

Hazardous Materials Commission

Draft Minutes Operations Committee

September 8, 2017

Members and Alternates

Present: Rick Alcaraz, Steve Linsley, Leslie Stewart, Aaron Winer (alternate), Rita Xavier (alternate)

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

Staff: Michael Kent

Members of the Public: John Cunningham, Department of Conservation and Development; Fred Yeager, Lisa Constancio, California Department of Education; Joh Novaro, RGM Associates

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

Michael Kent announced:

- The next CAER Safety Summit will be at 8:00 am on September 21 at the Shell Clubhouse in Martinez
- Three Supervisor annual meetings are being proposed for the fall, check e-mail for potential times and dates

- 2) **Approval of Minutes:**

The minutes for the July 14, 2017 meeting were moved by Commissioner Linsley, seconded by Commissioner Alcaraz and approved 4-0.

- 3) **Public Comments:** None

- 4) **Old Business**

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

No date has been scheduled yet for the staff update to the Board of Supervisors on the implementation of the Pharmaceutical Disposal Ordinance

- 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. We are still waiting for the GIS team to identify all the sensitive receptors.

5) New Business

a) Discussion of School Siting Risk Assessment Process

Fred Yeager from the California Department of Education (CDE) gave a power point presentation on the school siting risk assessment process used by his department (attached). Jon Novaro provided additional commentary during the presentation and Q&A.

Some of the highlights of the presentation related to assessing risks from hazardous materials were that in 2000 pipeline evaluation was added to Title 5 of the regulations. In 2002 they came out with draft protocols for School Districts to use. School Districts can actually use any protocols they want to assess risk, then the CDE would have to hire their own consultants to evaluate the work, because they don't have the in-house expertise. Eventually, they switched the criteria from a societal risk factor to a Population risk index. The Pittsburg school site pipeline risk assessment that the committee looked at previously was done under the old system.

The question was asked if the risk models for sites change based on new information when schools get rebuilt. Mr. Yeager said that Part 4, Section C of the regs say that at existing schools, CDE requires Local School Districts to only reevaluate the risks if the risks increase at the site due to the rebuild, not if they stay the same (for instance if the new school is built closer to the source of the risk than was the old school). He also added that the CDE doesn't evaluate risk assessments done by local School Districts for nearby rail or facility risks. Nor do they have guidelines for what methodology to use to evaluate those risks. They rely on consultant that the School Districts hire to determine how to evaluate those risks.

Commissioner Stewart asked who has the liability if there harm to students due to nearby hazardous materials risks at a school. Mr. Yeager said he didn't know. Mr. Novaro added that the administration has to rely on the information in the risk assessments and the proper maintenance of the mitigation factors to keep the school safe.

In terms of local government involvement in school siting decisions, Section 17211 of the Education Code says that local jurisdictions can provide input to the School District and that the School Districts must consult the Planning Commission during school siting decision making. But sometimes School Districts don't want to reveal that they are interested in a site due to economic considerations, so sometimes they don't engage the local jurisdictions at the earliest possible point. However, school siting is subject to CEQA. Mr. Cunningham clarified that School Districts are supposed to notify the local jurisdictions before purchasing a site.

Mr. Yeager ended his presentation by observing that the best results happen when School Districts and local jurisdictions talk well before the point where they officially need to make notification. It is best when school siting concerns are part of the General Plan and Environmental Justice concerns are part of this discussion.

b) Discuss merits of adding an Environmental Justice Seat to the Commission

The committee ran out of time to discuss this item and it will be placed on a future agenda.

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

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

