

Contra Costa County
HAZARDOUS MATERIALS COMMISSON

Draft Minutes
September 28, 2017

Members and Alternates Present: Matt Buell, Don Bristol, Lara DeLaney, Frank Gordon, Steve Linsley, Mark Ross, Ralph Sattler, George Smith, Leslie Stewart, Jack Bean (alternate), Peter Dragovich (alternate)

Absent: Rick Alcaraz, Fred Glueck, Jim Payne, Usha Vedagiri (represented by alternate)

Staff: Michael Kent, Randy Sawyer

Members of the Public: None

1. Call to Order: Commissioner Smith called the meeting to order at 4:05.

Announcements and Introductions:

Michael Kent announced:

- The next annual meetings with County Supervisors are:
Sup Mitchoff – October 12
Sup Anderson – November 2
Sup Glover – November 6
- The terms for three Commission Seats and their alternates expire at the end of the year – Commissioners Smith, Sattler and Buell. The Operations committee will start the process of advertising for the seats held by Commissioners Smith and Sattler.

Commissioner Bean announced that the next Industrial Association meeting will be on October 19th but the speaker is yet to be determined. The Board of Supervisors lunch is scheduled for November 9th.

2. Approval of the Minutes:

The minutes of the July 27, 2017 meeting were moved by Commissioner DeLaney, seconded by Commissioner Ross, and passed 8-0-2 with Commissioners Buell and Dragovich 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 go into effect on October 1 for Program Level 4 facilities. They are doing training with CAL OSHA to implement the new PSM standards and are meeting regularly to develop and coordinate implementation so that it is consistent between CUPAs. They will use the

Final Statement of Reason created for the review of the regulation to develop implementation guidelines.

- The Phillips 66 refinery in San Luis Obispo County is the only refinery in that County, so their Environmental Health Department has approached the County Hazmat program to see if they would help them implement the new regulations. They have also been approached by the Mayor of Benicia to help implement an SIO-like law in Benicia. He said he is agreeable to that as long as Solano County Environmental Health is ok with it. They would have to have an agreement to limit their liability for implementing this program.
- They just completed a big training for Hazmat responders from all over the Western United States and their hazmat team won the hazcat competition identifying unknown chemicals. They also got 2nd place in the Urban Shield competition.
- The Chemical Safety Board's budget has been eliminated in the president's proposed budget. The initial congressional budget would give them 11 million dollars. As a result, they are only fully funded through December 8th for certain. He thought the Commission should consider recommending that the Commission ask the Board of Supervisors to write a letter of support for the Chemical Safety Board. At the last CAER Safety Summit the Chair of the CSB gave an update on their efforts. They are currently investigating the chemical plant fire that happened in Houston as a result of the flooding. She met with refinery representatives after the meeting and they let her know they like the way the CSB is doing investigations now, and would like them to share good practices observed as well as lessons learned as part of their investigations.
- He noted that in addition to the chemical plant fire in Houston, there were some other problems with tanks in the area because they had never had that level of flooding before.
- The Governor has signed AB 1646 that will require refineries to have Community Warning Systems.
- CARB recently released a report on the air monitoring that will be required as a result of AB 617.

5. Operations Committee Report:

Commissioner Stewart reported that the committee received a update on the status of the Pharmaceutical Ordinance and the development of the pipeline safety brochure.

They also had a presentation on the State's school siting criteria from the California Department of Education. Some of the highlights were that 1) the risk assessments that were done for pipeline exposures generally didn't show high risks because students were only in attendance part of the day, 2) schools rebuilt on the same site of the old school don't have to do new assessments unless the new school exposes the students to increased risks, 3) there are no guidelines for assessing risks from rail lines and fixed facilities and 4) the California Department of Education doesn't have staff that can perform technical review of risk assessments, so they rely on the conclusions of the consultants hired by the School Districts except in rare cases when they hire outside consultants of their own.

6. Planning and Policy Development Committee Report:

The Committee reviewed additional information related to new chlorine dispersion modeling results developed by DHS. They decided to continue to monitor the situation until the final results of the studies are completed.

The committee continued their review of the County's legislative platform. At the next meeting they will review a proposal being developed by the CUPAs concerning adjusting inspection frequency based on facility performance and will ask for input on potential brownfield legislation from the Center for Creative Land Recycling.

7. Old Business: None

8. New Business:

a) Consider recommending the creation of an Environmental Justice seat on the Commission

In their annual meeting with Supervisor Gioia on June 27th, the Commission received a recommendation from the Supervisor that they consider adding an Environmental Justice seat to the Commission. Commissioner Smith began the deliberation of this issue by reading a statement from Commissioner Glueck who couldn't be in attendance. In summary, his statement said that:

- He is not in favor of his proposal. The Commission has 3 environmental seats and members at large from the public seats.
- The Commission has made several recommendations to the Board concerning implementation of the County's Environmental Justice Policy without getting a reply.
- The Operations Comm. applies EJ philosophy to all of its decision analysis so he believes creating a 'seat' specifically "for EJ" does not really accomplish anything for the Commission.
- He feels adding another seat only confuses the vote count issue. He feel if Sup. Gioia feels it is that important to segregate the title, then the next environmental seat opening should be focused on an applicant that has either a strong background in EJ or at least an understanding on how to work in that direction.
- He feels the Commission as a whole takes EJ as a consideration in all of its actions

Commissioner Gordon said that he agreed with Commissioner Glueck's statement.

Commissioner Bean said he felt that EJ issues have been brought up and addressed, and that the Environmental members address these issues.

Commissioner Ross observed that once an idea is out in the political sphere it is hard to retract, and the Board will do what they want to do.

Commissioner DeLaney suggested the Commission could recommend that one of the Environmental seats descriptions could have some criteria added to it related to EJ.

Commissioner Gordon suggested that the Commission should let Supervisor Gioia know when an Environmental Seat is open so he can recommend someone with a strong EJ background.

Commissioner Stewart felt that the Commission does have good geographic distribution of members throughout the County, including from traditional EJ areas. She also agreed that the Commission does take EJ into consideration in their deliberations. And it is wrong to assume that just by living in a particular area means someone necessarily will be a good EJ representative, or that they won't be if they live in a different area.

Commissioner Ross was concerned that adding an EJ seat may be seen as being tokenism by some.

Commissioner Stewart suggested that the Commission could add a screening question to the interview process for the Environmental Seat about EJ.

Commissioner Gordon made a motion that the Commission write a letter to Supervisor Gioia to let him know the Commission has considered his suggestion and

- 1) They believe they currently takes EJ concerns into consideration in all of their decision making.
- 2) A qualification will be added for candidates for the Environmental seats that they have an understanding of, and a commitment to, the principals of EJ
- 3) A question will be added to the interview process for Environmental Seat candidates about Environmental Justice.

Commissioner Bristol seconded the motion and it passed 10 – 0.

9. Reports From Commissioners On Matters of Commission Interest:

None

10. Plan Next Agenda:

Address issues brought forward from committees on School Siting and the County's Legislative platform

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