

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
October 22, 2020

Members and Alternates Present: Jonathan Bash, Don Bristol, Audrey Comeaux, Fred Glueck, Mark Hughes, Steve Linsley, Gabe Quinto, George Smith, Leslie Stewart, Edi Birsan (alternate)
Absent: Rick Alcaraz, Jim Payne, Environmental Justice Seat (vacant), Mayors Conference seat (vacant)

Staff: Michael Kent; Matt Kaufmann,

Members of the Public: Lisa Park, Marielle Boortz, Sara Gurdian

1. Call to Order: Commissioner Smith called the meeting to order at 4:05

Announcements and Introductions:

Michael Kent announced:

- The Environmental Health Department will be hosting a meeting to discuss the findings of an audit to determine if radioactive material may have been disposed of in the Kellar Canyon landfill from Hunters Point Naval Shipyard on Monday, November 9th at 6:00pm via zoom.

Commissioner Hughes announced that the Industrial Association will be hosting their annual Board of Supervisors forum from 10:30 – 12:00 on November 12th.

2. Approval of the Minutes:

A motion was made by Commissioner ?, and seconded by Commissioner ?, to approve the minutes for the September 24, 2020 meeting. The motion passed 9-0 with Commissioner Birsan 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 5 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. The Accident Prevention program is doing their document reviews off-site and their employee interviews by Zoom.

- There have been no major accidents or releases in the last month.
- There is no update on the incident investigation of the NuStar fire. ConFire is the lead investigator.

5. Operations Committee Report:

The Operations Committee met on October 9th and conducted 3 interviews for the new Environmental Justice seat (one applicant did not show up for his interview) and one interview for the Student Intern seat. They also reviewed two applications for open Environmental Seat. They then developed recommendations for all three seats for the Commission to consider.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee met on October 21st and refined recommendations on the County's Legislative Platform for the full Commission to consider, reviewed the status of several committee priority issues, and did a cursory review of the Placeworks memo on Environmental Justice issues to consider in the update to the County General Plan.

7. Old Business:

a) Presentation on the proposal to conduct oil and gas exploration in East Contra Costa County

The presentation was given by Bob Nunn of Sunset Explorations. His company has been doing oil and gas exploration since 1986. His power point is attached.

He opened his presentation with the remark that he is working with the government to transition away from fossil fuel in the healthiest and quickest manner possible. He realizes it will take a while for this to happen.

He stressed that the concerns given in the presentations that were previously made to the Commission by concerned citizens do not apply to his project. His permit for the existing well and the application for the proposed well don't use fracking. They are looking for high quality oil in sandstone which has a specific gravity of 38 and flows naturally, and they don't use chemicals to coax the oil out of the ground. All the wastewater is collected.

He also commented on the efforts to require 2500 foot setbacks for drilling. He felt this is not justified, and attempts to enforce this setback in Colorado failed in court because there was not scientific proof that it was necessary. He also said that efforts to ban fracking in Monterey failed because of State preemption rules. He said his proposed site is 1140 feet from the nearest home.

He used data he said was developed by the California Air Resources Board to make the case the oil he would bring to market would displace the crude oil which is currently refined in California that has a higher carbon intensity. He said the 2 million barrels of crude oil he projects to produce over the 15-year life of the project will save 60,000 tons of carbon dioxide emissions as compared to the average crude oil refined in California.

Commissioner Glueck asked about the depth of the wells. Mr. Nunn said they were between 3700 and 4000 feet deep. He added that he feels the wells will be productive because the original predictions for production in that area were underestimated. These wells need to be drilled close together to be effective, and they use directional drilling to sink multiple wells from a single drilling pad to have less impact.

Commissioner Hughes asked if it were legitimate for the neighbors to be concerned. Mr. Nunn said that yes, it is reasonable for them to have concerns, but that they are not familiar with the proposed operation. They shouldn't be able to hear or see the operation, and a current study of air quality impacts at the existing well that was permitted nearby last year is showing there are no problems. The County is redoing the Negative Declaration they issued earlier this year, and is recommending he consider doing an EIR. He said he has given the County visual, noise and air quality data. He thinks the County is months away from making a decision on his permit application. (he thinks it will be some time between March and May). His said this is ok, because he can't drill till next summer anyway.

Commissioner Quinto said he was concerned about the health risks. He referred to the presentation the Commission was given in October that said Colorado established setback limits of 2500 feet. He wanted to know what was the California law? Mr. Nunn said that the setback law in Colorado was thrown out by the courts because of preemption and lack of scientific basis. There is a limit of 300 feet for a critical well and a limit of 900 feet for other wells.

Commissioner Quinto asked if he would consider moving nearby residents to other locations? Mr. Nunn said that there is no factual basis for justifying the need to do this.

Mr. Nunn was then asked where the crude oil that will be produced by these wells will go. Mr. Nunn said that there will be tanks on site to collect the crude oil, and then sent to pipelines through a closed system. There will be some water and gas also generated and this will also be sent by pipeline to west county. There should be no flaring.

Commissioner Smith observed that even at a recent proposal for a solar project, 90% of the commenters at a public meeting were against it due to what he felt was NIMBYism. So this is a wide-spread problem. Mr. Nunn agreed that with every project there are potential unintended consequences, so it is good that everyone participate and learn about what is being proposed.

8. New Business:

- a) **Consider Planning and Policy Development committee recommendations concerning the County's Legislative platform and develop recommendations to the Board of Supervisors.**

The Commission reviewed the attached recommendations on the County's State and Federal Legislative Platforms from the October 21, 2020 Planning and Policy Development committee meeting.

Commissioner Quinto made a motion to accept the recommendations from the Planning and Policy committee with the following added language inserted into the second Support measure for Transportation in the 2020 State Principles and Policy Statements: "...funding to improve the rail system to address the impacts of Sea Level Rise,...". Commissioner Bash seconded the motion and it passed 10-0.

- b) **Consider Operations committee recommendations for appointments to the open Environmental Seat, the Environmental Justice seat, and the student internship and develop recommendations to the Board of Supervisors.**

The Commission reviewed the applications of all the applicants and Commissioner Bristol made a motion, seconded by Commissioner Hughes to recommend Sara Gurdian and Health Youngs for the Environmental Justice seat and alternate, respectively; and Steve Linsley and Lisa Park for the Environmental seat and alternate, respectively, to the Board of Supervisors for appointment to the Commission; and to offer the student internship to both candidates, Kevin Hernandez and Erika Hernandez. The motion passed 10-0.

9. Reports from Commissioners on Matters of Commission Interest

Commissioner Birsan said that he had been contacted by a constituent about an odor complaint concerning the Marathon refinery. Michael Kent said that he would follow-up with him about it.

10. Plan Next Agenda:

The Commission will receive a presentation from the Department of Conservation and Development about Environmental Justice considerations in the update to the County General Plan.

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