

Hazardous Materials Commission

Draft Minutes Operations Committee

June 9, 2017

Members and Alternates

Present: Steve Linsley, Leslie Stewart, Matt Rinn (Alternate), Rita Xavier (alternate)

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

Staff: Michael Kent

Members of the Public: None

- 1) **Call to order, announcements:** Commissioner Stewart called the meeting to order at 10:08 am.

Michael Kent announced:

- The Mayor Conference member and their alternates have switch committee assignments as of today. DeLaney/Rinn will be on Operations and Ross/Kinney will be on Planning and Policy.
- The cybersecurity workshop the Commission is co-sponsoring with CAER will be on June 13th from 8:00- 11:30 at the Shell Clubhouse in Martinez.
- The Commission annual meeting with Supervisor Gioia will be on June 27th at 1:30 at his office in El Cerrito.

- 2) **Approval of Minutes:**

The minutes for the April 14, 2017 meeting were moved by Commissioner Linsley, seconded by Commissioner Stewart and approved 2-0-1 with Commissioner Rinn abstaining.

- 3) **Public Comments:** None

- 4) **Old Business**

- a) **Update on the Pharmaceutical Disposal Ordinance**

Public Health Director Dan Peddycord is preparing a update report to the Board of Supervisors that should go to them some time in July. The key issues are how to address sharps disposal and how to engage the cities in the ordinance.

Commissioner Stewart received a letter from the State League of Women Voters forwarding a message that the State Board of Pharmacy has finalized standards for pharmacies that want to collect unused pharmaceuticals from the public.

b) Update on the Cybersecurity Workshop

The workshop is next week and the flyer has gone out to industries, wastewater treatment plants, hospitals, cities, the County's IT department, and Chambers of Commerce. So far 20 people have RSVPed.

c) Update on pipeline emergency preparation brochure

The planning group met to discuss the distance from a pipeline a facility would be to recommend they do emergency planning for a potential release. The planning group settled on ¼ mile, and will soon meet with the Hazmat staff who has mapped pipeline locations and sensitive receptors to identify the sensitive receptors within ¼ of a pipeline

5) New Business

a) Review Current School Siting Regulation Requirements for Hazardous Chemical Risks

Michael Kent reviewed the information he has collected to date pertaining to assessing chemical risks as part of the school siting regulations, and the conclusions he has drawn from that information.

- 1) California Code of Regulations – Title 5 – This regulation contains the siting requirements for new schools. Section 14010 requires:
 - d) a safety study to be done if the proposed site is within 1500 feet of a rail track easement
 - h) risk analysis study in the proposed site is within 1500 feet of a pipeline.
 - q) consideration of air pollution in site selection
 - t) consultation with DTSC if the site is within 2000 feet of a significant disposal of hazardous waste.
- 2) CDE School Site Selection and Approval Guide, prepared by the School Facilities Planning Division of CDE. This document helps School Districts evaluate safety factors including:
 - a) Presence of toxic and hazardous substances
 - b) Hazardous air emissions and facilities within a ¼ mile
 - c) Other health hazards
 - d) Proximity to railroads
 - e) Natural gas lines
 - f) Gasoline lines
 - g) Propane tanks
 - h) Major roadways
- 3) Comment letter on School siting guidelines and design standards by the Safe Routes to School National Partnership, 4/28/17 - This comment letter called for discouraging schools from siting near hazardous areas, and recommends that Environmental Justice Impact Studies be done for proposed sites.

- 4) EPA School Siting Guidelines, October, 2011 – these guidelines provide information on how to assess the impacts from a wide range of environmental factors, but they contain no definitive risk assessment process for doing so. Phone conversation on May 8, 2027 with Eric Canteenwala at EPA Region 9 also confirmed that these guidelines do not have criteria for assessing risks from accidents at chemical facilities.
- 5) Phone conversations with facility managers at WCCUSD, Pittsburg USD and Antioch USD. These conversations confirmed that many new schools are built on the site of old schools and thus do not go through the school siting procedure. For new schools that aren't built on old school sites, the School Districts rely on the CDE to review the hazardous materials risks in the site assessments.
- 6) Phone conversation with Fred Yeager, CDE, 6/2/17 – He confirmed that the State developed guidelines for assessing the risks of siting near pipelines. These were added in 2000 and contracted with URS to come up with a methodology in 2004. They were updated in 2007. They determined it was too difficult to come up with a similar risk assessment for siting near a rail line. He doesn't know of any procedure for assessing the risks from chemical releases from industrial facilities, or if they review those risks. In general, they review the site risk assessments for School Districts that want State funding after the local Board of Education has approved the site. If they comment, it is usually procedural; they do not check the math or the process used in the risk assessment.

In general, he said he found that the weakness he saw in these regulation and guidelines in terms of assessing the risk from hazardous materials was

- 1) the lack of an established methodology to conduct the risk assessment for rail and facility accidents,
- 2) the lack of any rigorous review by the school district or the CDE of the risk assessments that the consultants hired by the school districts perform, and
- 3) the fact that new schools built on old school sites don't seem to go through the site selection process even though when the school was originally built the hazardous risks may have been different, and our knowledge of hazardous risks has changed tremendously.

After the review, Commissioner Stewart noted that since most School Districts are self-insured, they won't have outside insurance companies putting pressure on them to verify the results of the risks assessments that are performed. And since the departments in the School Districts that deal with insurance are probably different than the departments that oversee the site selection process they might not look at this issue either.

Commissioner Xavier said the next school in the West County Unified School District to be rebuilt is Lake Elementary, and it is near a rail line.

The committee then discussed the possibility of in the future doing a workshop for school districts on addressing the risks from hazardous chemicals.

b) Discussion of which committee to assign the topic of looking at the risks of nanotechnology.

Following up the presentation by Gabriele Windgasse of the California Department of Public Health on the potential health impacts of nanotechnology, Chairman Smith asked each committee to discuss whether they would be interested in addressing this issue in their respective committees. Commissioner Stewart began this discussion by expressing her concern that any outreach or information sharing the Commission might do around this issue needs to balance the need to let people know there is a concern with the potential for needlessly make people worry, especially because right now there isn't much that can be done about the potential health threats. The committee discussed this and decided that they should receive presentations on any information that is collected about nanotechnology use or manufacturing in the County so they can consider what type of outreach should be done about this information.

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

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