

**Contra Costa County**  
**HAZARDOUS MATERIALS COMMISSON**

**Draft Minutes**  
April 26, 2018

**Members and Alternates Present:** Lara DeLaney, Fred Glueck, Frank Gordon, Steve Linsley, Mark Ross, George Smith, Leslie Stewart, Peter Dragovich (alternate), Lisa Park (alternate)

**Absent:** Rick Alcaraz, Jack Bean, Don Bristol, Jim Payne, Ralph Sattler, (represented by Alternate), Usha Vedagiri (represented by alternate)

**Staff:** Michael Kent, Randy Sawyer

**Members of the Public:** Julia Walsh, No Coal in Richmond; Jim Holland

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

**Announcements and Introductions:**

Michael Kent announced:

- The Board of Supervisor's Transportation, Water and Infrastructure committee accepted the Commission's recommendation to provide the California Department of Education with input on their new school siting guidelines, and a letter containing these recommendations should be approved by the Board of Supervisors next month.
- Commissioner Vedagiri has informed the Commission that she needs to resign her position effective immediately.
- The DEA is holding one day collections events for unused pharmaceuticals throughout the County this Saturday.
- There will be a community workshop on AB 617 at the Pleasant Hill Community Center at 5:30 on April 30<sup>th</sup>.
- The next meeting of the Northern Waterfront Economic Development Initiative will be on May 3<sup>rd</sup> at 1:00 at 30 Muir Road.
- Dave Hudson, former Hazardous Materials Commissioner has been appointed as the chairperson of the Bay Area Air Quality Management District this year.
- DTSC has sent out a number of announcements about clean-up sites in the county that are being distributed during the meeting.

Commissioner Gordon announced that the John Mansville site in Pittsburg that was cleaned up with some contamination in place, and thus had DTSC deed restrictions put on its use, was recently sold to a company that builds charter schools.

**2. Approval of the Minutes:**

The minutes of January 25, 2018 meeting were moved by Commissioner Gordon, seconded by Commissioner Dragovich, and passed 7-0 -2 with Commissioners Glueck and DeLaney abstaining.

### **3. Public Comments:** None

### **4. Hazardous Materials Programs Report:**

Randy Sawyer, Hazardous Materials Program Director reported:

- There was an apartment fire in Concord early in the week which caused lots of smoke. There are still about 70 firefighters on the scene dealing with hot spots. Hazmat helped with the air monitoring. They issued a Health Advisory for a mile around the site at 5:00 am because of the potential impact on people with respiratory concerns. The Health Advisory was lifted at 5:00 am. They are now developing advise about how to manage the ash, and are working with the Concord Public Works Department to clean up the ash.
- He is tracking progress of several pieces of proposed legislation at the state level:
  - AB 1202 – This would increase the statute of limitations for Above Ground Storage Tanks from one year to five years.
  - AB 3138 – This would increase penalties hazardous waste penalties and would change the standard for intentional violations from “Knowingly violate” to “Knowingly violate with reasonable notice”
  - Unknown number: Some types of tanks that were previously covered under Underground Storage Tank rules would now be covered under Above Ground Storage Tank Rules.
  - AB 2904 – This would relax the standards for prohibiting CUPAs from issue permits because of any violation to major violation. It would also give the Water Boards the ability to red tag tanks.
- The Contra Costa Fire District is getting a hazmat truck and training 22 staff on how to respond to an incident.

Commissioner Gordon asked Mr. Sawyer about an incident at the end of February concerning a leaking railcar in Pittsburg. He said that it was an empty car with some residue in it. ConFire responded and asked Hazmat to respond as well. ConFire thought another care was leaking and they asked for a Shelter in Place for 60 – 90 minutes. The Hazmat team took the valve off the tank car to allow the fumes to dissipate.

- The County will consider a marijuana Land Use Ordinance as well as an Health Ordinance at their May 8<sup>th</sup> meeting. Since it isn't considered a food, the ordinance doesn't need to address food issues. Most of the hazmat issues are addressed by state law. He is concerned about the solvents manufactures might be using to extract THC from the plant. He would like manufacturers to use non-volatile solvents.

### **5. Operations Committee Report:**

The Operations committee met in March with Lynda Deschambault of Contra Costa Climate Leaders (CCCL) to discuss their interest in enhancing information sharing of hazardous materials data for the jurisdictions in Contra Costa County. As part of this effort, they want to rate cities on various practices related to hazardous materials. The committee made comments and offered

suggestions. CCCL will follow up with staff to see what information they should collect. The Committee did not meet in April.

## **6. Planning and Policy Development Committee Report:**

The Committee did not meet in April.

## **7. Old Business:**    None

## **8. New Business:**

### **a) Update from Ellen Dempsey, Hazardous Materials Program, on efforts to address seal level rise**

This item will have to be moved to the next meeting because Ms. Dempsey was engaged in the follow-up to the Concord fire.

### **b) Presentation by Dr. Julia Walsh, No Coal in Richmond, concerning coal shipments from Richmond.**

Dr. Walsh introduced herself and indicated that in addition to being a medical doctor, she also has a Master in Public Health and taught at the University of California at Berkeley for 22 years. Her interests were in community health and global health, and cost/benefit analyses. She has been retired for two years.

Ms. Walsh then gave a power point presentation on her concerns about the coal and petroleum coke shipments being brought into Levin Terminals by rail and truck and exported by ship to other countries (attached).

Commissioner Smith asked her why there has been an increase in exports. She said international economic demand was driving the increase. Petroleum coke was going to Mexico and coal was being sent to Vietnam and China.

Commissioner Gordon mentioned that the remaining marine terminal in Pittsburg is the model for best management practice for petroleum coke loading facilities. They get petroleum coke from Shell and Andevor. She said the petroleum coke come the Phillips 66 refinery by truck. And while more dust comes from the rail shipment of coal, petroleum coke dust is more toxic. The coal comes from Utah.

She added that in 2015, Baykeeper won a law suit against Levin for putting materials in the Bay. As a result, Levin upgraded their containment system, but the settlement is closed. Shipping containers are now used as a windbreak and containment at Levin. There is one train every three days delivering coal to them.

She also explained that there have been lots of cases of spontaneous explosions happening in covered coal cars, which is why they ship the coal in uncovered containers. Containers can lose 10 – 15% of their load as dust during a long trip.

Commissioner Dragovich noted that he witnessed a coal train coming into Martinez slowly and could smell the coal ahead of the train.

She is concerned because there is now a new source of pm2.5 coming into an area that already has high pm levels, and that this is a substantial increase.

Commissioner Delaney expressed her concern about this issue and thanked the speaker for her presentation.

Commissioner Gordon said that in Pittsburg they couldn't get action out of the Air District about a coke loading facility there because the dust wasn't thick enough and there weren't enough complaints. They were able to get the facility closed because the State Lands Commission has a strong Environmental Justice program and state law prevents contaminants from going into the Bay.

Commissioner Ross concurred that usually water laws are stricter than air laws.

Michael Kent asked if she knew of the cancer potency of coal or pet coke dust. She did not, but she said there are three groups as UCB looking into particulate levels in Richmond.

Commissioner Glueck, who works near the Levin Terminal, said he has not seen visible coal dust in Richmond.

Commissioner Gordon recommended they take air samples along the rail route between Martinez and Crockett to see what the particulate levels might be. Ms. Walsh noted it is hard to obtain the rail shipping schedule.

Commissioner Dragovich explained that he has a Purple Air particulate monitor at his home, and he got a spike of pm from 10 – 50 one morning. There are a network of these monitors in Contra Costa.

Commissioner Gordon noted that Richmond has been granted permitting rights above mean high tide at the port, but the State Lands Commission still has authority over pollution. She said she doesn't know the status of their Conditional use permit. She has seen a permit from 1981 which allowed coal. In 1987 there were apparently modifications, but these aren't being made available.

Ms. Walsh concluded by stating that her group's goal is to have Levin stop shipping coal and pet coke out of their facility and to switch to something less toxic because they don't see any practical mitigations to the dust it causes. But they don't want to put Levin out of business. She feels No Coal in Oakland did two good health studies.

**9. Reports From Commissioners On Matters of Commission Interest: None**

**10. Plan Next Agenda:** Request a speaker from Levin Terminals on the topic of coal shipping, and reschedule Ellen Dempsey

**11. Adjournment:** The meeting adjourned at 5:30 pm.