

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
September 23, 2010

Special Meeting - Commission Retreat
3:00 – 7:00 pm
IBEW Local 302 Meeting Hall
Martinez, CA

Members and Alternates Present: George Smith, Chairperson, Rick Alcaraz, Scott Anderson, Ken Chew, Henry Clark, Frank Gordon, Dave Hudson, Steve Linsley, Jim Payne, Jimmy Rodgers, Ralph Sattler, Kevin Schmitt, Leslie Stewart, Tom Hanson (A), Marj Leeds (A), Matt Marusich (A),

Absent: Staff: Michael Kent, Randy Sawyer

Members of the Public: Mary Anne Morgan – facilitator,

1. Call to Order: Commissioner Smith called the meeting to order at 3:00 p.m.

Announcements and Introductions: None

2. Approval of the Minutes: Approval of the minutes of August 26, 2010 was postponed.

3. Public Comments: None

4. Hazardous Materials Programs Report: There was no Hazardous Materials Programs report.

5. Operations Committee Report: There was no committee report given.

6. Planning and Policy Development Committee Report: There was no committee report given

7. Old Business: None

8. New Business:

a) **Hazardous Materials Commission retreat**

Meeting Goals and Agenda:

1. Members to understand Commission goals, history and key accomplishments
2. Identify 2-3 issues to work on in coming 1-3 years
3. Outline steps to be taken (action plan) for next 6 months, including assignment to committees
4. Incorporate opportunities to develop new leaders into agenda

Agenda was reviewed and approved.

Historical Review of Commission Activities

Commissioner Stewart gave a succinct overview of highlights of the Commission priorities and activities over the last 20 years, including:

- Created the local Hazardous Materials Plan, incorporating waste minimization concepts
- Responded to community concerns about accidents, worked on community notification system and “shelter in place”. Current issue is to determine how long residents are protected from exposure during shelter in place.
- Facility oversight and input into plans
- Worker safety
- Industrial safety, responded to TOSCO incident by hosting community forum
- Buffer zones and land use
- Environmental Justice, developed and submitted recommendations to BOS
- Evacuation planning
- Underground storage tanks
- Drub lab clean-up
- Hazardous materials transport
- Precautionary principle education of Commission and others
- Mercury mine clean-up

Review and Critique of Last Three Years Accomplishments

Commissioner Smith gave a power point presentation with description of priorities identified at retreat in 2007, and summarized actions taken over the last three years. In group discussion that followed, Commissioners identified the following successes and suggestions for improvement:

Successes and Strengths-

- Diversity of group and sense of “team work”, support for all perspectives to be heard, especially when taking a vote.
- In writing the *Brownfield Report*, each Commissioner took a role in researching his/her own community or constituency and incorporating that into the report. Not just staff-driven.

Areas for Improvement-

- More aggressive effort to fill vacant positions, including having one of the vacant Environmental seats filled by a resident of Concord
- Implementation of the HMC request that the County implement its Environmental Justice policy including the requirement that the BOS receive an annual report on the county’s progress in implementing its Environmental Justice policy.
- Need to follow-up issues that we have started, like the infiltration modeling, and continue to track on-going issues.
- Go into greater depth on the issue of household hazardous wastes.
- Be proactive in meeting with the new BOS member.
- The Commission got stuck on the shelter in place issue in Richmond, could have a more significant role in helping ensure all agencies involved work together.

Feedback from BOS on Their Priority Concerns

Michael Kent reported he heard back from Supervisor Gioia whose concerns were: 1. Development of Community risk reductions plans, related to land use, buffer zones and cumulative risks; 2. Investigating the potential impact of rising sea levels on infrastructures for transportation of hazardous materials in CCC; and 3. Ensuring pipeline safety related to transportation of hazardous materials. These issues were added in to the subsequent brainstorming activity, for a later Commission vote.

Emerging Issues Presentation

Commissioner Clark summarized the issues identified at a recent conference, and described in more detail the issues he felt would be most relevant for the Commission to consider in the coming year-

1. *Nanotechnology* (used in clothes, cosmetics, cars, etc) and its subsequent waste generation and disposal, leading to water pollution, fish contamination, etc... It was suggested the Commission educate its members to get an understanding of the impact on the environment and health of this new technology, and to examine local use. Disposal of wastes may share commonalities to the later issue of disposal of pharmaceuticals.
2. *Pharmaceutical Waste* including both prescription and non-prescription drugs being disposed of in the wastewater system. Commission needs to be educated on the issue and examine link to household hazardous wastes issue. Could research how other jurisdictions handle this problem.
3. *Green Chemistry*, and what industries or businesses are located in CCC neighborhoods? For example, what are the current issues with dry cleaning businesses, where technology is not available that is safe and minimizes exposures.

Other issues added during the discussion-

- Household hazardous waste- look at bans for plastic bags
- Mine clean up while Mt. Diablo mine has mercury, is arsenic also a concern (arsenic was identified at the conference and at federal level as a major contaminant in mines)
- Lead in plumbing, at schools and in homes.
- Pesticide usage in schools

Presentation on Hazardous Materials Programs

Randy Sawyer delivered a power point describing the programmatic activities, responsibilities and resources of the CCC Hazardous Materials Program, including reviewing their participation in efforts at the regional and state level.

Commission Determination of Priorities for Coming Three Years

1. *Ongoing Commission issues described:* Michael Kent suggested the Commission list priorities that they want to continue to track, monitor or act on, to get a complete picture of the Commission's potential workload. These activities include:
 - Brownfield report pending, follow up with BOS
 - Household hazardous waste report (excluding e-waste), track implementation of recommendations
 - Drug lab clean-up
 - Infiltration follow-up with Haz Mat Program (Randy scheduled to present in October)

- Rail transportation safety, and consideration of whether Commission can be more assertive in follow-up with railroads, requesting that they come present
 - EJ policy tracking and advocacy with BOS and CCHS for action
 - Community warning system updates
 - ISO updates
 - Public education, should be a strategy that continues to be part of the work plan, evaluate what works and what else could be done
2. *Brainstorming of possible issues:* Mary Anne posted the listings of historical issues of concern to the commission, emerging issues identified and Supervisor Gioia's concerns, for the Commissioners to review and consider. Each Commissioner and Randy Sawyer, Hazardous Materials Program Director, wrote three issues down that they wanted the Commission to consider when voting ensued. Round robin style, they described their issues, which were then posted. The Commissioners grouped like issues together, and asked questions to clarify what issues meant. Twenty-five issues were identified for subsequent voting.
3. *Criteria for selection of priorities:* Michael Kent reviewed the criteria identified from the 2007 retreat, and the group reiterated these were still appropriate. Criteria reviewed were:
- Scope of problem, number affected and whether some communities are affected disproportionately (EJ)
 - Issue is within purview of Commission
 - Likely to be able to influence
 - Concern is shared by BOS, community or Haz Mat Program
 - Others are working on it already?
 - Interest in issue among Commission members
 - Negative or disruptive politics likely?
 - Are there resources available to address the issue?
 - Does the Commission have enough information to address the concern?
- It was reiterated that two key criteria were to respond to BOS and Hazardous Materials Program concerns, and to take on issues the Commission is likely to be able to influence or have an impact on.
4. *Advocacy:* Commissioners were invited to comment on specific priorities, either to advocate in favor or to indicate why a priority might not be appropriate for the Commission to tackle. Commissioner Smith voiced concern that with respect to several issues, the Commission was unlikely to be able to have an impact and that the Commission should seriously consider issues the Haz Mat Program Manager felt was key.
5. *Voting:* Each Commissioner was given 4 dots to place on issues he/she thought should be priorities AND that he/she was willing to personally work on. Options included placing a single dot on each issue, or multiple dots on an issue of extreme importance. The full list of issues is contained in the attachment, ordered by the number of votes each received.

Four issues received at least 7 votes each and will become the focus of the Commission's work in the coming year (in addition to tracking ongoing issues). The four priority issues, their problem statements, and the committee assigned to follow up are listed in the Draft Work Plan Section that follows. It was acknowledged that assignments from the BOS, identification of urgent community concerns, or a toxic materials incident could lead to a re-prioritization among these issues, and/or addition of a different issue.

DRAFT COMMISSION WORK PLAN FOR 2010-2013

1. Education and Assessment of Action on New Issues

Pipeline Safety (Full Commission)

Problem Statement: Particularly in light of recent PG & E explosion in a local neighborhood, the public needs information about how pipelines are inspected and regulated in order to ensure community safety. Educate selves on rules and regulations, local relevance, existing safety plans, when inspections occur, etc... Once informed, Commission could help educate community and county, provide information about what people can do with the information and how to find out information (right to know)

****Commission determined this should be the first priority issue to address.

Pharmaceutical Wastes (Operations Committee)

Problem Statement: Disposal of pharmaceutical wastes, potentially including medical marijuana waste, either due to non-use or excretion is increasing, with unknown impacts on the environment and community health. The Commission needs to educate itself on where these wastes come from, what is being done at the local level to handle the waste effectively to minimize environmental and health impacts, what "best practices" exist elsewhere, what is and is not regulated (e.g., controlled vs. uncontrolled substances) and by whom.

Nanotechnology (Full Commission)

Problem Statement: This is an emerging technology where it is unclear what the risks are due to its use and potential waste disposal. The full Commission is interested in learning more about how the technology is being used, what risks are known due to disposal, including environmental and health impacts, how devices are regulated and by whom.

Industry Safety (Planning and Policy Committee)

Problem statement: The Commission wants to be updated on current trends and best practices in industrial safety in order to evaluate if additional measures should be taken. Commission needs to be educated to understand trends, incidents, and recommendations coming from incidents, in order to assess how CCC measures up and to apply new information as relevant. Look at safety culture (issue introduced by Randy Sawyer) and review current ISO scoring re: pipelines for appropriate level of safety protection. Compare facility employees vs. contractors in terms of safety.

2. Ongoing Issues to Track and Follow-up as Needed

- Brownfield report pending, follow up with BOS (Planning and Policy)
- Household hazardous waste report recommendations (Operations)
- Drug lab clean-up (Planning and Policy)
- Infiltration study follow-up with Haz Mat Program (Full Commission)
- Rail transportation safety (Planning and Policy)
- EJ policy tracking and advocacy (Operations)
- Community warning system updates (Operations)
- ISO updates (Planning and Policy)

****Public education needs to be part of the work plan, with Commission evaluating what works and what else could be done.

3. Internal Organizational Issues for Development

- Strategy for regular, proactive communication with BOS (Operations)
- Strategy for recruitment for vacant positions (Operations)
- Review and refine community outreach methodology (Operations)
- Examine committee structure and promote cross-fertilization between committees (Operations)

Proposed Short Term Timeline

October Meeting-

Infiltration report by Randy Sawyer; determine next steps based on findings

Committee reports on new issues as described above

Operations Committee update recruitment process.

November-December

Presentation on new assessment method for measuring cumulative impacts developed by OEHHA (work with Randy Sawyer)

Invite others to the meeting (EJ groups and others)

Recruit new members at meeting

Present overview of HMC priorities for coming year

Outstanding Issues (Issues Bin)

- Role of Commission vs. staff in carrying out the work. How to shift more responsibility to Commissioners as appropriate.
- Request BARHII report on its EJ activities

COMPLETE LIST OF ISSUES FROM COMMISSION BRAINSTORMING

- Industrial safety 9 votes
Assess safety culture; major concern of Haz Mat Program; look at prevention; provide input; educate public; look at trends in industry
- Pharmaceutical waste 9 votes
- Pipeline safety 8 votes
Related to transportation; what safety plans exist, fed regulations, when do inspections occur; look at age of pipelines, underground utility USA, common ditch
- Nanotechnology 7 votes
Educate selves, determine impact, decide on strategy
- Household hazardous waste disposal 5 votes
Plastic bags disposal policy; do more on the report recommendations
- Cumulative impact 5 votes
New method is being proposed to look at community risk; Haz Mat Program considers this a priority; education for Commission
- Green chemistry 5 votes
Dry cleaners, etc; local neighborhood impacts
- Land use ordinance scoring system related to pipeline transportation 4 votes

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- Re-look at scoring system to ensure safety protection; directly related to BOS
- Community development of risk reduction plans 2 votes
Issue proposed by S. Gioia; Commission needs education
 - Impact of sea level rising on hazardous materials infrastructure 2 votes
Proposed by S. Gioia; may be difficult for Commission to impact
 - Applied EJ 1 vote
Make shelter-in-place work as well as possible in N Richmond
 - Mercury mine clean-up 1 vote
 - Cumulative impact assessment (land use planning) 1 vote
 - Pesticide use (in schools) 1 vote

The following issues received no votes:

Medical marijuana; personal emergency preparedness education (fairs, other info); toxics in toys (including lead); and emergency preparedness systems

9. Items of Interest: None

10. Plan Next Agenda: Report from the Hazardous Materials Program on their infiltration study.

11. Adjournment: The meeting adjourned at 7:00 p.m.