

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

**Draft Minutes**  
January 28, 2016

**Members and Alternates Present:** Rick Alcaraz, Don Bristol, Lara DeLaney, Fred Glueck, Frank Gordon, Steve Linsley, Mark Ross, George Smith, Leslie Stewart, Audrey Albrecht (alternate), Jack Bean (alternate), Tim Bancroft (alternate), Usha Vedagiri (alternate)

**Absent:** Jim Payne, Ralph Sattler, Matt Buell (represented by alternate),

**Staff:** Michael Kent, Randy Sawyer

**Members of the Public:** Dr. Henry Clark and family

**1. Call to Order:** Chair Smith called the meeting to order at 4:10 p.m.

**Announcements and Introductions:**

Michael Kent announced:

- The Air District will be holding an open house to discuss their Clean Air Plan on February 4, 2016 at the East Bay Center for Performing Arts starting at 6:00.
- On February 5<sup>th</sup> Michael Kent and Roger Smith will give a presentation to the East Bay Leadership Council's Environment and Manufacturing committee about the pipeline safety work done by the Alamo Improvement Association and the Pipeline Safety Trust
- The Operations committee meeting scheduled for February 12<sup>th</sup> will be cancelled because Michael Kent will be out of town on business.

**2. Approval of the Minutes:**

The minutes of December 3, 2015 meeting were moved by Commissioner Glueck, seconded by Commissioner Stewart, and passed 8 – 0 (with Commissioner Ross arriving after the vote).

**3. Public Comments:** None

**4. Hazardous Materials Programs Report:**

Randy Sawyer, Hazardous Materials Program Director, reported that his program will be holding a public meeting on February 10<sup>th</sup> at 6:00 at the Richmond City Council Chambers to discuss the Safety Assessment report that was done for the Chevron Refinery as follow-up to the 2012 fire.

The revisions to the CalARP and PSM regulations being developed by the State Refinery Safety Taskforce are almost ready to go to the Standards Board for adoption into regulations. CalEPA and Cal OES are working on an economic analysis that is part of the rules development.

There was a derailment of three cars carrying spent sulfuric acid at the EcoServices facility in Martinez on January ?. The facility was in the process of moving 20 cars of spent sulfuric acid into the plant for regeneration. When 8 of the cars where decoupled from the other 12, the brakes

were not set for some as-of-yet unknown reason and the cars started moving. A decoupler derailed 3 of the cars so they wouldn't go onto the main UP rail. No material leaked from the cars. Ecoservices submitted a 72 hour report, and Union Pacific submitted a report to the Federal Railroad Administration. The California Public Utilities Commission will also investigate.

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

The Operations Committee meeting was cancelled in January due to lack of attendance.

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

The committee reviewed the recommendations from the Pipeline Safety Trust report that were considered as New Business item c.

#### **7. Old Business:**   None

#### **8. New Business:**

##### **a) Election of Commission Chair and Vice Chair person**

Commissioner Gordon nominated Commissioner Smith to serve as Chairperson again. Commissioner Bristol seconded the nomination. The Commission voted 10 – 0 to re-elect Commissioner Smith as Chairperson.

Commissioner DeLaney nominated Commissioner Gordon to serve as Vice Chairperson again. Commissioner Bristol seconded the nomination. The Commission voted 10 – 0 to re-elect Commissioner Gordon as Vice Chairperson.

##### **b) Consider the recommendation from the Operations Committee on filling the vacant Environmental Seat**

The Operations committee interviewed two candidates for the Environmental Seat being vacated by Dr. Clark. They recommended that Usha Vedagiri, now serving as an alternate for Commissioner Linsley, be moved into the vacant seat, and Charles Davidson be appointed to take Commissioner Vedagiri's vacant alternate seat.

The Commission voted 10 – 0 to recommend Usha Vedagiri for the open Environmental Seat.

Commissioner Bristol asked, under this scenario, whether the Commission would need to re-advertise what would be the vacant alternate Environmental Seat when Commissioner Vedagiri is moved to the vacant Environmental seat since originally, the advertisement was only for a full Commission seat, and not an alternate seat. Michael Kent said he checked with the staff for the Internal Operations Committee about this and she said the Commission would not have to re-advertise.

Commissioner Smith expressed his concern that Mr. Davidson may only be a one-issue Commissioner because his main involvement with hazardous materials issues is on the issue of Climate Change and the discontinuation of oil refining. Commissioner Stewart said this concern was discussed by the Operations Committee, and this is why the committee only recommended him for the alternate seat. This would give him a chance to see if he was interested in broader issues, which he said he was during the interview. Commissioner Glueck and Bean said they would also be concerned if Mr. Davidson would only be a one-issue Commissioner.

Commissioner Gordon said he worked with Mr. Davidson on the WesPac issue. In talking with him about how to move forward with strategy, Commissioner Gordon felt Mr. Davidson listened to him and didn't just take a NIMBY approach, but took the political and regulatory system into account. Commissioner Ross said that in his role as an Air District Director he had seen Mr. Davidson provide testimony and, while he speaks his mind, he does listen to other opinions.

The Commission decided that because the original advertisement was only for a full Environmental seat, they will re-advertise for an Open Alternate Environmental seat if the Board of Supervisors approves their recommendation to move Commissioner Vedagiri to the vacant Environmental Seat.

**c) Consider recommendations from the Planning and Policy Development committee on whether to encourage the Board of Supervisors to consider the recommendations in the Pipeline Safety Trust report on pipeline safety.**

The Planning and Policy Committee voted unanimously to recommend that the Commission encourage the Board of Supervisors to consider six recommendations in the Pipeline Safety Trust report on pipeline safety.

They were:

- 1) Review all development applications for opportunities to improve existing ingress/egress where currently limited, and where possible, include conditions on approvals to improve connectivity and avoid exacerbation of access problems. (p.27)
- 2) Plan emergency evacuation ingress/egress for areas in Alamo west of Danville Boulevard and the Iron Horse Corridor where a single pipeline crossing road is the only access for numerous homes and facilities with the goal of creating public accessibility across these "dead-end" neighborhoods that necessitate crossing the pipeline to access any services. (p. 27)
- 3) Ensure the county has complete and accurate records of corridor and right of way locations. Continue to coordinate with Kinder Morgan and other utilities on resolution of encroachments into pipeline Rights of Way. (p. 23)
- 4) Ensure the single staff point-of-contact for citizens with concerns about multiple utility issues and right of way questions has technical training on safety concerns, adequate

resources to conduct regular and broad community outreach (especially along the Iron Horse Trail Corridor), and resources to work in close coordination with other related departments and advisory groups. (p. 23)

- 5) Request appropriate staff conduct an analysis of all congregate facilities located in close proximity to transmission pipelines; Work with other emergency response agencies to develop a list of resources for emergency and evacuation planning expertise for congregate facilities near pipelines that can include potential hazards from a pipeline incident, and mitigation strategies for those hazards based on site-specific considerations. (p. 27)
- 6) Adopt clear policies and deterrents regarding preventing encroachment including the review of setback variances by municipal advisory councils or committees and department staff, so that properties and vegetation along utility corridors do not encroach on pipelines. (p. 23)

Commissioner Bristol made a motion, seconded by Commissioner DeLaney that the Commission forward these recommendations to the Board of Supervisors. This motion was approved 8-0.

The Commission then discussed the following report recommendation that did not receive unanimous support:

Consider adding goals and policies regarding pipelines to the General Plan , and amending Contra Costa County Zoning Code 82.2.010 so that all gas and hazardous liquid transmission pipelines would be subject to land use regulations. Consider additional ordinances (s) pertaining to zoning and land use that are proposed for construction, replacement, modification, or abandonment.

Commissioner Bristol thought that this could be done technically, but that it wasn't necessary, because in actuality pipelines were covered by various land use regulations, so it would be a waste of time. He thought it was important to be clear about what problem was trying to be solved.

Commissioner DeLaney made a motion, seconded by Commissioner Bristol, that this recommendation be sent back to Planning and Policy for reconsideration. The motion carried 7-1 with Commissioner Linsley opposing.

The Commission then discussed the following two report recommendations together that did not receive support from the Planning and Policy committee:

- 1) Work in coordination with pipeline operators to develop a technical advisory body that can review the integrity management plans (similar to the Santa Barbara County System Safety Reliability Review Committee) and other technical assessments of the

pipelines in order to cultivate informed technical expertise in the county and increase public trust and awareness.

- 2) Health Services should expand the scope of the Hazardous Materials Ombudsman and the Hazardous Materials Commission regarding pipelines to provide an ongoing review of pipeline operators' emergency plans and an active role in possible county efforts regarding additional coordinated technical review of pipeline integrity management planning.

Mr. Sawyer said he thought the State Fire Marshall already has a technical advisory committee. Commissioner Glueck said he thinks the Commission needs to have faith in the State Agencies to do their jobs and provide us with information.

There was no support from the Commission to forward this recommendation to the Board of Supervisors.

- d) Recognize Dr. Henry Clark for his 23 years of service on the Hazardous Materials Commission

The Commission presented Dr. Clark with a framed copy of the Board Order appointing him to the Commission and a gift certificate to a Men's Hat Store. Then a number of Commissioners spoke to honor Dr. Clark for his service and to wish him well. Dr. Clark thanked the Commissioners and talked about his experience on the Commission. The Commission paused to enjoy some refreshment before continuing the meeting.

#### **9. Reports From Commissioners On Matters of Commission Interest:**

None

#### **10. Plan Next Agenda:**

The Commission will develop their work plan for the year and consider the recommendations in the Pipeline Safety Trust report.

#### **11. Adjournment:** The meeting adjourned at 6:00 p.m.