

**CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION**

OPERATIONS COMMITTEE MEETING

Friday, October 12, 2018

10:00 a.m. – 12:00 noon

North Richmond Center for Health

1501 Fred Jackson Way

Richmond CA 94801

The Contra Costa County Hazardous Materials Commission will provide reasonable accommodations for persons with disabilities planning to attend the Hazardous Materials Commission meetings who contact Michael Kent, Hazardous Materials Commission Executive Assistant, at least 24 hours before the meetings, at (925) 313-6587

AGENDA

- 1. CALL TO ORDER, ANNOUNCEMENTS AND INTRODUCTIONS**
- 2. APPROVAL OF MINUTES: SEPTEMBER 14 , 2018**
- 3. PUBLIC COMMENT:**
- 4. OLD BUSINESS:**
 - a) None
- 5. NEW BUSINESS:**
 - a) Review the Commission's by-laws to determine if they allow the Commission to make a recommendation directly to a local jurisdiction, and to bring them up-to-date.
- 6. REPORTS FROM COMMISSIONERS ON MATTERS OF COMMISSION INTEREST Members**
- 7. PLAN NEXT AGENDA**
- 8. ADJOURNMENT**

Attachments

Questions: Call Michael Kent (925) 313-6587

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by Contra Costa Health Services to a majority of members of the Hazardous Materials Commission less than 72 hours prior to that meeting are available for public inspection at 597 Center Avenue in Martinez

***Contra Costa County Hazardous Materials Commission
597 Center Avenue, Suite 200, Martinez CA 94553 (925) 313-6712 Fax (925) 313-6721***

Hazardous Materials Commission

Draft Minutes Operations Committee

September 14, 2018

Members and Alternates

Present: Rick Alcaraz, Steve Linsley, Leslie Stewart, Lisa Spark (alternate),

Absent Fred Glueck, Lara Delaney, Ralph Sattler (represented by alternate),

Staff: Michael Kent

Members of the Public: None

- 1) **Call to order, announcements:** Commissioner Stewart called the meeting to order at 10:00 am.

Michael Kent announced:

- DTSC is conducting work at Zeneca and Shell
- The CARE Safety Summit is September 20th at 8:30 at the Shell Clubhouse in Martinez
- The Hazardous Materials Program held a community meeting at the Philips 66 and Air Liquide RMP and ISO audits on August 16th.
- The Board of Supervisors Ad Hoc committee on Sustainability will be meeting on September 24th
- The Industrial Association meeting on September 11th featured speakers on AB 617 from WSPA and CMTA

2) Approval of Minutes:

The minutes for the July 13, 2018 meeting were moved by Commissioner Alcaraz, seconded by Commissioner Linsley and approved 4 – 0.

3) Public Comments: None

4) Old Business:

a) Update on the County's Pharmaceutical Ordinance

The committee received the following written update from Dan Peddycord, Public Health Director:

- 1) The County is proceeding in working with the product stewardship consortium MED-Project to implement the County safe drug disposal ordinance. We expect the installation of a min of 15 kiosk to begin in late September or early October. MED-Project has contacted numerous pharmacies, hospitals and law enforcement agencies and are working with some 65 entities

that have expressed an interested being a disposal site. They are committed to installing kiosk at every site that is willing and meets DEA regulations, meaning we anticipate seeing far more than the minimum 15 required in the County Ordinance, over time. We have not yet received detailed information on specific locations as of this time. Currently they are working most closely with CVS pharmacies, so we might expect those locations to be early adopters.

- 2) Walgreens has also announced an expansion of their national drug take back program, indicating they are planning on installing additional kiosk in their pharmacies before the end of the calendar year.
- 3) Senate Bill 212, which proposes to create a State Wide drug disposal program is now on the Governor's desk and many anticipate he will sign the bill. Once signed it preempts local ordinances, with the exception of those passed prior to April 18, 2018. Hence ours is grandfathered in. There is a roughly a 3 year implementation window, after the bill is signed, but our ordinance will stay in effect.

b) Review of Contra Costa County Climate Leaders fact sheet on hazardous materials usage.

The Committee reviewed the latest draft of the hazardous materials factsheet developed by Contra Costa County Climate Leaders and made the suggested edits to the document.

- 1) The language was too technical for the general public
- 2) There are too many tables
- 3) Cities have very little control over changing the amount of hazardous materials and hazardous waste is used and stored in their jurisdictions, The scorecard should focus instead on evaluating programs that can reduce the impacts of those hazardous materials that the cities do have control over such as emergency response, fire marshal activities, zoning, adapting to the impacts of climate change, and their local hazard mitigation plans.

5) New Business

a) Review Commission by-laws for policy recommendations process

In response to the request from the No Coal in Richmond Coalition to comment on the City of Richmond's proposed ordinance to establish controls for facilities handling coal and petroleum coke, the committee reviewed the Commission's current by-laws as they pertained to making recommendations to individual jurisdictions on policy decision being made by that jurisdiction. The committee found that part B5, B6 and C apply generally, but part IA1 only applies as it relates to the County's hazardous waste management plan. Based on this reading, the committee felt further clarification was needed. As a first step, they directed staff to contact the staff of the Board of Supervisors Internal Operations committee for guidance.

b) Discuss filling vacant Commission Seats

The Commission did not receive any applications for the open Environmental Seat. Therefore, the seat will remain open until filled. Staff will attempt to make presentations to individual

groups in an attempt to find applicants. Business Seat #1, City Seat #1 and Labor Seat #1 also expire at the end of the year, and those seats will be notified that they need to re-apply and have their sponsoring organizations write letters of support.

6) Reports from Commissioners on Matters of Commission Interest: None

7) **Plan Next Agenda:** Continue to review the Commission's by-laws

8) **Adjournment:** The meeting was adjourned at 12:00.

Attachment

Item 5a

**BYLAWS OF THE
CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION**

I. RESPONSIBILITIES

- A. Pursuant to Health and Safety Code section 25135.2, the Contra Costa County Hazardous Materials Commission ("Commission") shall:
1. Advise the County Board of Supervisors, County staff, and the mayor's council members, and staffs of the cities within the county, on issues related to the development, approval, and administration of the county hazardous waste management plan.
 2. Hold informal public meetings and workshops to provide the public with information, and to receive comments, during the preparation of the county Hazardous Waste Management Plan.
- B. Pursuant to Board of Supervisors Order dated October 14, 1986, the Commission is charged with the following tasks:
1. Draft a County Hazardous Materials Storage and Transportation Plan for consideration by the Board of Supervisors.
 2. Draft a County Hazardous Materials Storage and Transportation Management Ordinance for consideration by the Board of Supervisors.
 3. Coordinate the implementation of the Hazardous Materials Release Response Plan and Inventory program (AB 2185) (Stats. 1985, ch.1184) with the other recommendations of the Hazardous Waste Task Force and the Hazardous Waste Management Plan.
 4. Address the economic effects of implementing these recommendations.
 5. Further develop the recommendations involving hazardous materials issues which should include obtaining broad public input.
 6. Oversee management coordination of all aspects of the storage or transportation of hazardous materials and the generation, storage, transportation, treatment, and disposal of hazardous waste.
 7. Recommend further charges for consideration by the Board of Supervisors, or recommend changes in the existing charges to the Commission for consideration by the Board of Supervisors.
- C. Report and make recommendations on such further matters concerning hazardous materials and wastes as are referred to the Commission by the Board of Supervisors.

II. MEMBERSHIP

- A. Members. The Commission shall consist of the following thirteen (13) members, each with an appointed alternate, and appointed as follows:

Two (2) representatives of cities, appointed by the City Selection Committee pursuant to Article II (§50270 et seq.) of Chapter 1, Part 1 of Division I of Title 5 of the Government Code;

Three (3) representatives of business, nominated as indicated below, screened by the Internal Operations Committee, and appointed by the Board of Supervisors (IOC Bd Order dated February 24, 1998);

“Business Seat #1 - to be nominated by the West County Council of Industries.”

“Business Seat #2 - to be nominated by the Industrial Association.”

“Business” Seat #3 - to be nominated by the Contra Costa Taxpayers Association.”

Three (3) representatives of environmental organizations, with all applicants to any of the three “Environmental Organization” seats to be nominated by an environmental organization, but that no particular environmental organization will have an exclusive right to nominate an individual to any one of the three aforesaid seats or their alternates, and therefore, which environmental organizations are represented on the Hazardous Materials Commission rests with the Internal Operations Committee and ultimately the Board of Supervisors (IOC Bd Order dated February 24, 1998);

One (1) representative of the League of Women Voters, nominated by the League and appointed by the Board of Supervisors;

Two (2) labor representatives, nominated by labor organizations, screened by the Internal Operations Committee, and appointed by the Board of Supervisors (Bd. Order dated June 4, 1996;)

One (1) representative of environmental engineering firms located in Contra Costa County, nominated by such firms, screened by the Internal Operations Committee, and appointed by the Board of Supervisors;

One (1) representative of the general public, appointed by the Board of Supervisors. (Health & Safety Code, § 25135.2; Bd. Order dated 10/14/86. Amended 02/14/94.)

- B. Board Appointments. Board of Supervisors’ Resolution No. 2002/377 shall govern the procedure for nominating and appointing members appointed by the Board of Supervisors.

- C. Terms. Members shall serve staggered terms of four-years at the pleasure of the appointing authority. There is no limit to the number of terms a member may serve. The Commission shall determine how the terms shall be staggered.

If a Commissioner, or their alternate attending in their place, misses more than half of the full Commission meetings held in the final year of their term, the Commission shall recommend to the Board of Supervisors against reappointment for another term.

- D. Alternates. Organizations nominating or appointing members to serve on the Commission may designate alternates to members of the Commission by submitting the name of the alternate to the County Administrator. If the Board of Supervisors is the appointing authority, the County Administrator shall seek Board approval of the appointment, which becomes effective upon Board approval. (Bd Order date 08/18/87.)

III. OFFICERS

- A. The Commission shall elect a Chairperson and a Vice-Chairperson for terms of one calendar year.
- B. The Clerk of the Board shall be notified of the selection of the Chairperson and Vice-Chairperson.
- C. The Chairperson and Vice-Chairperson may serve consecutive terms.

IV. CONDUCT OF BUSINESS

- A. Meetings. Meetings shall be conducted pursuant to the Ralph M. Brown Act. (Gov Code, § 54950 et seq.)
- B. Chairperson. The Chairperson shall be responsible for:
 - 1. Conducting all meetings of the Commission
 - 2. Reviewing and approving Commission agendas.
 - 3. Selecting Commission members for standing and ad hoc committees.
 - 4. Representing the Commission, or designating a member to represent the Commission, before the Board of Supervisors, City Councils, or other bodies before which the Commission may wish to appear.
- C. Quorum. Business shall be conducted by the Commission only when a quorum is present. A majority of authorized seats shall constitute a quorum.
- D. Final recommendations of the Commission to the Board of Supervisors shall require the number of affirmative votes equal to the quorum of the Commission on the date of the vote.

V. BYLAWS AND OTHER GUIDELINES

- A. Bylaws. These Bylaws shall govern the conduct and activities of the Commission. However, nothing in these bylaws excuses compliance with any other law. The Commission may, from time to time, recommend to the Board of Supervisors that changes be made to these bylaws.

VI. CONFLICT OF INTEREST

- A. General Board Policy. Pursuant to Resolution No. 2002/376, the Board of Supervisors has adopted a policy for Board appointees concerning conflicts of interest. Resolution No. 2002/376 applies to the Commission and requires as follows:

1. Statutes on Conflicts. Officials, Commissioners, and Committee members appointed by the Board shall adhere to the principles and rules of the Political Reform Act of 1974 (Gov. Code, § 816000 et seq.), including the following:
 - a) Local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth. (Gov. Code, § 81001 [b].)
 - b) Public officials should perform their duties in an impartial manner, free from bias caused by financial interests of themselves or their supporters. (Gov. Code, § 81002 [b].)
 - c) Public officials should disclose assets and income which may be materially affected by their official actions, and in appropriate circumstances they should be disqualified from acting, in order to avoid conflicts of interest. (Gov. Code, § 81002[d].)
2. Common Law Policy on Conflicts. All officials should so conduct the public business as to avoid even any appearance of conflict of interest. (See, e.g., Kimura v. Roberts [1979] 89 Cal.App.3d 871.)

- B. Board Policy for Hazardous Materials Commission. Consistent with Resolution No. 2002/376 and Health and Safety Code section 25135.2, the Board hereby declares, as a matter of legislative determination, that members of the Hazardous Materials Commission are intended to represent and further the interest of specified industries and groups responsible for their nomination. Accordingly, the Board of Supervisors hereby finds that for purposes of members of the Commission nominated by a trade, industrial or professional group, such trade, industrial or professional group constitutes a significant segment of the public within the meaning of Government Code section 87103.

By this policy, the Board does not find or imply that members of the Hazardous Materials Commission are public officials within the meaning of Government Code section 87100 (Political Reform Act). This declaration of policy is only to clarify the application of the Board's general policy on conflict of interest to the Hazardous Materials Commission.

Approved by the Board of Supervisors on October 16, 1989.
Non-substantive amendments by the Commission on April 22, 1992.
Amended by the Board of Supervisors on February 14, 1994.
Board requested recommendations 2/28/98 item c.31, 02/02/98 item c.29 approved Operations Committee April 10, 2000.
Reviewed by the Operations Committee February 11, 2002 with no changes made.
Amended by the Board of Supervisors on 7/15/03, Item c.48
Amended by the Board of Supervisors on 9/21/04, Item c.75

LTF: 10hmc21494.

NAN: (Draft) hmc041000.

NAN:Revised bylaws Bd Ord. 062000 Item c.122