

Contra Costa County
HAZARDOUS MATERIALS COMMISSION
Special Retreat Meeting
December 5, 2013
3:00-7:00 p.m.
IBEW Local 302 Meeting Hall
Martinez, California

Members and Alternates Present: Rick Alcaraz, Don Bristol, Henry Clark, Frank Gordon, Steve Linsley, George Smith, Leslie Stewart, Matt Buell (alternate), Tracy Scott (alternate), Usha Vedagiri (alternate)
Absent Members: Lara DeLaney, Ralph Sattler, Don Tatzin, Scott Anderson (represented by alternate), Jim Payne (represented by alternate)
Staff Present: Michael Kent
Members of the Public: Mary Anne Morgan, facilitator

RETREAT OBJECTIVES:

1. Debrief progress on activities from last 3 years
2. Determine priority issues for coming 3 years (ongoing and new)
3. Assign priorities to committees for action

Agenda and meeting objectives were reviewed and approved. New Commissioners were welcomed.

The Commission's Mission was reviewed and By-Laws referenced. A short discussion followed to clarify the point about requiring Commissioners to attend a certain number of meetings to remain on Commission. This requirement has never been acted on.

HISTORICAL REVIEW OF COMMISSION ACTIVITIES

Commissioner Leslie Stewart reviewed a power point outlining key issues and accomplishments of the Commission since its inception. Over 20 topics have been undertaken in the last 20 plus years (complete list is attached and ppt is available upon request). Member noted the importance of their efforts to engage the public and to respond to community concerns, such as in the case of the cumulative impact forum. The Commission has also responded to requests for review and input from the Board of Supervisors (BOS) on a number of key issues, including the Industrial Safety Ordinance and the Community Warning System.

REVIEW AND CRITIQUE OF LAST THREE YEAR'S ACCOMPLISHMENTS

Commissioner George Smith provided an overview of the Commission's work in the last three years (2010-13), which primarily focused on educating members on emerging issues, examining Brownfield cleanup policy and pursuing a campaign for safe disposal of pharmaceuticals. He identified those topics that are being actively pursued, those where Commission work has been completed, and those that are of potential future concern as needs and requests for involvement arise:

Areas of Ongoing Activity-

- Pharmaceuticals- education, research and poster campaign for safe disposal (**Active**-possible ordinance introduced by Board of Supervisors)
- Brownfields- Examination of 5-year reviews by Department of Toxic Substances Control (**Active**-P&P continues to analyze effectiveness of program)

- Environmental Justice 1. Implementation of County Policy via recommendations made in 2008 letter to the Board of Supervisors; and 2. Analysis of addressing EJ considerations in through CEQA through the WesPac proposal **(Active,)**
- Community Warning System /ISO review in response to 2012 Chevron Incident **(Active,** members of Commission participating in Board of Supervisors Ad-hoc review work group.

Areas for potential future activity as needed-

- ISO/ land use Environmental review
- Rail and pipeline transportation and safety- ex- the Integrity Management analysis of the Kinder Morgan Pipeline along the Iron Horse Trail
- Community risk reduction Programs implemented by the Air District
- State Green Chemistry Program-further education
- Chemical dispersion and infiltration modeling to address evacuation vs. shelter in place
- Crude oil terminals
- Commission functioning- maximize participation of members; process for sharing work

Successes and Strengths of Work-

- Informational forums were very good, good breadth of topics, aligned with Commission priorities, and especially helpful for new Commissioners
- Michael makes it successful through his organizing efforts; Randy Sawyer also very supportive
- Planning and Policy Committee's process of delegating and assigning work on brownfields and Operations involvement with pharmaceutical poster distribution worked well

Weaknesses/Areas for Improvement-

- Need to engage more Commissioners to participate in meetings: add in availability for meeting dates as part of selection process; encourage participation of alternates even if they can't vote; better system for orienting new Commissioners/lunches with Co-Chairs
- Initial confusion about alternates voting rights
- Recognition that Commission doesn't have authority; members are volunteers; primary function is outreach and recommendation to Board of Supervisors and public
- Encouraging members of community to attend Commission meetings- they do based on the issues being raised

COMMISSION DETERMINATION OF PRIORITIES FOR COMING THREE YEARS

Feedback from BOS on Their Priority Concerns-

1. Provide input into Air District refinery fence line monitoring requirements
2. Encourage State Fire Marshall review of the IM analysis of the Kinder Morgan pipeline along the Iron Horse Trail (2 supervisors)
3. Pharmaceutical disposal ordinance
4. Environmental Justice recommendations- bring specific issues to Board members

Brainstorming of New Potential Priority Issues (Identified through large group discussion)

- *Crude oil terminals-* including rail transportation, aging pipelines; consider volume through shipping vs. rail and pipe; additives to crude oil and consequent disposal issues
- *Drinking water safety and quality-* old underground water systems, leaching
- *Emergency Response-* Chevron and others are not equipped to deal with major accidents; look at potential projects and risk
- *Brownfields clean-up-* effectiveness and enforcement of standards; new issues; vc

- *Refinery modernization*- Look at ways to streamline steps to lower emissions; protect worker, community and environment; ex- Phillips 66, Chevron
- *General County development and land use plans*- highways, industrial sites; link to regional planning effort through SB 373 and the Sustainable Communities Strategies

Criteria for Selecting Priorities were reviewed-

- Scope of problem- number affected; Environmental Justice concerns
- Within purview of Commission and its Mission
- Likely ability to influence issue
- Concern shared with BOS, public, and Commission members
- Others working on it already (partner with, avoid duplication or competition)
- Interest among Commission members to work on it
- Negative or disruptive politics likely to interfere with effectiveness?
- Resources are available to deal with the issue
- Does the Commission have enough information to act?

Narrowing of Priorities for Consideration:

Commissioners were asked to identify 2 issues from the new list that they thought should be priorities in next three years, and that they were interested in working on personally. The responses were posted and grouped, with several clear priorities of interest emerging:

- Crude oil terminals
- EJ recommendations (beyond the CEQA work)
- Refinery modernization
- Air District monitoring
- Brownfields- expanded work
- General County planning

Dot Voting for Final Selection of Priorities

Commissioners were each given 3 dots, and asked to prioritize among both the ongoing and the new activities. Due to a smaller number of participants than in previous years, they were asked to give only one dot to each priority (to reduce the likelihood of skewing results based on personal interest vs. overall group interest). At the end of the voting, it was clarified that Commissioners had assumed that all the ongoing issues that were currently active would continue to be a priority, so they focused their voting on new issues only:

- Crude oil terminals (7 votes)
- Refinery modernization (5)
- EJ recommendations implementation (4)
- Rail and Pipeline transportation (4)
- Brownfields (3)
- Air District Monitoring (2)
- General County Planning (2)

THREE YEAR WORK PLAN PRIORITIES AND COMMITTEE ASSIGNMENTS

Pharmaceuticals (Operations Committee- ongoing)
Continue current work and assist identified County Supervisor in proposed ordinance as requested

Community Warning System/ISO review (Full Commission- ongoing)
Continue Commissioner participation on Board ad-hoc review work group

Brownfields (Planning and Policy - ongoing)
Continue participation in 5 year review, maintain ongoing effort to watch Agency oversight.
Consider new issues around clean-up, funding; learn from naval Weapons Station experience

Environmental Justice (Planning and Policy – on-going, Operations-NEW)
In addition to continuing work looking at EJ work in CEQA, Operations committee will explore how to promote implementation of EJ policy, working with individual BOS members as appropriate.

Rail and Pipeline Transport (Planning and Policy-NEW)
Committee will define the issue more precisely, identify potential partners to engage, recommend action steps and timeline. Include consideration of Iron Horse Trail pipeline (interest of BOS). P & P Likely will work with the Full Commission. Michael suggested looking into a possible technical assistance grant for engaging communities around this issue.

Crude Oil Terminals (Planning and Policy- NEW)
Define the issue, explore additional needs for education; maybe invite dinner speaker to Full Commission, determine steps and partners, make recommendations to Full Commission

Refinery Modernization (Planning and Policy- NEW)
Define issue, make recommendations for next steps and timeframe

Air District Refinery Fenceline Monitoring (Full Commission, Operations Committee- NEW)
Plan full Commission presentation; follow up with Operations Committee and interested BOS member on community engagement and education if needed

MEETING EVALUATION

The pluses of the meeting included: good agenda, well-prepared; good time keeping, facilitation; covered a lot of material and new people learned a lot; having a retreat was a good way to get to know new members.

Things to improve included: send a pre-survey to identify emerging issues in advance and generate more ideas; have presentations on emerging issues; more time, it felt rushed; encourage more participation of Commissioners, by scheduling it for Sept or October and stressing importance of attendance by new members and alternates; and set up with tables to facilitate dinner.

Hazardous Materials Commission Accomplishments

- Siting of hazardous wastes and waste disposal
- Waste minimization through development of the Tanner Plan
- Community Right to Know program
- Community Warning System and accident notification
- Industrial Safety Ordinance
- Land Use Ordinance
- Risk Management Plans and their rollout
- Buffer Zones
- Environmental Justice Report and recommendations for implementation (to BOS)
- Underground storage tank inspections
- Evacuation planning vs. Shelter in Place issues
- Rail and Pipeline transport/accidents
- Precautionary Principle education (issue identified by the public)
- Mercury mine clean-up support
- Petroleum-related land use permitting
- TOSCO forum
- Meth lab clean-up standards
- Household Hazardous Waste Community survey
- Cumulative Impact forums
- Household Hazardous Waste Report
- Brownfield report