Contra Costa County
HAZARDOUS MATERIALS COMMISSON

Draft Minutes
May 28, 2015

Members and Alternates Present: Rick Alcaraz, Fred Glueck, Frank Gordon, Ralph Sattler, George Smith, Leslie Stewart, Don Tatzin, Audrey Albrecht (alternate), Peter Dragovich (alternate)
Absent: Matt Buell Henry Clark (represented by alternate), Don Bristol, Lara DeLaney, Steve Linsley, Jim Payne
Staff: Michael Kent, Randy Sawyer
Members of the Public: Jill Ray, Supervisor Andersen's Office; Walt Gill and Nicole Barber, Chevron Refinery

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

Announcements and Introductions:

Michael Kent announced:

- The next CAER Safety Summit will be on June 4th starting at 7:30 at the Shell Clubhouse in Martinez.
- The next California Refinery Safety Task Force Public Safety forum will be held June 4th at 7:00 at the Board of Supervisors Chambers in Martinez

2. Approval of the Minutes:

The minutes of the April 23, 2015 meeting were moved by Commissioner Gordon, seconded by Commissioner Alcaraz, and approved by a vote of 6-0-1. Commissioner Buell abstained and Commissioner Tatzin was not present at the time of the vote.

3. Public Comments: None

4. Hazardous Materials Programs Report:

Randy Sawyer, Hazardous Materials Program Director, reported:

- The State Refinery Safety Task Force has proposed many changes to the CalARP regulations, which are implanted by the State Office of Emergency Services. Most of these changes are consistent with the changes being proposed to the Process Safety Management regulations which are implemented by CalOHSA. But some of the definitions are slightly different.

- At the Public Forum on June 4th the proposed regulations will be discussed. They hope to have them finalized by the end of the year.
- Yesterday, the workgroup looking at CSB recommended changes to the Industrial Safety Ordinance. They discussed the topic of 3rd party oversight for implementing process safety measures. These discussion with go through August and September. The next meeting will be June 17th. Several members of the Commission were present. One of the options they discussed was having a subcommittee of the Commission serve as the oversight body.
- The Federal Department of Transportation has put out new regulations for the shipment of crude oil by rail. They have added several safety measures addressing tank design, rail speeds and maintenance and braking technology
- The Hazardous Materials Program has added 3 new specialists, for a total now of 19. One new specialist will be starting soon. They still have not filled their vacant Environmental Engineer position.
- Businesses are now reporting all of their information electronically to the department.

5. Operations Committee Report:

The committee discussed the background of issues leading up to consideration of an EPR-type bill similar to the one adopted in Alameda County. They acknowledged that the County is still in a holding pattern pending the decision by the Supreme Court whether or not to hear the appeal of the Alameda Ordinance, but they also acknowledge that the Commission had never formally taken a position on whether or not they supported the creation of an EPR-type ordinance in the County.

Commissioner Glueck said he would like to know if the County were to develop a system to grind up unused pharmaceuticals immediately upon collection, whether it would make a difference in terms of the way DEA regulated their collection. He thought that maybe if rendering the collected material unusable immediately upon collection would lessen the regulatory requirements imposed by DEA and therefore make collection and disposal less costly and complicated.

The committee then discussed the costs of collecting controlled substances by local law enforcement agencies as either a stop-gap measure until an ordinance was developed, or as a long-term collection strategy. Staff reported that he had consulted with Dave Wyatt at the Central Contra Costa Sanitation District who currently pays for the collection and disposal of uncontrolled used pharmaceuticals from collection bins placed at 12 law enforcement locations. Mr. Wyatt had also talked with the Sheriff Deputy in charge of disposing of the controlled substances the Sheriff currently collects as evidence.

Using this information, Mr. Wyatt had developed an estimate that this same amount of waste could be transported by law enforcement for disposal (a requirement for controlled substances) for about $25,000 if all the law enforcement agencies in Central County combined their waste for disposal. This is assuming monthly disposal. The cost for individual law enforcement agencies to dispose of their waste individually would not go down significantly because the vast majority of the cost is labor to transport the material, as law enforcement can dispose of this material at no

cost at a Central Valley incinerator, unless they reduced the number of trips made annually. Therefore, the major determinate in the overall cost of law enforcement setting up and running controlled substances collection programs would be whether they worked together to transport their material collectively or not.

Commissioner Sattler made a motion, seconded by Commissioner Glueck, to recommend that the Board of Supervisors should encourage local law enforcement to set up programs to collect dispose of unused controlled and uncontrolled pharmaceuticals from the public. The motion passed 5-0.

The committee discussed the contents of these Ab 45 and AB 1159 concerning pharmaceutical disposal. Commissioner Dragovich made a motion to recommend that the Board of Supervisors take a position against AB 45. Commissioner Stewart seconded the motion. The motion passed 4-0 with Commissioner Glueck abstaining.

6. Planning and Policy Development Committee Report:

Michael Kent briefed Commissioners on the Board subcommittee meeting that occurred on May 13. At the meeting the various jurisdictions reported on recent development activities and they reviewed the schedule for completion of the Regional Action Plan. They have not started work on the Quality of Life Task Force yet. They are looking for funding to study the feasibility of a shortline railroad, develop a specific inventory of available industrial land, including brownfields, and to develop a cost analysis of the different types of possible land uses.

The committee reviewed the letter the Board of Supervisors wrote to the Federal DOT concerning the proposed tank car regulations on May 12, 2015. The committee felt the original intent of this item was now moot because the Board had taken a position. So they determined no more action on this issue was needed, but felt they should continue to monitor the issue.

The committee considered, but did not identify any additional issues they wanted to study or address at this time.

7. Old Business:

None

8. New Business:

a) Consider a recommendation from the Operations Committee concerning the collection of controlled substances by local law enforcement

The Commission decided that because of the Supreme Court decision that came out yesterday declining to hear the appeal of the 9th Circuit Court decision upholding the Alameda Ordinance,

they would hold off on making any recommendations at this time to see if the Board of Supervisors is now going to consider a similar ordinance for Contra Costa County.

b) Consider a recommendation from the Operations Committee about AB 45 concern the collection of household hazardous waste.

The Commission decided not to consider this issue because the week after the Operations Committee met AB 45 was turned into a two year bill.

c) Presentation on the environmental elements of the recently approved Chevron modernization project

Walt Gill and Nicole Barber made the presentation. Their presentation is attached. They said their goal is to start construction in the middle of next year.

Commissioner Glueck asked if the emissions from flares or releases count against their emissions cap. The speakers did not know the answer to the question.

9. Reports From Commissioners On Matters of Commission Interest:

The Commissioner meeting with Supervisor Piepho went well and she supported the issues the Commission was addressing.

10. Plan Next Agenda: The Commission did not discuss agenda items for the next meeting

11. Adjournment: The meeting adjourned at 5:52 p.m.