

Hazardous Materials Commission

Draft Minutes Operations Committee

December 11, 2020

Members and Alternates

Present: Fred Glueck, Leslie Stewart, Steve Linsley, Gabe Quinto, Kevin Hernandez (student intern)

Absent: Rick Alcaraz, Audrey Comeaux, Environmental Justice seat (vacant)

Staff: Michael Kent, Cho Nai Cheung, Susan Psara, Matt Kaufmann, Devra Lewis, Ellen Dempsey, Karine Abramians

Members of the Public: Heather Youngs, Marielle Boortz,

- 1) **Call to order, announcements:** Commissioner Glueck called the meeting to order at 10:05 am.

Michael Kent announced:

- The Environmental Health Department will hold a public meeting on December 14th to discuss a study done to determine if radioactive waste could have been illegally disposed of in Kellar Canyon landfill in Pittsburg.
- The November 9th meeting of the Board of Supervisors Legislative committee was postponed till December 14th at 9:00 when they will consider the Commission's recommendations concerning their Legislative Platform.

- 2) **Approval of Minutes:**

The minutes of the November 13, 2020 meeting were moved by Commissioner Linsley, seconded by Commissioner Stewart and approved with corrections by a vote of 4 - 0.

- 3) **Public Comments:** None

- 4) **Old Business:** None

- 5) **New Business:**

- a) **Review and develop recommendations concerning the potential impacts of Sea Level Rise on hazardous materials management.**

Ellen Dempsey, a Hazardous Materials Specialist with the County's Hazardous Materials Program began the presentation by reminding the committee that they had been given a presentation on the study being discussed today at their full Commission meeting last February. That study, "Hazardous Materials Commodity Flow Study with Special Focus on Sea Level Rise and Flood Risk", <https://cchealth.org/hazmat/hmc/adapting-to-rising-tides/pdf/Commodity-Flow->

Study-with-Special-Focus-on-Sea-Level-Rise.pdf, was commissioned by the Hazardous Materials Program and completed by Tait Environmental Services in August of 2019. She summarized that the study had two parts, 1) an identification of the profile of hazardous materials shipped by rail in Contra Costa County, and 2) a risk assessment of the impacts of sea level rise and flooding on hazardous materials shipments in Contra Costa County. The study identified 3 chemicals of primary concern: ammonia, propane and sulfuric acid. It also identified a number of “pinch points” in the County – areas where the potential impacts from sea level rise and flooding, combined with the demographics of the surrounding communities, resulted in the highest level of vulnerability. Ms. Dempsey concluded that she would like to see the Commission reaffirm their past letter to the Board of Supervisors concerning Sea Level Rise and the Adapting to Rising Tides Study done by the Bay Conservation and Development Commission, and would like to them recommend new policies derived from the information in the Commodity Flow study.

Commissioner Glueck asked whether the information could be used in EIRs conducted in the County. He also wanted to know what was known about the impacts to areas besides the “pinch points”. Ms. Dempsey said that the Adapting to Rising Tides study contained information on a range of impacts on all areas of the County potentially impacted by Sea Level Rise.

Commissioner Stewart asked how the information in the report could be included in the effort to address Environmental Justice concerns in the current update to the County General Plan. Ms. Dempsey said she would like to see a policy that ensures that areas with inequitable conditions are further protected from the impacts of Sea Level Rise. Commissioner Quinto said he would support this type of policy.

Commissioner Quinto also expressed concern that the levees in Hercules and Pinole where they are building a new Amtrak station and a community by the waterfront are not doing well, and the train tracks run very near there.

Commissioner Glueck noted that he thought the railroads would want to participate in this type of discussion. He also thought it was important that when developing this type of policy that clear definitions be established for the areas designated as being potentially impacted by Sea Level Rise. He thought the policy could say – Protect the movement of hazardous materials from Sea Level Rise, especially in Disadvantaged Communities. He also thought an action item could be created that says – Using the information in the Commodity Flow and Adapting to Rising Tides studies, develop infrastructure and land use improvements to protect the “pinch points” identified in the Commodity Flow study. Ms. Dempsey agreed that better coordination and cooperation with the railroads and other entities is needed because there would be multiple economic impacts from the disruption of the transportation of hazardous materials into and through the County. She added that new businesses need to consider sea level rise prediction in their site planning, but that small businesses need more education.

Ms. Dempsey proposed the following policy – Businesses in Disadvantaged Communities should address future impacts of Sea Level Rise. She proposed an associated Action – Amend Business Plan requirements to address possible impacts from Sea Level Rise. Susan Psara added that if businesses in Disadvantaged Communities are more heavily regulated then that could be considered an Environmental Injustice.

Commissioner Glueck raised the question - at what point does Government step in to require action? Should an Action Item be for the County to figure out what business need to take action with out creating an undue burden? He also thought an Action Item could be to provide education to businesses about the potential impacts of Sea Level Rise.

b) Review and develop recommendations concerning draft Goals, Policies and actions on Environmental Justice for the update to the County General Plan contained in an October 2, 2020 memo by Placeworks.

The Committee began the discussion by reviewing the comments the made on the memo that were in the minutes from the last meeting. There was limited time to discuss this issue. Commissioner Glueck thought that it would be a good idea to suggest that the County do baseline assessments and periodic updates of their programs in regards to providing equitable implementation throughout the unincorporated areas of the County. He thought a dashboard of results posted to the County Website would be a good way to share this information with the public. Health Youngs supported the notion of establishing indicators and a baseline for County programs. She also thought support was needed for people living in Disadvantaged communities to implement the changes that will be required by the new General Plan.

The committee did not have time to review the following specific comments that were made at the November 13, 2020 Operations committee meeting.

Specific comments:

Goal A

Policy 6 and Action 7 should be reversed.

Goal C

Possible new Policy – Homes potentially impacted by chemical fires or releases that may need to shelter-in-place need to be able to do so safely, with adequate infiltration rates and protection from heat. These concepts can also be incorporated into Policies C-4 and C-5.

Possible new Policy – Support continued public education to make sure all residents are provided adequate education about less toxic alternatives to household hazardous products, including pesticides, and education about the safe handling, storage and disposal of Household hazardous Waste, including pharmaceuticals. Ensure there are adequate options for HHW disposal for residents that don't drive.

Goal E

Concerned about the use of the word “equal” in goal. Is this really possible?

Goal F

Action F-4 – make sure the criteria established considers the type of hazmat being transported and the air pollution from the trucks.

Goal J

Policy J-3 Possible new policy – more specificity for how far away sensitive receptors need to be from sources to be safe, and be clear that they shouldn't be placed within that zone.

Goal K –

Define “resilient” better – Need policies and actions that address resiliency

Possible new policy – Ensure residents and businesses that live near hazards are adequately educated about the risks from near-by hazardous materials and have adequate ways to protect themselves.

Policy K-1 – What is the definition of “large scale hazardous waste facility” Is this a TSD facility or a facility that generates a large amount of hazardous waste?

Policy K-2 – replace “advocate for” with “Coordinate with agencies to equitably remediate...”

Possible new policy - require setbacks of pipelines, rail lines, oil & gas drilling from healthcare, schools, residences, senior & child care, etc., & setback of those new receptor development from those industrial facilities as well as other facilities using hazardous materials

Possible new policy - safe clean up, not cover up of contaminated sites to be developed for sensitive receptor uses. (no cleanup with deed restrictions)

Possible new policy - No development of cleaned up contaminated sites which have not passed current 5-year reviews

Possible new policy - no development of sites in violation of existing land use covenants imposed by DTSC or the Regional Water Quality Control Board.

Climate Equity

New policy - no new facilities using or storing hazardous materials to be sited in areas impacted by projected sea level rise without adequate preplanning for that eventuality.

6) Plan Next Agenda: The committee will continue to review recommendations for Environmental Justice issues to be included in the update to the County's General Plan.

7) Adjournment: The meeting was adjourned at 12:00.