but that the Community Warning System is for warning people when they need to take action.

Commissioner Brennan also said that she thinks the health criteria used for determining what level a release should be classified as are too lax. Mr. Springer said the Hazardous Materials Program consults with the County Health Officer to determine the appropriate CWS level, and they use established health impact criteria published by the Office of Health Hazardous Assessment to determine what the impact to the community will be.

Commissioner Vinatieri thought that possibly notifying the public about Level 1 flaring events would be helpful, but constant notifications could cause chaos. Mr. Springer informed the committee that for Level 1 flaring events lasting longer than 20 minutes, information is put on the CWS website letting people know that the County is aware of the incident and is monitoring it.

Michael Kent let the committee know that the Bay Area Air quality Management District has formed an Ad Hoc committee of their directors to see what additional air monitoring capabilities the Air District may want to develop to aid during an incident.

The committee agreed that when CAER takes up discussing the issue of whether to use the CWS to notify the public of Level 1 flaring events that the key question is the balance between people's right to know and the potential negative unintended consequence of overusing the CWS. They agreed that other ways of notifying the public of Level 1 flaring events should be considered to avoid this negative unintended consequence.

- 6) **Plan Next Agenda:** The committee will interview candidates for the open Environmental Organization seat and Environmental Organization alternate seat, and the open General Public alternate seat.
- 7) **Adjournment:** The meeting was adjourned at 12:01 pm.