

**CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION**

**Thursday, September 27, 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:** August 23, 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 recommendations from the Operations Committee concerning the inclusion of building sites for Charter Schools in the California Department of Education regulations and guidelines concerning site selection.
- 8. NEW BUSINESS:**
 - a) Presentation by Guy Gimlen, Bay Area Air Quality Management District, about implementation of the monitoring requirements of new Air District Regulation 6 Rule 1 concerning the control of particulate matter (invited)
- 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 COMMISSION

Draft Minutes
August 23, 2018

Members and Alternates Present: Don Bristol, Fred Glueck, Frank Gordon, Steve Linsley, Ralph Sattler, Leslie Stewart, Lisa Park (alternate), Peter Dragovich (alternate)

Absent: Rick Alcaraz, Lara DeLaney, Jim Payne, Mark Ross, George Smith, Industrial Association Seat – Vacant, Environmental Seat #2 – Vacant (represented by alternate)

Staff: Michael Kent,

Members of the Public: Julia Walsh, No Coal in Richmond

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

Announcements and Introductions:

Michael Kent announced:

- Commissioner Smith is recovering from a broken leg and passed around a get well card to send him
- There was a State Lands Commission meeting on their Environmental Justice policy on August 21st. Commissioner Gordon went and said they want to expand the scope of their policy and implement it. The draft policy will be out for public comment soon.
- On August 16th he facilitated a public meeting in Crockett hosted by the Hazardous Materials Program concerning the Industrial Safety Ordinance audit of the Phillips 66 refinery and Air Liquide co-located on their property.
- The Board of Supervisors wrote a Letter of Support for SB 212 to the State Legislature which would establish a state-wide pharmaceutical program
- DTSC sent out a notice extending the public comment period on the clean-up plan at the Zeneca site in Richmond until September 10, 2018.
- The next CAER Safety Summit will be September 20th at the Shell Clubhouse in Martinez starting at 8:00.

2. Approval of the Minutes:

The minutes July 13, 2018 meeting were moved by Commissioner Glueck, seconded by Commissioner Stewart and passed 7-0.

3. Public Comments: None

4. Hazardous Materials Programs Report:

Randy Sawyer reported that:

- AB 1980 was signed by the Governor and will change the statute of limitations for above ground storage tanks to 5 years.
- AB 338 that will significantly increase the amount of penalties the CalARP program can levee for non-compliance is moving through the legislature.
- AB 2902 would the size limitation for Above Ground Storage Tanks and is also moving ahead in the legislature.
- The State recently audited their enforcement programs and they did satisfactory with three deficiencies:
 - They did not meet the inspection plan they set for themselves. They have developed a plan that will put them back on schedule in 6 months.
 - They have data collection problems with the Underground Storage Tank program
 - They need better recordkeeping for bringing facilities that have violations back into compliance.
- Nine staff are participating in the Urban Shield competition for Hazardous Materials Programs that is coming up in a few weeks.
- One of their Accident Prevention Engineers has moved away. They are now interviewing 10 applicants for the position.
- He is on a CUPA Forum Trust Board that gives grants to CUPAs. They are putting on a forum about wildfire recovery in a couple of weeks. The purpose of the forum is to identify things the Hazardous Materials Programs responding to the North Bay fires might do differently in the future, and they will put together an action list of things that need to be done. They are already helping counties going through fires now by connecting them to Counties who have already been through the fire recovery process.

5. Operations Committee Report:

The Operations Committee did not meet in August, but in July the committee reviewed the status of implementation of the County's pharmaceutical ordinance and provided feedback to Contra Costa Climate Leaders on their draft hazardous materials scorecard.

6. Planning and Policy Development Committee Report:

The committee heard a presentation from Jim Holland from Levin Richmond Terminal about the Best Management Practices they use at their facility to control dust from coal and coke loading operations, and discussed the pros and cons of the dust control regulatory approaches being developed by the City of Richmond and the Bay Area Air Quality Management District.

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.

Commissioner Park began the discussion by saying she is concerned that under a performance-based approach, compliance with a numeric standard is achieved through facility self-monitoring. Commissioner Stewart added, in response, that at the Air District meeting where they adopted a performance-based approach there was lots of discussion about the need to train employees to determine compliance with the standard. There was also lots of discussion about how to keep trucks from tracking dirt out of a facility. She thought the approach the Air District would take would be to impose higher penalties for a facility out of compliance with the standard if a complaint was made about them.

Commissioner Glueck asked for clarification that the new Air District rule only contained performance-based standards and not BMPs. Commissioner Stewart agreed this was the case. Commissioner Glueck also expressed concern as to whether an enclosed containment system would be at risk for an explosion.

Julia Walsh wondered how a facility could ensure compliance with a visual standard at night when dust levels could not be measured. Also, that PM2.5 is not visible to the naked eye. It appeared to her that there was no clear standard as how to measure harmful levels of dust leaving a site, and questioned whether EPA rules exempting Coal and Coke dust from hazardous waste status had to be accepted. Commissioner Stewart responded that while particles under 2.5 microns in size might not be visible, at the last meeting Commissioner Leeds said that a large cloud of material of that size would be.

Julia Walsh also asked if there is a better and more credible testing methodology available that could be good for setting a threshold level for compliance that could meet legal standards.

Commissioner Park expressed her concern again about facilities self-monitoring for compliance with their performance-based standards. Commissioner Bristol said he felt that 99% of businesses try to comply with the requirements imposed upon them by regulations. Commissioner Stewart added that the Air District has the ability to review a facility's records to make sure they did their monitoring correctly.

The Commission decided they need to check the by-laws to see if they allowed the Commission to make recommendations directly to a Jurisdiction Council other than the Board of Supervisors.

Commissioner Park expressed her concern that the air monitoring program being developed by the City of Richmond's consultant is focusing on measuring the amount of dust coming from moving coal trains and not from the site. Julia Walsh said she felt that the development of air monitoring study by the City's consultant has not been transparent and should be overseen by a community advisory committee.

The Commission then directed staff to invite the Air District to the next meeting to discuss the methodology for determining compliance with their standard, and the City of Richmond to discuss the air monitoring plan they are developing for Levin Richmond Terminal.

8. New Business:

- a) Discuss a recommendation from the Operations committee concerning the inclusion of building sites for Charter Schools in the California Department of Education rules and regulations concerning site selection.

Commissioner Glueck had to leave the meeting early so there was not enough commissioners present at the time of this item to pass a recommendation to the Board of Supervisors.

9. Reports From Commissioners On Matters of Commission Interest:

None

10. Plan Next Agenda:

Ask the City of Richmond and the Air District to attend.

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