

**Contra Costa County**  
**HAZARDOUS MATERIALS COMMISSION**

**Draft Minutes**  
December 7, 2017

**Members and Alternates Present:** Rick Alcaraz, Don Bristol, Frank Gordon, Steve Linsley, Jim Payne, Ralph Sattler, George Smith, Leslie Stewart, Jack Bean (alternate), Peter Dragovich (alternate), Matt Rinn (Alternate)

**Absent:** Fred Glueck, Mark Ross, Matt Buell (represented by Alternate), Lara DeLaney (represented by alternate), Usha Vedagiri (represented by alternate)

**Staff:** Michael Kent, Randy Sawyer

**Members of the Public:** Karen Magliano, CARB; Greg Nudd, Luz Gomez, BAAQMD; Bob Brown, WSPA; Kristen Conelly, EBLC

**1. Call to Order:** Commissioner Smith called the meeting to order at 4:09.

**Announcements and Introductions:**

Michael Kent announced:

- At the Operations meeting tomorrow the committee will be conducting interviews for the open Environmental Seat and alternate seat.
- He completed the Triennial review for the Commission that is conducted by the CAO's office for all Boards and Commissions.
- CAER held their quarterly Safety Summit this morning

Commissioner Bean announced that there were Brown Act concerns about the Industrial Association Board of Supervisors lunch which was held on November 9<sup>th</sup>, so only two Supervisors attended. Future meetings will be held as a conference instead, so they all may attend.

**2. Approval of the Minutes:**

The minutes of the October 26, 2017 meeting were moved by Commissioner Gordon, seconded by Commissioner Bristol, and passed 11-0.

**3. Public Comments:** None

**4. Hazardous Materials Programs Report:**

Randy Sawyer, Hazardous Materials Program Director reported:

- Five Hazardous Materials Specialists were sent to Sonoma County to help categorize the debris being removed as a result of the fires. Two staff are still there.
- He is in the process of hiring a new Hazardous Materials Specialist due to a vacancy.

## **5. Operations Committee Report:**

The committee developed recommended changes to the school siting regulations concerning the assessment of risks from hazardous materials. These recommendations are item 7a on today's agenda.

## **6. Planning and Policy Development Committee Report:**

The committee did not meet in November

## **7. Old Business:**

- a) **Consider recommendations from the Operations committee concerning assessing the risk from hazardous materials in school siting regulations.**

Commissioner Stewart explained that the committee has done a detailed review of the school siting regulations and guidelines and had developed several recommendations they would like the Board of Supervisors to advocate to the California Board of Education as they update the regulations. The first recommendation is to develop guidelines for assessing the risks from the rail transportation of hazardous materials and the hazardous materials stored at industrial facilities similar to the guidelines they developed for pipelines. The second recommendation is to require school districts to assess the current risk from hazardous materials at nearby pipelines, rail lines and industrial facilities when rebuilding a school at the site of an existing school, so they can develop mitigations in the rebuilding process.

She said the committee also discussed the merits of recommending the development of a local ordinance to accomplish these goals, but first wanted to see if the State would take action.

Commission Gordon expressed support for the motion, but wanted to make sure the recommendations contain strong supporting evidence.

The Commission supported the recommendations with a vote of 10 – 0.

## **8. New Business:**

- a) **Presentation on AB 617 concerning air monitoring and cumulative impacts**

Karen Magliano from CARB began the presentation with a powerpoint providing an overview of the program (see attached).

Michael Kent asked if the emission reduction programs will include mobile sources and land use mitigations. She said they envision they will use existing mobile source grant programs to address these sources and will have to work with local governments to address land use mitigations. He then asked how they are prioritizing communities to be included in the program, and whether they would be selected regionally, or on a state-wide basis. She said it would probably be a nomination process through the Air Districts with some regional distribution. He

then asked how the reduction goals of each chosen area would be determined. She said that each area will come up with its own goals. Various sources of pollution would have to chip in to meet the reduction goals established.

Ms. Magliano thought there will be 50 million dollars available for the Bay Area for the first 2 year period. There will also be 5 million available for community assistance grants. Grants solicitations will come out early next year.

Greg Nudd from the BAAQMD then added that they are going to start some air monitoring around the Port of Richmond in the next couple of weeks. Commissioner Bean asked how they will determine the exact boundary of the area they will study. Mr. Nudd said they haven't decided that yet.

Commissioner Gordon asked who should be contacted about doing a community presentation. Ms. Magliano said that CARB has a community page on their web site. The BAAQMD said to contact Luz Gomez.

Bob Brown asked if there is a process for reviewing the concept papers. Ms. Magliano said there will be, as well as a process for developing criteria for nominating the first communities to go through the process, with the final list going to CARB in August.

Commissioner Dragovich asked what the community grants will fund. Ms. Magliano said they will fund technical assistance from technical experts, holding community meetings, and going to conferences.

The Air District said they would like the participation of County Staff in the process. The Board of Supervisors can also nominate a community for participation in the first round.

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

**10. Plan Next Agenda:** No agenda items were discussed.

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

# **CONTRA COSTA COUNTY HAZARDOUS MATERIALS COMMISSION**



January 18, 2018

Supervisor John Gioia, District 1  
11780 San Pablo Ave., #D  
El Cerrito, CA 94530

Dear Supervisor Gioia:

In June of this year, several members of the Hazardous Materials Commission met with you to provide an annual update of Commission activities. At that meeting, you suggested that the Commission consider adding a new seat on the Commission for a representative of an Environmental Justice organization. The Commission appreciates the fact that you have raised this issue, as Environmental Justice is very important to the Commission.

The Commission has a long history of addressing Environmental Justice issues. The Commission first wrote a report on to the Board of Supervisors on Environmental Justice in 2000. We then helped craft, and initially implement, the County's Environmental Justice policy in 2003. Subsequently, the Commission has conducted two in-depth reviews of the implementation of the County's Environmental Justice Policy, once in 2008 and again in 2015, and provided recommendations to the Board of Supervisors after both reviews. Over the years, the Commission has studied issues specifically for the Environmental Justice implications, such as our review of how Environmental Justice is incorporated into CEQA, and always looks at the Environmental Justice implications of the issues the Commission addresses.

The Commission had a lengthy discussion in response to your suggestion at a subsequent Commission meeting. During our discussion, many members expressed the sentiment that even though they don't specifically represent Environmental Justice organizations, they feel they understand Environmental Justice concerns, and take them into account in their deliberations and decision-making. Many members also felt that while an Environmental Justice champion such as Henry Clark no longer sits on the Commission, the interest and knowledge level, and culture of commitment to the principles of Environmental Justice on the Commission, ensures that Environmental Justice concerns are being fairly addressed by the Commission. The Commission also acknowledged that this level of commitment needs to continue by ensuring our Environmental representatives understand, and are committed to, the principles of Environmental Justice.

Therefore, in response to your concerns, the Commission decided to add a requirement for applicants to the three Environmental Seats that they have an understanding of, and commitment to, the principles of Environmental Justice as defined in County policy. One of our Environmental Seats is expiring at the end of this year. This requirement was included in the

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promotional material for the open seat and was discussed during the interview process. The current seat holder, Ralph Sattler from Communities for a Safe Environment in Martinez, has been an activist on refinery issues for many years and the Operations Committee will be recommending that the full Commission nominate him for reappointment at their January meeting. The Operations Committee is recommending as his alternate a resident of Richmond who is a member of the Sierra Club. They felt that she has a good understanding of, and commitment to, the principles of Environmental Justice, and will also be recommending that the full Commission nominate her for appointment at their January meeting.

We hope this approach addresses your concerns, and I would be happy to discuss it with you further if you like. You can reach me at (925) 932-1045.

Sincerely,



George Smith

Chairperson, Hazardous Materials Commission

*Members: George Smith, Chair, Rick Alcaraz, Don Bristol, Matthew Buell, Lara DeLaney, Frank Gordon, Fred Glueck, Steven Linsley, Jim Payne, Mark Ross, Ralph Sattler, Leslie Stewart, Usha Vedagiri*

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