

Hazardous Materials Commission

Draft Minutes Operations Committee

July 14, 2017

Members and Alternates

Present: Rick Alcaraz, Fred Glueck, Steve Linsley, Leslie Stewart, Rita Xavier (alternate)

Absent Ralph Sattler, Lara Delaney

Staff: Michael Kent

Members of the Public: John Cunningham, Department of Conservation and Development

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

Michael Kent announced:.

- The Commission annual meeting with Supervisor Gioia was on June 27th at his office in El Cerrito. The meeting went well. One issue he would like to see the Commission consider is the value of adding an Environmental Justice seat to the Commission.

- 2) **Approval of Minutes:**

The minutes for the June 9, 2017 meeting were moved by Commissioner Glueck, seconded by Commissioner Linsley and approved 3-0-1 with Commissioner Glueck 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 was scheduled to be heard in July, but now looks it looks like this will happen in September.

- b) **Update on pipeline emergency preparation brochure**

The planning group met to determine how many sensitive receptor sites are within ¼ mile of major gas and oil pipelines in the County. More work will need to be done by the Hazmat GIS staff to determine the exact number, but a rough count identified way more than can be visited individually.

Commissioner Stewart suggested that we should be able to enlist the help of schools to identify and distribute brochures to day care facilities that serve their area. Commissioner Xavier

suggested we should ask the Cities and County Supervisors to help distribute the brochures electronically.

5) New Business

a) Discussion of School Siting Criteria

John Cunningham, a transportation planner with the County's Department of Conservation and Development, attended to share his experience with trying to affect school siting criteria. His involvement stems from the fact that state law requires schools to consult with local Planning Departments or Planning Commissions when they are purchasing and developing a site for a school. State law doesn't provide local planning departments with the authority to stop development from happening, they are only given the right to provide consultation to the School District.

More generally, the Department of Conservation and Development (essentially, the County's Planning Department) has police powers and has the ability to look at school safety issues. But Title V (the state law pertaining to school siting criteria) contains guidelines that are a superficial crude tool. The County has advocated changes to Title V to make it more specific because in the past, schools have been plunked down in the middle of nowhere without regards to the impacts on transportation safety. But it is hard to get siting criteria changed, and local School Districts can exempt themselves from local ordinances. As a result, historically, Planning Departments have ignored schools as if they have no interest, and as if School Districts are preemptively exempt from local ordinances.

As a result, new Greenhouse Gas and Safe Routes to Schools requirements are ignored by School Districts. This makes it difficult to provide adequate transportation services to children going to school. But he doesn't know how exactly how many schools exempt themselves from local ordinances.

Commissioner Glueck suggested that School Districts that exempt themselves from local ordinances should be required to take out a bond or insurance to address any problem that arises from exemptions. That might motivate them to pay more attention to transportation/safety issues.

Mr. Cunningham said that 5 or 6 years ago his agency sent out letters to the School Districts in the County that said that the way the State law is set up makes it impossible for them to do their job to protect student safety. He went to further say that recently Solano County was going to pass a local ordinance that would have required School Districts to do a comprehensive transportation safety assessment. If School District didn't want to comply with the ordinance they would have had to exempt themselves from the requirements of that local ordinance, and that would have been politically difficult. They never went through with this, but that sort of ordinance could be a model for requiring School Districts to consider the risks from accidental releases of hazardous chemicals. He also added that it has been his experience that the building industry has been opposed to any changes to Title V in the past. He said it would also be difficult to just have schools subject to the normal planning requirements.

In Contra Costa County, most of the support to him for pushing for more transportation/safety planning for school siting has come from the East County Supervisors, Piepho/Burgis and Glover because the problem is most acute in East County. They have been supportive of staff recommendations. He thinks there may be interest in a local ordinance for school safety, but it would have to be more comprehensive than just transportation. At this point, his Department isn't looking at trying to keep schools out of certain areas. Since this is such a complex issue, they don't see themselves as being able to do that.

Commissioner Glueck suggested that maybe a local ordinance could require more advanced planning with builders to figure out where schools might go after an area is built out, that is, taking a more comprehensive approach to a whole area.

Mr. Cunningham also said that he has no experience with looking at the transportation impacts of schools being rebuilt on-site. In terms of hazardous materials issues, he thinks the Board of Supervisors would be supportive of changes to State guidelines or a local ordinance. In his experience, sending recommendations to the State to change the state guidelines hasn't had any impact. They have been ignored.

Commissioner Stewart asked if other Planning Departments deal with this issue. Mr. Cunningham said that it was his impression that Planning Departments generally tend to ignore school siting issues.

b) Review of School Siting Pipeline Risk Assessment

The committee reviewed a site approval letter from the California Department of Education to the Pittsburg Unified School District to build a middle school at the Range Road Middle School site, dated June 6, 2007. Attached to this letter was State 3 Pipeline Risk Analysis report from LFR consulting firm to the Pittsburg Unified School District dated January 23, 2007. These materials were requested from the California Department of Education so the committee could see an example of a hazardous materials risk assessment that was done for a school siting proposal.

The report concluded that one of the natural gas pipelines was found to pose a significant individual and societal risk to the site if a full rupture/release of the pipeline were to occur and the release were to ignite, resulting in a vapor cloud explosion. The report also detailed suggestions for risk control through preventative and mitigation measures. However, the Stage 2 report which was in Appendix A that included a description of the risk analysis methodology, map of the site vicinity and pipeline locations, detailed calculations, and risk analysis findings was not included in the materials that were sent by the CDE.

After reviewing the materials, Commission Glueck suggested that maybe the Commission should recommend that the CDE request School Districts going through the siting process contact the Fire Department to do a risk analysis and an evacuation plan.

He also wondered if PG&E notifies nearby schools if there is a pipeline rupture.

The Committee expressed interest in seeing the Stage 2 report and in talking to a representative from the CDE to learn more about how they review site risk assessments.

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

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