

Hazardous Materials Commission

Draft Minutes

Planning and Policy Development Committee

October 20, 2021

Members and Alternates:

Present: Don Bristol, Ken Carlson, Mark Hughes, Jim Payne, George Smith, Edi Birsan (alternate), Ed Morales (alternate), Fred Glueck, Sara Gurdian, Tim Bancroft (alternate)

Absent: Jonathan Bash (represented by alternate), Mark Ross (represented by alternate)

Staff: Michael Kent, Matt Kaufmann, Heather Tiernan, Michael Dossey, Nicole Heath

Members of the Public: None

1) Call to Order, Announcements:

Commissioner Payne called the meeting to order at 4:03

Michael Kent announced:

- The Commission's annual meeting with Supervisor Mitchoff will be on December 8th at 2:30 via Zoom.
- The State Refinery Taskforce will be holding their next meeting on October 21st at 1:00.
- The Board of Supervisors ISO/CWS Ad Hoc Committee will meet at 9:30 on October 26th to discuss the Hazardous Materials Emergency Notification Policy

Commissioner Hughes announced that the Industrial Association will be holding their annual Board of Supervisors Forum virtually on November 18th from 11:00 – 12:30.

2) Public Comments: None

3) Approval of Minutes:

The minutes from the August 18, 2021 meeting were moved by Commissioner Carlson, seconded by Commissioner Hughes and approved 6-0-1 with Commissioner Payne abstaining.

4) Old Business: None

5) New Business:

a) Discuss proposed changes to the County's Emergency Notification Policy for hazardous materials releases

Matt Kaufmann, Hazardous Materials Program Director, began the discussion by explaining that the Board of Supervisors ISO/CWS Ad Hoc committee discussed the latest proposed changes to the policy at their August 30th meeting, and that they will be discussing it further at their October

26th meeting. He has developed new proposed changes to the policy that have been sent to CAER and include a revised definition of flaring, addresses the timeliness of notifications and make revisions to the definitions of the Levels. He said that Supervisors Gioia and Glover are interested in providing some form of notification to the public for significant Level 1 incidents that go on for an extended period of time and present some visual, auditory or odor component. They want information to be sent out that says that the County is aware of the incident, but that no action is needed on the part of the public in response to the incident.

Commissioner Glueck asked if only flaring would be included in this new proposed significant Level 1 category. Mr. Kaufmann said that a loud noise from a facility could be included as well. He thought they needed to develop a unified approach to identifying what incidents should be included and need more clarity. He agreed with Michael Kent's comment that possibly an incident causing a strong odor could be classified as a significant Level 1 as well.

Commissioner Hughes felt it was important that there be consistency. He asked what it meant to be significant. Mr. Kaufmann agreed with his comment. He said he didn't want his responders to have to make the call. He thought that maybe a possible solution would be to have the local jurisdiction do extra outreach in such events.

Health Tiernan, Community Warning System (CWS) manager, clarified that historically, all uses of the Community Warning System were for imminent threats to health and safety where protective action was needed. She said a Level 1 incident is neither. She said she is concerned because she doesn't want people to ignore an alert. The CWS has said for 20 years that the public will only hear from the CWS if something is bad. She felt using the system for Level 1's was a slippery slope and could result in the Cry Wolf syndrome. Also, she pointed out that the CWS isn't used to let people know about a Level 2 incident, so using it for a Level 1 would be inconsistent.

Michael Kent commented that in the case of a significant Level 1, wouldn't the protective action be not to worry. Ms. Tiernan agreed that people are worried during these types of event but using the CWS to let them know not to worry isn't the best way of getting this message out.

Commissioner Birsan asked about the use of the CWS around the former Concord Naval Weapons Station, and who Hazmat is in contact with about possible incidents at the base. Mr. Kaufmann said that the base has its own fire department that works closely with Con Fire. He said they don't get many emergency notifications from the base. His program has worked with the fire department at the base in the past. The base is a hazardous waste permit holder and will receive information about any changes to the emergency notification policy. Commissioner Birsan noted that two years ago the Base detonated some explosives and notified the City of Concord directly.

Commissioner Hughes felt that one goal of the system is to allay fear when a release occurs. He thought there will be a significant increase in reporting of Level 1 incidents because of the new proposal to report any release of a hazardous waste, and that this increased reporting may actually cause increased anxiety. Mr. Kaufmann noted that Supervisor Glover said the County doesn't need to know about every operational decision.

Commissioner Bristol asked why the County decide to propose that all flaring incidents be reported as a Level 1. Mr. Kaufmann said that this is what State law say – all incidents have to be reported, there is no de minimis amount. Commissioner Bristol said that he thinks that Contra Costa County has a different definition than the rest of the state. He thought the Health and Safety Code does qualify that definition to allow for some de minimus. He said there is a lot of very short-term flaring and so the number of Level 1s will go up if this policy is adopted. He wondered what the community is going to think when these number go up dramatically. He thinks it will make them think that flaring is getting worse when, in fact, it has been getting better over time. He also thought this could be misinterpreted by the media. He felt that the industry hasn't been heard on this issue. Ms. Tiernan said that Level 1s don't get automatically sent to the media, but Mr. Kaufmann added that the media does ask them for the data.

Mr. Hughes asked Mr. Kaufmann if he talked to Solano County Health Department about the standard they use for reporting hazardous materials releases. Mr. Kaufmann said that he had talked to them, and that they are only requiring reporting of releases that go on for 15 minutes, but Contra Costa has more political pressure on them to require reporting of all releases. Commissioner Bristol said that he thought they have a political problem and the decision to require reporting of all releases is a political decision.

Commissioner Glueck asked Ms. Tiernan if when residents call the CWS about a flaring incident whether she thought they understand the nature of why flaring is done. Ms. Tiernan responded that the CWS doesn't usually get many calls about flaring, but when they do they only give out basic information and refer the caller to the Hazardous Materials Program for more information. Mr. Kaufmann added that Hazmat doesn't get a lot of calls about flaring either. Those calls usually go to 911 or sometimes to the Air District. He said he has been told by 911 dispatch that they get lots of calls during flaring incidents, especially when there is cloud cover.

Commissioner Glueck said that at the Operations committee meeting last week they recommended to put links on the CWS and Hazmat websites to local sources of information such as Next Door and city sites. Ms. Tiernan said that they have tried to make these connections on their resources page and are adding more sites. She said not all cities put out information and that she doesn't have any control over what cities post. So she wouldn't consider this a perfect solution, but she likes it better that pushing out information through the CWS.

b) Develop committee priorities for 2022

The committee looked at the list of priorities that had previously been compiled. Commissioner Smith though the emphasis should be on Lithium-ion batteries and the General Plan. Matt Kaufmann explained the reason marijuana was on the list was because the extraction process can make waste plant material a hazardous waste, and he has someone on his staff studying this issue. Commissioner Glueck thought learning more about PFAS regulation should be a priority and he noted his concern about the regulations DTSC is developing for scrap metal dealers.

The committee endorsed the list without any changes.

- 6) **Reports from Commissioners on matters of Commission interest:** None
- 7) **Plan Next Agenda:** The committee would address issues identified as priorities.
- 8) **Adjournment** – The meeting was adjourned at 5:30.