

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
September 24, 2020

Members and Alternates Present: Jonathan Bash, Audrey Comeaux, Fred Glueck, Mark Hughes, Steve Linsley, Gabe Quinto, Mark Ross, George Smith, Leslie Stewart, Marj Leeds (alternate), Ed Morales (alternate), Rita Xavier (alternate)

Absent: Rick Alcaraz, Jim Payne, Don Bristol (represented by alternate)

Staff: Michael Kent; Matt Kaufmann,

Members of the Public: Lisa Park, Nigel Jesson, Bret Andrews, Jon Wilson, Jan Warren, Shoshana Wechsler, Jeff Mann, Avery Colter, Elsa Kleeman, Jovita Mendoza

1. Call to Order: Commissioner Smith called the meeting to order at 4:10

Announcements and Introductions:

Michael Kent announced:

- The Board of Supervisors' Sustainability Committee will be meeting September 29th at 3:00 pm via Zoom.
- DTSC sent out a Work Notice for the Chevron waste ponds that staff e-mailed to Commissioners.
- The Bay Area Air Quality Management District just released their 2019 annual Air Pollution Summary that can be found on their web site.

Commissioner Hughes announced that the Industrial Association hosted their annual Mayors Forum this morning, and had 35 participants. The Mayors of Concord, Pleasant Hill, Hercules, and San Pablo attended. On October 22nd they will be hosting Congressman Mike Thompson from 10:30 – 12:00, and on November 12th they will be hosting their annual Board of Supervisors forum from 10:30 – 12:00.

Commissioner Smith announced that Phillips 66 had announced that they are going to be converting to using a renewable feedstock in 2023. He said Commissioner Bristol has agreed to make a presentation on the conversion at a future Commission meeting.

2. Approval of the Minutes:

A motion was made by Commissioner Glueck and seconded by Commissioner Quinto to approve the minutes for the February 27, 2020 meeting. The motion passed 7-0 with Commissioners Leeds, Ross and Linsley abstaining. A motion was made by Commissioner Hughes and seconded by Commissioner Glueck to approve the minutes for the June 25, 2020 meeting. The motion passed 9-0 with Commissioner Leeds abstaining.

3. Public Comments: None

4. Hazardous Materials Program Director Report

Matt Kaufmann reported:

- The Hazardous Materials Program is doing inspections again, but at a reduced capacity, because 15 – 20 % of inspectors are still acting as Disaster Services Workers addressing the COVID 19 pandemic. They have safety protocols in place for doing inspections, and are focusing on high priority businesses. They now also have 24/7 coverage for their hazardous materials response team.
- He has been appointed as permanent Director of the Hazardous Materials Programs. They are not going to backfill his old position as Assistant Director. They are adding 3 supervisors instead to oversee 19 Hazardous Materials Specialists.
- They had one Accident Prevention Specialist leave in March and they have not filled the position yet.
- Hazardous Waste management fees are due from businesses on October 9th and they think that about 125 businesses will close due to the pandemic.
- There was significant flaring from the Chevron refinery on August 14th at 11:15 am for about 90 minutes. Hazardous Materials Specialists monitored for particulates and sulfur in the air in communities around the refinery, and they also monitored the fence-line monitoring system for higher readings. They found no significant impacts from the flaring. Most of the smoke went up and over the Bay. They have asked Chevron for a 72-hour report on the incident.
- He thinks there will be a final report by the end of the month on the NuStar fire that occurred in Crockett in October, 2019. ConFire is the lead agency, and is working in cooperation with CalOHSa, ATF, CARB and them.
- The Phillips 66 and Marathon refineries have announced they are converting to refining renewable fuels. His staff is engaged in discussions with both refineries about regulatory requirements and permits.

5. Operations Committee Report:

The Operations Committee met on September 11th and reviewed their priorities for the year. The committee did not remove any issues from their priority list, but they added two priorities which are to review the County's Hazardous Waste Management Plan and to look at the impacts of groundwater intrusion on hazardous waste sites in the County. They also interviewed one candidate for the student intern seat and reviewed the status for the other open or expiring seats on the Commission.

6. Planning and Policy Development Committee Report:

The committee met on September 16 and reviewed their priorities for the year. The committee did not remove any issues from their list, but they agreed that the review of the implementation of the SB 1000 requirements in the General Plan should include an update on the overall implementation of the General Plan. Commissioner Smith suggested that a good future topic

could be a presentation on the announced transition of Phillips 66 refinery to processing biofuels. Commissioner Bristol said that he would be able to do that. The committee also reviewed the County's Legislative Platform and developed recommendations for the Commission to consider.

7. Old Business:

a) Presentation on the potential environmental and health impacts of oil and gas exploration in East Contra Costa County

Commissioner Ross had to leave the meeting early, but expressed his concern about the health impacts of oil and gas exploration.

The Commission received 3 presentations on the topic. The first was by Jon Wilson, a resident of a Brentwood neighborhood right next to a proposed oil and gas exploration site and a member of No Drilling in Brentwood. He gave a ppt presentation (attached) about the historic and potential impacts of having oil and gas exploration near his neighborhood. He said that he has asked the City of Brentwood about any monitoring results they have for the wells, but couldn't find any evidence of this. He said people in his neighborhood can smell methane in the air and that many homes in the neighborhood are settling.

The next ppt presentation was by Jeff Mann, MD who is a member of Climate Health Now. His presentation (attached) summarized the results of a number of studies that examined the health impacts of oil and gas exploration.

His group is recommending that:

- The Hazardous Materials Commission recommend to the Board of Supervisors that they reject the proposed oil well in Brentwood.
- The Board of Supervisors impose a moratorium on oil and gas well drilling in Contra Costa County at least during the COVID 19 crisis, due to the increased health risks, especially on the respiratory system.
- There be imposed a minimum 2500 foot setback requirement for any further oil and gas well drilling.
- The Board of Supervisors strongly consider a permanent moratorium on further oil and gas well drilling in Contra Costa County.

The final presentation was from Bret Andrews, DO, also a member of Climate Health Now. His ppt presentation (attached) was focused on the health effects of fossil fuels and the impacts of climate change. In addition to the recommendations of the previous speaker, he made the following recommendations.

- Adopt a goal of phasing out oil and gas production and consumption completely as quickly as possible in Contra Costa County with assertive actions before 2030.

- To achieve that, they recommend the Board of Supervisors take any measure it can to further the goals of moving away from fossil fuel production and consumption in Contra Costa County with a Just Transition:
 - All electrification and alternative energy
 - Living wage jobs in the transition and in the future
 - Protecting vulnerable populations

The Commission then asked questions of all three presenters.

Commissioner Smith asked Mr. Wilson if his home was new when he bought it. Mr. Wilson said that yes, his home was new in 2002 when he bought it. The developer did them them about the previous wells, but misled them about the level of extraction. They told him his house wasn't over a well, so he wouldn't be affected. They minimized the impacts of the wells. But they did show him the maps of the neighborhood with the location of the previous wells.

Commissioner Leeds asked Mr. Wilson if the gas in their neighborhood contains hydrogen sulfide. Mr. Wilson said he doesn't know because neither he nor the City of Brentwood has any monitoring equipment.

Commissioner Glueck asked Mr. Wilson the distance from the wells to homes in the original photo from his presentation. Mr. Wilson didn't know, but the proposed wells will be less than 1000 feet. Commissioner Glueck then asked the capacity of the wells. Jovita Mendoza said that the EIR that is due out in October should include this information. She said the proponent wants to initially run three wells and then keep going. Shoshana Wechsler added that the closest house to the original wells was less than 1000 feet and less than a mile from the Kaiser hospital. The negative declaration that was initially issued for this proposal didn't go into specifics.

Commissioner Leeds asked where the proposed project is in the CEQA process. Shoshana Wechsler said the draft EIR is due out in October. Commissioner Smith asked if she knew which consultant was preparing the draft EIR. She said that she did not. He then asked if there was public comment on the Negative Declaration. Jovita Mendoza said there was a comment period that was extended once.

Commissioner Quinto said he shared the concern expressed by Commissioner Ross about drilling, and he would like to see the County reject the proposal. Commissioner Hughes said he would like to hear from the proponents of the project first. Commissioner Quinto agreed, but said the Commission needs to think of the safety of the residents.

Commissioner Xavier expressed her opinion that she wouldn't want a project like this in San Pablo.

Commissioner Glueck said he would like to support Commissioner's Hughes recommendation to hear from the proponent and to review the EIR. The Commission agreed and directed staff to request a presentation from the proponent.

8. New Business:

a) Consider and provide input on the preliminary recommendations of the Planning and Policy Development committee concerning the County's Legislative Platform.

The Commission reviewed the preliminary recommendations on the County's State and Federal Legislative Platforms that were described in the attached minutes from the September 16, 2020 Planning and Policy Development committee meeting. They also reviewed two additional recommendations from Matt Kaufmann, Hazardous Materials Programs Director:

1. WASTE MANAGEMENT: SUPPORT legislation that protects human health and environment from exposure to hazardous materials/wastes.
2. CLIMATE CHANGE: SUPPORT continued efforts to implement AB 913 (Feuer), the development of a California Green Business Program, that recognizes and promotes businesses that meet high sustainability standards including, but not limited to, pollution prevention, increased energy efficiency, reduced greenhouse gas emissions, promotion of water conservation, and reduced waste generation.

Commissioner Quinto said he supported the proposed recommended changes by the Planning and Policy Development committee and by Matt Kaufmann.

Commissioners were informed by staff that if they have any other recommended changes or additions they would like the Planning and Policy committee to consider at their October 21st meeting they should forward them to staff by October 14th. The committee will develop final recommendations at their October 21st meeting to be considered by the full Commission at their October 22nd meeting.

9. Reports from Commissioners on Matters of Commission Interest

None

10. Plan Next Agenda:

The committee will review the recommendations from the Operations committee on the seats up for nomination; will review the Environmental Justice goals, policies and actions proposed for the General Plan update; will consider the recommendations from the Planning and Policy committee on the County Legislative platform; and will invite the proponents of the oil and gas project near Brentwood to speak about the health and safety concerns about their project.

11. Adjournment: The meeting adjourned at 6:00 pm.