

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
March 24, 2016

Members and Alternates Present: Matt Buell, Fred Glueck, Frank Gordon, Steve Linsley, Jim Payne, George Smith, Leslie Stewart, Usha Vedagiri Audrey Albrecht (alternate), Marj Leeds (alternate)

Absent: Rick Alcaraz, Lara DeLaney, Mark Ross, Ralph Sattler, Don Bristol (represented by alternate), **Staff:** Michael Kent, Randy Sawyer

Members of the Public: Eric Stevenson, BAAQMD; Bill Pollock, Alameda County Environmental Health

1. Call to Order: Chair Smith called the meeting to order at 4:05 p.m.

Announcements and Introductions:

Michael Kent announced:

- The Board of Supervisors Transportation, Water and Infrastructure Committee will receive the Pipeline Safety Trust report on pipeline safety at their April 14th meeting.
- The Commission's meeting with Supervisor Andersen on March 4th went well.
- The Industrial Association's next lunch meeting will be on April 14th from 11:00 – 1:00 and the guest speaker will be the Air District and CARB with legislative and regulatory updates.

2. Approval of the Minutes:

The minutes of the January 28, 2016 meeting were moved by Commissioner Gordon, seconded by Commissioner Glueck, and passed 7 – 0 - 2 with Commissioners Buell and Leeds abstaining.

3. Public Comments: None

4. Hazardous Materials Programs Report:

Randy Sawyer, Hazardous Materials Program Director, reported that his program is now fully staffed with Engineers. Don Nixon left to work at the US EPA and they created a new position to work on the Richmond ISO. The 2 new people hired to fill this vacancies are working out well.

The economic analysis for the proposed CalARP and PSM regulations are now completed. The proposed regulations are still going through the review process with the State.

The next ISO workgroup meeting will be on April 4th. The main topic for the meeting will be how to set up the new proposed third party evaluation process.

The US EPA is considering new Risk Management program regulations that are similar to the County's Industrial Safety Ordinance.

His program has begun to work more closely with Con Fire dispatch by providing GIS information on site plans for industrial facilities.

5. Operations Committee Report:

The Operations Committee discussed the merits of an EPR styled-pharmaceutical disposal ordinance and recommend unanimously that the Commission consider supporting such an ordinance. This discussion is item 8b on today's agenda.

6. Planning and Policy Development Committee Report:

The committee did not meet in March.

7. Old Business: None

8. New Business:

a) Presentation by the Bay Area Air Quality Management District on their new and proposed regulations for Oil Refineries

Eric Stevenson, Director of Meteorology, Measurements and Rules, gave the presentation. He described three rules they adopted in December:

Rule 6-5: Fluid Catalytic Cracking Units

Rule 8-18: Equipment leaks

Rule 1-10: Cooling Towers

(Mr. Stevenson acknowledged that these rules are being challenged in court.)

Two rules they are considering for adoption in April:

Rule 12:15 Petroleum Refinery Emissions Tracking

Rule 9-14 Coke Calcining Operations

And three rules they will be considering later this year:

Rule 6-5: Fluid Catalytic Cracking Units

Rule 9-1: Refinery Fuel Gas, Sulfur Plant, Acid Plants

Rule 9-9 Stationary Gas Turbines

Additional rules that will affect refineries are

- Regulation 12, Rule 16, (Petroleum Refining Emission Limits and Thresholds) has been postponed while investigating alternatives
- PM rules dealing with reducing emissions from petroleum coke as well as other PM sources

- Additional rule development involving permitting rules
 - GHG included in permit evaluations
 - Toxics rules for both project (NSR) and facility-wide (AB2588) emissions

They predict that the new rules they adopt in 2016 will reduce refinery emissions by 20%.

Commissioner Buell made the observation that overall refinery emissions have been trending down, and that the largest source of emissions are mobile sources. Mr. Stevenson acknowledged that this was the case, but added that wood smoke is also a large source of particulate in the winter, and refineries are a large source of sulfur dioxide.

Mr. Stevenson added that Rule 12-15 is designed to collect information to see if changes in the composition of the oil that is being processed by the refineries has impacts on air quality. California currently processes heavy sour crude that requires lots of processing. Commissioner Buell said that the refineries don't believe there is a correlation between the crude slate and emissions.

Commissioner Leeds asked how they plan on achieving the 20% reduction goal they set. Mr. Stevenson explained that they hope to get 14% from the regulations that they just passed. The other 6% (and likely more) will come from Sox, NOx and PM reductions from the regulations they are currently considering.

Commissioner Vedagiri asked how these new regulations are implemented. Mr. Stevenson said they will require new limits for specific pieces of equipment.

Commissioner Glueck asked if in the future they can continue to add new regulations without end. Mr. Stevenson said that the Air District is required to take into account economic feasibility when they write new rules, and this keeps them from over-regulating.

Commissioner Vedagiri asked how they know their regulations are successful. Mr. Stevenson said that they will require fence-line monitoring and they are going to set up community monitor to show the levels of pollutants. They will need to have monitors upwind and downwind from the refineries to be able to take into account background levels of pollution.

b) Discuss the recommendation from the Operations Committee to consider endorsement of an Extended Producer Responsibility-style pharmaceutical collection program for Contra Costa County.

Bill Pollock, Alameda County Environmental Health, made a brief presentation on the status of the Alameda Ordinance. He explained that the issue got started in Alameda County in 2008 by a meds coalition that was concerned with Senior issues and young adult issues. They had no funding for collection, so they asked cities and special districts to collect unused pharmaceuticals. They now have 31 sites run by 9 different entities. It is not working well because it is not well distributed throughout the county, and there is not funding for some places that want to be collection sites.

In 2010, San Francisco did a pilot collection program that encouraged Supervisor Miley to introduce an ordinance. It passed in 2012 and was challenged on the basis that it violated the commerce clause of the Constitution. It was appealed all the way to the US Supreme Court, but they declined to take the case, so the lower court ruling upholding the ordinance stood. Last year a Products Stewart coalition representing 342 of the 457 of the producers submitted a plan that would establish 110 sites. The plan was approved and the first sites are going in now. The Ordinance was recently amended to include non-prescription drugs.

In response to questions from Commissioners he clarified:

- the producers set up and manage the contracts with the collection sites,
- that only one coalition is proposing a collection program with the exception of a cancer drug maker that only has a couple of clients in the County,
- that it is the coalition's responsibility to establish enough sites to make the program effective,
- that the cost of monitoring the program is part of the fee the producers pay the County,
- the other ordinances passed by Counties in the Bay Area and LA are very similar to the Alameda ordinance and there hasn't been any more litigation,
- the disposal fee is paid for by the producers, the waste is collected by reverse distributors and taken to a Clean Harbors hazardous waste incinerator in Utah,
- right now their focus is on getting the bins installed and not on participation rates,
- they are not sure how much they will collect on an ongoing basis, but they think 1.5 – 2.5 pounds per person is being stockpiled right now.
- A lot of the existing collection sites are pulling out because they can't accept controlled substances, but many of the independent pharmacies are interested.

The Chair referred the matter back to the Operations Committee for further discussion.

9. Reports From Commissioners On Matters of Commission Interest:

None

10. Plan Next Agenda:

A presentation by the Bay Conservation and Development Commission about the sea level rise study they are conducting on Contra Costa County, and its relationship to hazardous materials.

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