

CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION

Thursday, August 23, 2018
4:00 p.m. – 6:00 p.m.

The County Connection
2477 Arnold Industrial Way, Board Room
Concord CA 94520

COMMISSION ACTION MAY BE TAKEN ON ANY ISSUE IDENTIFIED IN THIS AGENDA

The Contra Costa County Hazardous Materials Commission will provide reasonable accommodations for persons with disabilities planning to attend the Hazardous Materials Commission meetings who contact Michael Kent, Hazardous Materials Commission Executive Assistant, at least 24 hours before the meetings, at (925) 313-6587

AGENDA

1. CALL TO ORDER, ANNOUNCEMENTS AND INTRODUCTIONS
2. APPROVAL OF MINUTES: June 28, 2018
3. PUBLIC COMMENT
4. HAZARDOUS MATERIALS PROGRAMS REPORT *Randy Sawyer*
5. OPERATIONS COMMITTEE REPORT *Committee Chair*
6. PLANNING AND POLICY DEVELOPMENT COMMITTEE REPORT *Committee Chair*
7. OLD BUSINESS:
 - a) Discuss the inclusion of BMPs in the City of Richmond’s proposed ordinance for controlling dust from coal and coke loading facilities.
8. NEW BUSINESS:
 - a) Discuss a recommendation from the Operations committee concerning the inclusion of building sites for Charter School in the California Department of Education rules and regulations concerning site selection.
9. REPORTS FROM COMMISSIONERS ON MATTERS OF COMMISSION INTEREST *Members*
10. PLAN NEXT AGENDA
11. ADJOURNMENT

Attachments

Questions: Call Michael Kent (925) 313-6587

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by Contra Costa Health Services to a majority of members of the Hazardous Materials Commission less than 72 hours prior to that meeting are available for public inspection at 597 Center Avenue in Martinez

Contra Costa County
HAZARDOUS MATERIALS COMMISSON

Draft Minutes
June 28, 2018

Members and Alternates Present: Lara DeLaney, Fred Glueck, Steve Linsley, Jim Payne, George Smith, Leslie Stewart, Marj Leeds (alternate), Lisa Park (alternate), Rita Xavier (alternate), Tim Bancroft (alternate), Rich Kenny (alternate)

Absent: Rick Alcaraz, Don Bristol (represented by alternate), Frank Gordon (represented by alternate), Mark Ross (represented by alternate), Ralph Sattler, (represented by Alternate), Industrial Association Seat – Vacant, Environmental Seat #2 - Vacant

Staff: Michael Kent,

Members of the Public: None

1. Call to Order: Commissioner Smith called the meeting to order at 4:00.

Announcements and Introductions:

Michael Kent announced:

- A letter has been sent to all the Chambers of Commerce in the County asking them if they think their membership would be interested in a workshop on Cybersecurity and if they would help promote the event if we were to schedule one. He will be following up with the Chambers to get their responses.
- The Commission's annual meeting with Supervisor Gioia is on Monday, July 2nd at 2:30.
- The advertisement for the open Environmental Seat has gone out and applications will be accepted until August 31st.
- The Environmental Health Department held a public meeting on the issue of possible radiological contamination of the Keller Canyon Landfill in Pittsburg on June 21st at the Ambrose Center in Bay Point. About 150 people attended.

Commissioner Smith made an announcement that Commissioner Bean has retired from the Industrial Association and has resigned his seat on the Commission.

2. Approval of the Minutes:

The minutes May 24, 2018 meeting were moved by Commissioner DeLaney, seconded by Commissioner Glueck and passed 9-0-1 with Commissioner Leeds abstaining.

3. Public Comments: None

4. Hazardous Materials Programs Report:

There was no report from the Hazardous Materials Program.

5. Operations Committee Report:

The Operations Committee did not meet in June.

6. Planning and Policy Development Committee Report:

The committee discussed the issue of coal and petroleum coke loading which is the topic of Old Business today. Commissioner Gordon made a motion, seconded by Commissioner Chinn, that the Commission should find out what Supervisor Gioia said that the Richmond City Council hearing of the first reading of their Ordinance, and to ask the Board of Supervisors to recommend to the Bay Area Quality Management District that they add requirements to implement the Best Management Practices to their proposed Rule that are listed in South Coast Air Quality Management District's Rule 1158. The motion passed 3-0.

7. Old Business:

a) Consider Recommendations from the Planning and Policy Development Committee Concerning the Regulation of Coal and Coke at the Levin Richmond Terminal in Richmond

The Commission heard the recommendations from the Planning and Policy committee and began discussion.

Commissioner Kinney said he supports the idea of Best Management Practices (BMPs) as part of a rule, and asked what agency could require all facilities in the Bay Area to use BMPs.

Commissioner Glueck asked if the committee discussed the competitive disadvantage for Richmond businesses if the City passes a rule requiring BMPs. Committee members said that they had not discussed that issue. Commissioner Glueck added that if the Air District passes their rule then both City of Richmond and City of Oakland facilities loading coal and coke would have to comply.

Commissioner Park asked who is going to do the proposed air monitoring study in Richmond and what will they be measuring. She said she was surprised when they made the announcement of the proposed study at the City Council meeting. Commissioner Gluck said that his understanding is that Levin will pay for the study, but the City and the Air District will conduct the study.

Commissioner Leeds said that she would like to see the Air District pass a uniform rule, but since the Air District rule is a general rule, it might be a while before it is adopted.

Commissioner Glueck said he would like to hear from the Air District as to whether they want to include BMPs in the rule for all other sources of dust. He also thought that a rule that only sets a performance standard can drive a facility to install the proper BMPs if they violate the standard.

Commissioner Park asked if particulate smaller than 2.5 microns in diameter is visible to the naked eye so that the Ringelmann standard can be evaluated for it.

Commissioner Leeds said that she thought a large cloud made up of particles smaller than 2.5 microns in diameter would be visible. Others concurred.

Commissioner Leeds said that in her opinion, if specific BMPs are required as part of a rule that the rule must give facilities flexibility to adopt new technologies as they emerge.

Commissioner Kinney said that the Commission needs to be aware of the risks to the community from industrial activity, and that the Board wants the Commission to make recommendations to them. If the Air District rule requires something less than what is implemented at the Koch coke loading facility in Pittsburg, then Commission should recommend to the Supervisors they support the inclusion of those BMPs in the rule so there is consistency for all facilities in the Bay Area. He made a motion to make this recommendation to the Board of Supervisors. Commissioner Park seconded the motion.

Commissioner Glueck felt that if the Air District passes a rule only requiring performance standards, then a city could chose to pass a rule requiring specific BMPs on top of that if they want to. Then an operator would have the option to move to a different jurisdiction and just comply with the Air District performance standards. Commissioner Linsley though this concept would contradict the principal of regulatory consistency.

Commissioner Stewart noted that if the Air District moves ahead with considering their current proposed rule at their August 1, 2018 meeting then they will have to have a public comment period starting on July 1, 2018. So voting on something today would enable the Commission to give a recommendation to the Board of Supervisors before the Air District votes.

Commissioner DeLaney said that she likes Commissioner Glueck's idea of the Air District setting the base rule and jurisdictions having the ability to pass their own local rule.

Commissioner Smith thought the Commission should have a better understanding the actual BMPs the City is proposing, their costs, and their efficiencies. Others agreed.

Based on this, Commissioner Kinney then withdrew his motion, and Commissioner Smith referred the issue back to the Planning and Policy committee to further consider the costs and efficiencies of BMPs.

8. New Business:

None

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

10. Plan Next Agenda: Hear back from the Planning and Policy committee on the issue of BMPs for coal and coke loading facilities.

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