

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
April 28, 2016

Members and Alternates Present: Don Bristol, Lara DeLaney, Fred Glueck, Frank Gordon, Steve Linsley, Jim Payne, Mark Ross, George Smith, Leslie Stewart, Usha Vedagiri Audrey Albrecht (alternate), Tim Bancroft (alternate), Jack Bean (alternate), Peter Dragovich (alternate), Ed Morales (alternate)

Absent: Rick Alcaraz, Ralph Sattler (represented by alternate), Matt Buell (represented by alternate),

Staff: Michael Kent, Randy Sawyer, Ellen Dempsey

Members of the Public: Jill Ray, Office of Supervisor Andersen, Wendy Goodfriend, BCDC

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

Announcements and Introductions:

Michael Kent announced:

- DTSC issued a fact sheet on changes to the RCRA permit at Chemtrade
- On May 18th he will be making a presentation to the Hospital Emergency management group on pipeline safety

Commissioner Bean announced that on May 19th the Industrial Association luncheon speaker will be Dorothy Broadwick from the California Manufacturers Association from 11:00 – 1:00 at Zio Fraedo's in Pleasant Hill. Also On June 3rd there will be a Golf fundraiser for the Elk's Child Fund for Disability at Roddy Ranch.

2. Approval of the Minutes:

The minutes of the March 24, 2016 meeting were moved by Commissioner Stewart, seconded by Commissioner Gordon, and passed 6– 0 - 3 with Commissioners Ross, Morales and Payne abstaining.

3. Public Comments: None

4. Hazardous Materials Programs Report:

Randy Sawyer, Hazardous Materials Program Director, reported that the PSM and CalARP regulations being updated by the State have gone to the Department of Finance for a cost/benefit review and are now going to the Office of Administrative Law for review.

The next ISO workgroup is developing language for the 3rd party oversight requirement. The next meetings will be on May 2nd and 9th. The next step will be to take the proposed changes to the Ad Hoc committee of the Board of Supervisors for review.

His Department has a new CalARP engineer starting soon.

The Community Warning System is moving to a new platform. The Ad Hoc company that was running it was bought by Blackberry. The existing platform, called the CAP server and the radio are moving to a new platform called IWS. This will enable users to select warnings through a phone app and make activations of the system easier. Also, the federal government program enabled emergency messages to be sent to cell phone on a county-wide basis can now select smaller areas for targeting. These changes are being incorporated in the CWS.

5. Operations Committee Report:

The Operations Committee interviewed Charles Davidson for the open Environmental Seat alternate and had a split vote , 2-2, on whether to recommend him for the seat. Therefore the nomination comes to the full Commission without a recommendation from the Operations Committee.

Commissioner Payne made a motion, seconded by Commissioner Gordon to recommend Mr. Davidson for the open seat. Discussion followed.

Commissioner Gordon felt it was not fair to penalize him for being outspoken.

Commissioner Stewart said that was not the primary factor in the split vote, rather it was more about whether he would be willing to work to develop consensus positions on issues. She said that during the interview he expressed that he would have difficulty doing this.

Commissioner Glueck gave the example that during the interview he talked about his desire to see the Carbon Plant on Highway 4 shut down because of its impact on the surrounding environment, but didn't know if the pollution from the facility was from permit violations or not strict enough limitations. Commissioner Glueck saw this as a political philosophy to shut down an industrial facility because Mr. Davidson wasn't sure of the reason for the pollution.

Commissioner Ross said that in his capacity as a Board member of the Bay Area Air Quality Management District he observed Mr. Davidson frequently testify at their Board meetings. He said his politics are apparent and thought he would have some learning to do to work on the Commission.

Commissioner Bean said he would like to see another candidate. He observed Mr. Davidson testifying at the Air District and thought he only had negative views to shut down the refineries and not to improve things.

Commissioner Bristol said he felt Mr. Davidson's comments at the Air District were not fact-based and that he sees only one side of the issue.

Commissioner Smith commented that the Commission has always worked in a collaborative fashion and questioned whether Mr. Davidson could do that or if he was just a single-issue candidate.

Commissioner Linsley said he felt Mr. Davidson wasn't just a single issue candidate and said he was also concerned about brownfield issues and Environmental Justice issues.

Commissioner Payne said that the Environmental seat is one of only a few of the Commission seats that isn't directly nominated by an organization, like his Labor seat is, and so he will support moving forward with the recommendation.

The commission vote 7-3-2 to recommend Mr. Davidson to the Internal Operations committee for appointment to the vacant Environmental Seat Alternate (for: DeLaney, Gordon, Linsley, Payne, Ross, Stewart, Vedagiri; Against: Bristol, Bean, Glueck; Abstain: Morales, Smith)

6. Planning and Policy Development Committee Report:

The committee did not meet in April.

7. Old Business:

a) Consider recommendation from the Planning and Policy Committee concerning Pipeline Safety Report by the Pipeline Safety Trust.

Micheael Kent reported that at their February meeting, the committee considered one recommendation from the Pipeline Safety Trust report. It stated:

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.

The committee heard from Telma Moreira from the Department of Conservation and Development who said that she didn't think the purpose of the code was to exempt all pipelines, especially hazardous materials pipelines, and noted that pipelines are covered by the land use portion of the County's Industrial Safety Ordinance (ISO). They are currently amending this portion of the County's zoning code for other reasons, and so in response to question raised by the Pipeline Safety Trust report are considering new language that would clarify that pipelines are covered by the ISO in Chapter 84-63. They expect this language to go to the Board of Supervisors in April. She said that while CEQA does offer a few exemptions for pipelines for having to go through environmental review, the County always has the option not to give these exemptions. Commissioner Gordon made a motion to support the draft language Ms. Moreira described referencing Chapter 84-63 in the zoning code. Commissioner Linsley seconded the motion and the motion passed 5-0. The Commission voted 12 – 0 to support the committee's recommendation. Staff was instructed to inform the Board of Supervisors of this vote.

8. New Business:

a) Consider a recommendation from the Operations Committee regarding endorsement of an Extended Producer Responsibility-styled pharmaceutical collection ordinance.

The committee reported they discussed this issue again in light of the discussion with the Alameda County Environmental Health at the March Commission meeting. The committee felt like all their questions concerning an EPR-styled ordinance had been answered, so they voted 4-0 to recommend that the full Commission consider endorsing the creation of an EPR-styled pharmaceutical collection ordinance for Contra Costa County.

Based on the recommendation from the Operations committee the full Commission voted 11-0 (Commissioner Ross had left the meeting by this point) to endorse the creation of an EPR-styled pharmaceutical collection ordinance for Contra Costa County.

b) Presentation by the Bay Conservation and Development Commission on Sea Level Rise study for Contra Costa County.

Wendy Goodfriend from BCDC made the presentation. She describe the planning process called Adapting to Rising Tides to identify the risks from sea level rise and flooding for the Contra Costa shoreline from Richmond to about Pittsburg. They have done extensive mapping and modeling of the areas and assets that are at risk. They have developed sector profiles as part of this process including brownfields, hazardous materials and industrial lands. They are about half way through the process. The next step in the process is to begin developing adaptation strategies for each sector and their priority issue areas. (see attached slides).

9. Reports From Commissioners On Matters of Commission Interest:

None

10. Plan Next Agenda:

Request a presentation from the Department of Homeland Security on cybersecurity for industrial facilities.

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