

Contra Costa County
HAZARDOUS MATERIALS COMMISSON

Draft Minutes
July 27, 2017

Members and Alternates Present: Don Bristol, Lara DeLaney, Frank Gordon, Steve Linsley, George Smith, Leslie Stewart, Jack Bean (alternate), Ron Chinn (alternate), Tracy Scott (alternate), Rita Xavier (alternate)

Absent: Rick Alcaraz, Fred Glueck, Ralph Sattler, Mark Ross, Usha Vedagiri, Matt Buell (represented by alternate), Jim Payne (represented by alternate),

Staff: Michael Kent, Randy Sawyer

Members of the Public: None

1. Call to Order: Commissioner Gordon called the meeting to order at 4:07.

Announcements and Introductions:

Michael Kent announced:

- The meeting with Supervisor Gioia on June 27th went well. He was interested in the issue of Sea Level Rise, would like to see the Commission focus on one or two issues, and would like the Commission to consider adding an Environmental Justice seat.
- The next CAER Safety Summit will be September 21st.
- The next ISO work group meeting will be August 16th at the Hazmat office in Martinez.

Commissioner Bean announced that the Industrial Association forum was held yesterday and the Deputy Director of CARB came to discuss recent legislation. They will come back at the beginning of next year to do an update.

Commissioner Smith announced that the Air District will consider the proposed toxics rule, 11-18 in September. The proposed refinery rule, 12-16 is dead because it was preempted by the recently passed state Cap and Trade rule.

2. Approval of the Minutes:

The minutes of the May 25, 2017 meeting were moved by Commissioner Gordon, seconded by Commissioner DeLaney, and passed 6-0-2 with Commissioners Bean and Scott abstaining.

3. Public Comments: None

4. Hazardous Materials Programs Report:

Randy Sawyer, Hazardous Materials Program Director reported:

- The new regulations for the refinery Process Safety Management program will be completed later than originally thought. The Office of Administrative Law will be

making comments in August. They still anticipate having the regulations in place in October.

- One Hazardous Materials Specialist left recently, so they need hire a new one.
- There will be a slight surcharge coming for businesses in August for their business plan fees, and a different one for refineries (for the Refinery task force and Refinery Specialist Position)
- The State is now requiring all businesses to file their business plans online through CERS.
- A new bill, AB 1646, is being proposed that would require a Community Warning System around all the refineries in the state.
- On June 28th the ISO Ad-hoc committee met and the issue came up around transparency for Safety Culture Assessments. Supervisor Gioia wants a report of the Safety Culture Assessments to go to the Ad Hoc committee before it goes to the Board of Supervisors as well as to the Hazardous Materials Commission. He also asked that staff consult with the City of Richmond to see how they want to conduct public review.
- The speaker at the September 21 CAER Safety Summit will be the Chair of the National Chemical Safety Board.

5. Operations Committee Report:

Public Health Director Dan Peddycord is preparing an update report on the Pharmaceutical Ordinance to the Board of Supervisors that was scheduled to be heard in July, but now looks it looks like this will happen in September.

The planning group working on the pipeline emergency preparation brochure met to determine how many sensitive receptor sites are within ¼ mile of major gas and oil pipelines in the County. More work will need to be done by the Hazmat GIS staff to determine the exact number, but a rough count identified way more than can be visited individually.

6. Planning and Policy Development Committee Report:

The Committee did not meet in July, but in June they met to continue their review of information and consider policy recommendations related to new chlorine dispersion modeling results developed by DHS. Randy Sawyer was in attendance to answer the questions the Committee developed at their last meeting

7. Old Business: None

8. New Business:

a) Overview of the County's Legislative Platform

Lara DeLaney from the CAOs office (and also a Commission member) provide an overview of the County's process for developing their legislative platform. She is the unofficial coordinator of this effort.

She explained that in January the Board adopts its legislative platform which sets the framework and priority for the year. There are 23 policy areas in the platform. There is both a state platform addressing state legislation and a federal platform addressing federal legislation. The four priority areas are budget, health care, water and delta issues, and realignment of public safety. To develop the platform each year, the previous year's platform is distributed to the County Departments in the fall for review, with a request for any additions or changes. The Departments input goes to the Board of Supervisors Legislative committee (this year made up of Supervisors Burgis and Mitchoff). One key thing the Leg committee looks at is if the policy proposals align with positions of the state-wide Association of Counties, the Urban Caucus and state-wide Departmental Associations.

In the Federal platform the focus used to be on earmarks, but since the federal budget has largely eliminated these, the focus now is on grant support and funding needs. Some of the key issues are water projects, the Emergency Operations Center, the Mt. Diablo mercury mine, dredging, transportation projects and rail safety. The state platform does have issues addressing waste, pharmaceutical disposal and pipeline safety. Sometime a platform item is specific to a piece of legislation, sometimes it is general. But in all cases, if it is a controversial item it will be heard by the legislative committee before going to the Board of Supervisors. The County has lobbyists at the state and federal level to advocate for the issues in the platforms. During a session, the platform can be used to judge proposed legislation. If proposed new legislation is of interest and there is not a position on it in the current platform, the Board can go through a process to add a position on the issue to the platform.

Ms. DeLaney ended her presentation by letting the Commission know the Legislative committee of the Board of Supervisors meets on November 13th at 10:30 in room 101 of 651 Pine Street in Martinez to consider changes to the legislative platform. She would need any proposed changes from the Commission by October 30th to include in the agenda packet.

Chairperson Smith thanked Ms. DeLaney for her presentation and referred the matter to the Planning and Policy committee to review and come back to the full Commission in September with recommendations to make to the Board of Supervisors.

b) Discussion of the impact of changes and potential changes at the Federal EPA on County Hazardous Materials Programs

Commissioner Chinn raised this issue because he works with the Federal EPA on fuel tank issues in Pearl Harbor, and he has noticed lots of changes at the Federal level. He has observed lots of tension about what is happening at the agency with the budget and policy changes. He has observed that there are going to be a lot of cuts to grant programs and that there is the real potential that there will be a very short supply of grant money. This concerns him because some state programs are solely dependent on grant funding.

Commissioner Smith noted that the Northern Waterfront Economic Development Initiative is apply for federal grants. He asked if this will be impacted by the cuts. Commissioner Chinn said that at this point he thinks nobody knows.

Commissioner Chinn said he anticipates cuts even in existing programs. This might cause impact on county programs or indirectly through impacts to state programs. Another thing he sees is that EPA relies heavily on consultants. He is concerned that as EPA runs out of money they won't be able to bring in the strong technical support from consultants they need to do their work.

Commissioner Stewart observed that as budgets get tighter, things like community participation will probably go away.

Commissioner Smith observed that one criticism of EPA is that many Superfund sites have never been completely closed, and huge amounts of money have been spent on consultants. But Commissioner Stewart noted that the EPA Director has said that he won't cut brownfield cleanup funding. Commissioner Smith said he hoped this won't impact funding of the Mt. Diablo mercury mine cleanup. Commissioner Bean added that the broader picture is that many environmental programs aren't getting funded.

Randy Sawyer, Hazardous Materials Program Director, clarified the impacts to County Programs:

- The County's Underground Storage Tank program does get some grants, but those mainly go to rural Counties, and that they are using surcharges to supplement the lack of these funds.
- The Above Ground Tank program could be impacted because the definition of navigable waters could limit grants.
- The Business Plan program is funded through state-only fees and so wouldn't be impacted
- CalARP is state law and so wouldn't be impacted.
- The Hazardous Waste regulation are based on state law and so wouldn't be impacted
- Spill response might be impacted because they work with EPA's Emergency Response team, (ie the latest mercury spills in East County) but they could work with the state program instead if the federal program gets cut.

9. Reports From Commissioners On Matters of Commission Interest:

Commissioner Bean let the Commission know that the Industrial Association's annual Supervisors lunch is scheduled for November 9th at Zio Fraedo's in Pleasant Hill. More details to follow.

10. Plan Next Agenda:

The August meeting will be cancelled for Summer vacation

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