

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
March 23, 2017

Members and Alternates Present: Matt Buell, Don Bristol, Lara DeLaney, Fred Glueck, Frank Gordon, Steve Linsley, Ralph Sattler, Leslie Stewart, Ron Chinn (alternate), Rich Kinney (alternate), Peter Dragovich (alternate), Rita Xavier (alternate)

Absent: Rick Alcaraz, Jim Payne, Mark Ross (represented by alternate), George Smith (represented by alternate), Usha Vedagiri (represented by alternate)

Staff: Randy Sawyer, Hazmat

Members of the Public: Alona Davis, Air District; Kristin Pollot, City of Pittsburg

1. Call to Order: Commissioner Gordon called the meeting to order at 4:14.

Announcements and Introductions:

- Meeting with Supervisor Burgis has been set for April 11 at 10 AM at 651 Pine Street, Martinez.
- San Luis Obispo County has denied the construction of a crude terminal. (As per email sent by staff)
- Cal EPA Symposium set for Sacramento on March 27.

2. Approval of the Minutes:

The minutes of the February 23, 2017 meeting were moved by Commissioner Glueck, seconded by Commissioner Sattler, and passed 7-0-4 with Commissioners Dragovitch, Chinn, DeLaney and Gordon abstaining.

3. Public Comments: None

4. Hazardous Materials Programs Report:

Randy Sawyer, Hazardous Materials Program Director, reported:

- CalARP Regulations were sent to DEO office in July. 5000 comments were received and changes were made during 15 day comment period. CalOES is responding, there may be another 15-day comment period. Everything needs to be done by July. Cho Nai and Randy are working with the Dept. of Industrial Relations on PSM regulations. Those go through Standards Board first. CalARP looks at Public impact. PSM addresses employee impacts.

- Mercury spill in Antioch. Our team worked with DTSC and FED EPA. Spill was reported on Friday by citizens who mentioned to the police. It took until Monday to clean up. They will need to recheck when the temperature goes up, using EPA standard. This has been the 3rd call for Mercury in the last three months in that area. Commissioner Chinn asked if they knew what the source was. Randy stated that it could have been in someone's garbage since garbage trucks are known to do compacting in that area. The mercury was found only in the street. They did not find any mercury in yards or homes in the area. As a precaution, they sealed cracks in the street to prevent contamination. They also handed out flyers in both English and Spanish about proper disposal. A discussion about the sources of mercury took place. It could have been from various household items like switches or thermostats or samples from old mines. There is no apparent concern about the mercury getting into the waterways.
- ISO changes -- There will be a meeting of the Ad Hoc Committee on March 30th. Randy will send out a notice on Friday.
- Ralph Sattler asked if the Chemical Safety Board was returning to speak in the county. Randy stated that it depends on their budget which is scheduled to be cut in the draft federal budget. The county may be able to find money for a visit, but needs to justify the expense.

5. Operations Committee Report:

- There will be testing of the TENS system on either 3/27 or 4/10. This will be a test of the backup company.
- The website is being developed for the pharmaceutical take back program.
- The Cybersecurity workshop is set for June 13th, 2017 from 8:00 AM to 11:45 AM at the Shell clubhouse in Martinez.
- There was a discussion about school siting regulations related to HazMat issues.

6. Planning and Policy Development Committee Report:

The committee did not meet this month.

7. Old Business: None

8. New Business:

a) Presentation on Asbestos regulations – Alona Davis, Bay Area Air Quality Management District

Focus on Construction and Grading (Notes are keyed to slides)

- 3- Naturally Occurring Asbestos (NOA) – Naturally occurring fibrous mineral found in nature as a solid rock, which can be carried long distances when made friable.

Commissioner DeLaney asked if contact with the natural rock is OK. Ms Davis answered that it was OK to be around it if you left it as is. Commissioner Kinney asked if any studies had been done on areas where this ultramafic rock was used in construction. Ms. Davis did not know of any such studies.

- 5 – If a construction or grading project is in a known NOA unit, it is more likely to find NOA. There would need to be an assessment. If you know or find NOA is at a site, you would need to follow the requirements of the Airborne Toxic Control Measure (ATCM).
- 6 thru 8 – Commissioner Gordon asked if cities and/or counties are required to put these conditions on a grading permit or get evaluation done prior to the permit being approved. Ms. Davis stated that there are no such requirements.
- 10- Asbestos Air Monitoring Filters would run over the course of the workday.
- 11-The ATCM does not set standard. The Air District has set the standard at 16,000 structures (asbestos fibers) per cm³. They would hope that people would stop work if the limit is exceeded, but the AQD has no authority to stop work. It is not a violation to exceed action levels but measurements show how well mitigation measures are working.
- 14 – It is hard to find sites where NOA material was used in the past unless people call when they find NOA.
- 15,16,17 – Maps of areas where NOA is known to exist.
- 18 - How can cities and county help to ensure compliance?
- 19 – Handout that cities and county can use to encourage compliance with ATCM. Not required but recommended by BAAQMD.
- Discussion/Q & A:
 - Fred Glueck – What if you have followed all the requirements and must dispose of NOA? Can you dispose as landfill, or is it hazardous? Ron Chinn replied that most landfills will accept. Fred – Question of manifesting? Ron – Not clear. It is more burdensome than getting rid of clean fill.
 - Ron Chinn – Concern with projects >1 acre. Lots of disturbed dust, challenging to figure out where NOA is. The available maps are not all that accurate. Some other counties have a bigger problem. If projects are not required to test, how do you know?
 - Fred – If you are an employer and have reason to know NOA was there, then you may have a problem if employees are not protected. This is a reason to do due diligence and management.
 - Ron – Large entities are more likely to know and comply, small operators may not.
 - Fred – Clearing old sites may be trickier than starting new sites.
 - Frank Gordon – Should it be up to the cities and county that issued the grading permit to control the air pollution? There are DTSC deed restrictions on old Johns-Manville property due to both contaminants and asbestos -- Users cannot go below a footing level or plant fruit trees, etc. No dust mitigation measures are being enforced on large projects.
 - Alona Davis – Inspectors know of areas where there was a lot of base rock with asbestos used.

- Kristin Pollot – If we are doing the initial evaluation, what do you look for?
Alona – greenish rock is usually the tip-off. Kristin – What do you look for during a CEQA study? Alona – a rock outcropping is a good tip-off.
- Ron Chinn – Lab samples give good indication. Sacramento County requires 3 samples per acre, with a minimal charge (\$500) for the process.
- Rich Kinney – This issue has not been on the radar for most cities. Should cities require visual inspection? Alona – Visual inspection may not be enough.
- Discussion of referral to Planning and Policy Committee
 - Fred Glueck – Advice to P&P Committee to be careful in what we require.
 - Commission recommended follow up by Policy and Planning Committee to explore any recommendations the Commission might wish to make.

b) Consider recommendation from the Operations Committee concerning Brownfield prioritization in the Northern Waterfront Economic Development Initiative.

Leslie Stewart gave a summary of the background. Fred Glueck stated that the letter was advocacy to support the NWEDI. The motion was made by the Operations Committee, no second needed. Lara DeLaney made a couple of suggestions on the wording which the committee agreed to. Motion passed 11-0 with changes.

9. Reports From Commissioners On Matters of Commission Interest:

2016 Annual Report to the Board of Supervisors

There were no corrections of changes recommended by the commission. George Smith will be giving a report to the Mayor's Conference. Question of dinner expense for George.

10. Plan Next Agenda:

None

11. Adjournment: The meeting adjourned at 5:45 p.m