

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
December 1, 2016

Members and Alternates Present: Rick Alcaraz, Don Bristol, Lara DeLaney, Fred Glueck, Steve Linsley, Mark Ross, George Smith, Ralph Sattler, Leslie Stewart, Usha Vedagiri, Linus Eukel (alternate), Audry Albrecht (alternate)

Absent: Frank Gordon,

Staff: Michael Kent, Randy Sawyer

Members of the Public: Eric Stevenson, BAAQMD

1. Call to Order: Chairperson Smith called the meeting to order at 4:07 p.m.

Announcements and Introductions:

Michael Kent announced:

- Commissioner Albrecht's term is expiring at the end of this year and she will not be re-applying for another term. Commissioner Harper was not re-elected to the Antioch City Council in November, so a determination will need to be made as to whether he needs to vacate that seat.
- The next CAER Safety Summit will be on December 8th at the Shell Clubhouse at 7:30.

2. Approval of the Minutes:

The minutes of the September 22, 2016 meeting were moved by Commissioner Stewart, seconded by Commissioner Bristol, and passed 11-0-1 with Commissioner Smith abstaining.

3. Public Comments: None

4. Hazardous Materials Programs Report:

Randy Sawyer, Hazardous Materials Program Director, reported:

- The Hazardous Materials Program is now fully staffed with the recent addition of a new CalARP Engineer.
- He is still working with the State on the new Process Safety Management/California Accidental Release Program regulations. The State received approximately 5000 comments on the draft regulations. The Department of Industrial Relations, Cal EPA and the Office of Emergency Services are working together to respond to the comments. There will be another 15 day comment period coming up based on the comments received, but he is not sure when. There are going to be some more changes proposed to the draft regulations.
- The hazmat response team is moving to a new communications system. They are switching from 440 megahertz radios to 800 megahertz radios so they can communicate with Fire Departments. They are also getting new laptop computers they can use to communicate with other agencies.

- He would like to present the next annual ISO report to the Commission in January.

5. Operations Committee Report:

The Operations committee did not meet in November, but in October they worked on planning the retreat and received an update on the pharmaceutical ordinance.

6. Planning and Policy Development Committee Report:

The committee did not meet in November, but in October discussed the BCDC ART study that will be discussed under new business.

7. Old Business: None

8. New Business:

a) Review outcome of Commission retreat on October 27, 2016.

The Commission review the minutes from the retreat and generally felt it went well and were satisfied with the outcome. Commissioner Glueck made a motion to approve the minutes, seconded by Commissioner Delaney and approved 9-0-3 with Commissioners Ross, Vedagiri and Payne abstaining.

The Commissioner reviewed the priority items identified at the retreat and determined the Operations committee would focus on the Pipeline Safety brochure, brownfield redevelopment/Northern Waterfront Economic Development Initiative, and cybersecurity. The Planning and Policy committee would focus on the amendments to the Industrial Safety Ordinance, rail and pipeline safety and sea level rise.

Since the Commission also decided to continue the practice of meeting with each County Supervisor once per year, they directed staff to set up the first meeting of the year with the new County Supervisor Diane Burgess.

b) Consider Recommendations from the Planning and Policy Committee concerning the draft Adaptation Responses developed by the BCDC Adapting to Rising Tides project related to hazardous materials.

The Planning and Policy committee presented the recommendation they developed at their October meeting. After review 39 recommendations that BCDC made for the Industrial land use, Hazardous Materials Sites, Brownfields, Refineries, pipelines and Household Hazardous waste sites asset categories they decided that these recommendations were not specific enough to support, so they recommended that the Commission should recommend to the Board of Supervisors that they direct the Hazardous Materials Program to work with the Northern Waterfront Economic Development Initiative to review and make recommendations on possible strategies to implement that have been recommended by the Adapting to Rising Tides Project.

The Commission considered this recommendation, but because sea level rise was identified as the highest priority item at the October 2016 retreat, the Commission directed the Planning and Policy committee to further consider the BCDC recommendations and see if they could come up with a more robust recommendation to the Board of Supervisors.

c) Consider the recommendation from the ISO work group to have a role for the Commission in the review of the implementation of the Industrial Safety Ordinance.

Randy Sawyer explained that one of the requirements in the Industrial Safety Ordinance is that the Hazardous Materials Program conduct an annual performance review and evaluation of the implementation of the ISO, and present it to the Board of Supervisors. One of the proposed changes to the ISO the work group is considering would be to require the Hazardous Materials Program to prepare and present this annual performance review to the Hazardous Materials Commission for their comments before submitting it to the Board of Supervisors, and not submitting it to the Board of Supervisors until after the Hazardous Materials Commission's comments have been addressed. The annual performance review and evaluation would include new requirements for facilities to provide information about their Safety Culture Assessments.

The timeline for considering these proposed changes is for the Ad Hoc committee on Sustainability (Supervisors Gioia and Glover) to review all the recommended changes to the ISO, including this change, sometime in January or February, and then for the Joint review committee from the City of Richmond and the County to review the proposed changes. The proposed changes would then need to go the Board of Supervisors for final approval.

Commissioner DeLaney made a motion, seconded by Commissioner Payne that the Commission support this recommendation. The motion passed 12 - 0.

d) Review and develop recommendations on the draft recommendations on the draft Pharmaceutical Disposal Ordinance referred to the Board of Supervisors from the Family and Human Services Committee.

The Commission reviewed the draft ordinance that will be considered by the Board of Supervisors at their December 6, 2016 meeting. Staff clarified that the ordinance only addresses the unincorporated areas of the County and exempts over-the-counter drugs. Commissioner Linsley said that the wastewater agencies want this ordinance to be consistent with the other Bay Area ordinances in terms of providing better enforcement mechanisms and specifying that pharmaceutical wastes need to be incinerated.

Commissioner Payne made a motion, seconded by Commissioner Bristol to support the Ordinance. The motion passed 11-0.

e) Presentation on the Bay Area Air Quality Management District's proposed rule 11-18, Toxic Air Contaminants

Eric Stevenson, Director of Meteorology, Measurement and Rules for the Bay Area Air Quality Management District gave the presentation (see attached power point presentation). He began by

giving an overview of the current state and local rules that govern air toxic contamination, and explained that while cancer risk from air toxic contaminants has come down substantially since 1990 there are still opportunities for further reductions.

He then outlined the elements of the proposed new rule which are that it:

- Benefits impacted areas
- Incorporates latest health risk methodologies
- Promotes continuous improvement
- Ensures public transparency
- Provides greater flexibility
- Reduces facility risk action level from 100 in a million to 10 in a million
- Incorporates new OEHHA Guidelines and health values

The type of facilities potentially affected would be:

- Refineries
- Gas stations
- Hospitals
- Foundries
- Military facilities
- Landfills
- Crematoria
- Sewage treatment plants
- Chemical plants
- Data centers
- Schools/universities
- Power plants

To implement the rule, the Air District would first conduct Health Risk Assessments for facilities and then businesses would be required to implement the necessary changes to achieve the desired risk level on a phased in-timeline. The Air District intends to present this draft rule to their Board of Directors in May, 2017 at the same time they consider a proposed rule to address refinery emissions, rule 12-16.

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

10. Plan Next Agenda:

The Commission will consider recommendations from the Planning and Policy Committee concerning the BCDC ART study.

11. Adjournment: The meeting adjourned at 6:30 p.m