

**CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION**
PLANNING AND POLICY DEVELOPMENT COMMITTEE MEETING

Wednesday, January 15, 2020
4:00 p.m. – 5:30 p.m.

1333 Pine Street
Suite C-1
Martinez CA 94553

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: DECEMBER 18, 2019
3. PUBLIC COMMENT
4. OLD BUSINESS:
 - a) Continue discussion of a proposed resolution from the Blue Green Alliance for the Board of Supervisors to adopt on the Western States Petroleum Association's lawsuits pertaining to new CalARP/PSM regulation amendments.
 - b) Continue discussion of a recommendation from Communities for a Better Environment that the County perform an independent analysis of process hazards associated with the recent and foreseeable future introduction of new types of oil feed stocks at the Phillis 66 San Francisco Refinery facility in Rodeo.
5. NEW BUSINESS:
 - a) Consider "Principle" statements for hazardous materials-related issues for the County's legislative platform.
 - b) Elect committee chair and vice chair
 - c) Review committee priorities for 2020
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
Planning and Policy Development Committee
December 18, 2019

Members and Alternates:

Present: Don Bristol, Jonathan Bash, Mark Hughes, Jim Payne, George Smith, Tim Bancroft (alternate), Leslie Stewart

Absent: Mark Ross, Frank Gordon (represented by alternate)

Staff: Michael Kent, Randy Sawyer

Members of the Public: Shoshana Wechsler, Greg Karras, Tyler Earl, Jan Warren, Charlie Davidson

1. Call to order, introductions and announcements

Commissioner Payne called the meeting to order at 4:07.

Announcements:

Michael Kent announced:

- The Chair of the Chemical Safety Board spoke at the CAER Safety Summit on December 12th at the Shell Clubhouse. She emphasized that there are both lots of vacancies of staff positions and soon-to-be lots of vacancies on the Board itself.
- At their December 9th meeting, the Sustainability Committee of the Board of Supervisors voted to recommend that a new Environmental Justice seat be added to the Commission, rather than replace an existing Environmental Seat as was recommended by the Commission. This recommendation will go to the full Board of Supervisors in January.
- At their December 9th meeting, the Internal Operations Committee of the Board of Supervisors recommend to reappointment Jim Payne and Tracy Scott in their Labor seat and appoint Ed Morales for the vacant Environmental Seat alternate. The Board of Supervisors approved these appointments on December 17th.
- The annual meeting with Supervisor Burgis on December 11th went well.

2. Public Comments:

None

3. Approval of Minutes:

The minutes from the November 20, 2019 meeting were moved by Commissioner Smith, seconded by Commissioner Hughes and approved 6-0.

4. Old Business:

- a) Continue discussion of a proposed resolution from the Blue Green Alliance for the Board of Supervisors to adopt on the Western States Petroleum Association's lawsuits pertaining to new CalARP/PSM regulation amendments.**

Michael Kent began the discussion by noting that Mike Wilson from the Blue Green Alliance had sent an amended proposed resolution that was in the packet. He also handed out a statement that WSPA sent the Commission concerning the lawsuit.

Randy Sawyer, Hazardous Materials Program director, then summarized his understanding of the lawsuits. He said the State lawsuit mainly focused on employee participation and the definition of a "Major Change" in operation. He said that Cal OSHA is in the process of submitting a "form 9" change to the Standards Board to try to have this definition amended. Mr. Sawyer said that he thought that industry is concerned that informal interpretations won't work. He thinks CalOSHA is hoping that this might help resolve the suit. Another issue raised was whether the State even has the right to write CalARP regulations. A third major issue concerned the definition of "highly hazardous". He is concerned that the Federal definition is not as clear as the as the current definition. He said WSPA also has concerns about the scope of the requirement to look at all public documents related to both refining and the chemical industry. They are also concerned about the different requirements in the PSM and CalARP regulations. He thinks these differences come about because the focus of the regulations are different; the PSM regulations focus on worker safety and the CalARP regulations focus on community safety.

Commissioner Smith asked Mr. Sawyer if he thought the state could work with WSPA to address their concerns. Mr. Sawyer said that he thinks they are in discussions, and that trying to address some of the issues through the Standards Board might help, but he didn't know if this would satisfy WSPA's concerns.

Commissioner Payne said the issue WSPA has with employee participation is that the regulations say non-union representatives have to be qualified, but there is not the same requirement for union representatives. He said the unions do not have a problem with the regulations saying the union representatives have to be qualified.

Mr. Sawyer then described his understanding of the Federal lawsuit. He said his understanding of this lawsuit is it says these regulations are invalid because federal labor relations laws preempt them. He is not sure if the County's Industrial Safety Ordinance would be impacted if this lawsuit is settled in favor of WSPA. Commissioner Payne agreed with this assessment, and said the State Attorney General is fighting the Federal lawsuit and the United Steel Workers are intervening in both lawsuits.

Commissioner Payne said that he is supportive of using the "form 9" process to ask the Standards Board to address the concerns in the state lawsuit, but he does not agree with all of the concerns in the lawsuit. Commissioner Payne said he thought the employee participation process was working well, but Chevron currently has a citation from Cal OSHA against them for not following the process. The effort to amend the regulations originated in the wake of the 2012

Chevron fire, and there was a five year process to come up with the amendments to the PSM and CalARP regulations requested by the Chemical Safety Board.

Commissioner Hughes said that he thinks lawsuits stifle communication. If there is a chance to move towards compromise he would be against the Commission supporting the proposed resolution because it would also stifle communication. He thought that two wrongs don't make a right. Commissioner Payne responded that the lawsuits were WSPA's first attempt to fix the problems they saw in the amended regulations, and they didn't try to fix them before that. Commissioner Bristol said the committee didn't ask that of Clyde Trombettas from Cal OSHA at the last committee meeting.

Commissioner Bristol wanted to know if other parties can be involved in this process. Commissioner Payne said he thought that Mr. Trombettas had said that industry can appeal issues in the regulations to the Standards Board as well as the agencies. Commissioner Bristol said he wasn't aware of this process before. Commissioner Payne said he wasn't aware of it either. Commissioner Payne also noted that during the hearings on the amended regulations the Standards Board said that employee participation language wasn't strong enough and so changes were made to the final version to strengthen them.

Commissioner Payne said that the United Steel Workers will be asking the Supervisors on the Ad Hoc ISO/CWS committee of the Board of Supervisors, Supervisors Gioia and Glover, to support the resolution. Commissioner Smith raised the questions of whether the Commission had ever been involved in a lawsuit before. Commissioner Stewart thought that this seems to be more of asking the Board of Supervisors to take an alternate approach, rather than an opinion on the merits of the lawsuit. Commissioner Payne added that the Commission did recommend to the Board of Supervisors that they ask Tosco to shut down after their fatal fire in 1999. Greg Karras from Communities for a Better Environment said that they support the resolution.

Commissioner Payne asked Mr. Sawyer if the County is intervening in the lawsuit. Mr. Sawyer said he didn't think so, but they have given their input.

Commissioner Smith said that he was unclear what WSPA meant in the statement they sent the Commission when they said the specific regulations they are targeting in the lawsuit weaken safety procedures. Commissioner Payne said he thought this was in reference to the fact that the language in the regulations doesn't say that the union representatives have to be qualified. But he doesn't think this omission makes refineries less safe because there would be resistance if the unions appointed unqualified people. He thinks the problem at Chevron is that they want to pick the person to represent the union rather than let the union pick the person.

Commissioner Hughes thought that since CalOSHA is making headway through the Standards Board that he doesn't support the proposed resolution because it could stifle progress. Commissioner Bristol felt that more people need to be involved in the "Form 9" process with the Standards Board. But if there is a citation at Chevron, then both sides will be dug in.

Commissioner Smith asked Mr. Sawyer if he is optimistic about the "form 9" process. Mr. Sawyer said he has heard from Mr. Trombettas at CalOHSA that it might work. Commissioner

Smith then put forward the question of whether waiting 30 days to decide about supporting the resolution would have a negative impact. Commissioner Payne said that he didn't think the lawsuit is moving forward very fast. Mr. Sawyer said he didn't know how long the legal process will take. Greg Karras said that he didn't think Chevron would utilize the "form 9" process because of the lawsuit, but waiting a month might reveal their willingness.

Commissioner Payne then asked for, and received, consensus to wait until the next committee meeting to decide whether or not to support the resolution to see if additional progress had been made to resolve the concerns raised in the lawsuits.

5) New Business:

- a) Discuss a recommendation from Communities for a Better Environment that the County perform an independent analysis of process hazards associated with the recent and foreseeable future introduction of new types of oil feed stocks at the Phillips 66 San Francisco Refinery facility in Rodeo.**

Greg Karras from Communities for a Better Environment said that his organization wants the Hazardous Materials Commission to advise the Board of Supervisors to look at process safety issues for projects at Phillips 66 that include recent and foreseeable use of new feedstock. He said their use of heavy feedstock is already increasing, and the wharf project is being done to accommodate this. Using a new feedstock requires a safety analysis.

Commissioner Smith asked what the status is of the permit application. Commissioner Bristol said that because there are no physical changes being asked for at the wharf, the land use ordinance requirement for a land use permit isn't triggered, and the County doesn't have jurisdiction. He further added that this means the Air District will be the lead agency and will start the EIR process by getting input on the scope of the investigation.

Greg Karras said he knew that Phillips 66 went to the Air District 2 ½ years ago to ask for a permit revision, and that the Air District started and stopped the scoping process. He said the Air District has previously said they wanted the County to do the EIR and that the County was considering it. This was the first time he had heard that the Air District had agreed to review the permit and do the EIR.

Commissioner Bancroft asked if it is possible for anyone to look at the permit application. Commissioner Bristol said that it is possible, but Phillips 66 has added commitments to what they are willing to do that are not in the application. These are the commitments that the refinery manager mentioned at the December 5th Commission meeting. He added that the EIR would look at the environmental impacts of the crude slate.

Randy Sawyer added that the Department of Conservation and Development would conduct the EIR if the County were the lead agency, and that the Hazardous Materials Program would assist them. But the County would only be the lead agency if a land use permit was required.

Commissioner Hughes said that it sounds like this dispute involves a trust issue, and there is a difference of opinion about Phillip 66's intent. He would like to someone to justify that difference. Greg Karras affirmed that clearly Phillips 66 and CBE are in dispute about the nature of the project. But CBE can prove that new feedstock is being introduced at the refinery and Central Valley crude is decreasing by 3% a year and likely into the future.

Due to time constraints, Commissioner Payne continued the discussion until the next meeting, and in the meantime directed staff to contact the Air District and the Department of Conservation and Development to get confirmation about which agency is conducting the EIR.

- b) Consider "Principle" statements for hazardous material-related issues for the County's legislative platform.**

This item was continued till the next meeting due to time constraints.

- 6) Items of Interest:** None
- 7) Plan Next Agenda:** The committee will continue to review and discuss the lawsuits pertaining to the CalARP /PSM regulations, consider draft language on principle statements for the County's Legislative Platform and discuss the issue of needing a process hazard analysis of the crude feedstock at Phillips 66.
- 8) Adjournment** – The meeting was adjourned at 5:30.

Attachment

Item 1

2017 ANNUAL REPORT

Advisory Body Name: Hazardous Materials Commission

Advisory Body Meeting Time/Location: Fourth Thursday of every month, 4-6 pm, 2477 Arnold Industrial Way, Concord

Chair: George Smith, Environmental Engineer Seat

Staff: Michael Kent, Contra Costa Health Services

Reporting Period: January-December, 2017

ACTIVITIES

- Reviewed the findings of BCDC's Adapting to Rising Tides Study
- Received a presentation of the Annual Industrial Safety Ordinance Performance review
- Reviewed the role of Brownfield redevelopment in the Northern Waterfront Economic Development Initiative
- Reviewed the Department of Education's School Citing Criteria
- Received a presentation on Asbestos regulations from the Air District
- Provided input on a Pipeline Emergency Preparedness Brochure for sensitive receptors
- Provided input on the development of a workshop on cybersecurity
- Reviewed recent research concerning chlorine dispersion modeling
- Received a presentation on the health impacts of nanotechnology
- Reviewed the County's Legislative platform
- Monitored the progress of implementation of the County's Pharmaceutical disposal ordinance
- Participated in the review of the Industrial Safety Ordinance
- Received a presentation from the Air Resources Board on new air quality legislation
- Conducted 5 annual meetings with County Supervisors

ACCOMPLISHMENTS

- The Commission continued its work on proper pharmaceutical disposal by monitoring the development of the County's Pharmaceutical ordinance and participating in the Contra Costa Prescription Drug Abuse Prevention Coalition.
- The Commission continued to develop a brochure on emergency planning for congregant facilities near pipelines.
- The Commission provided input to the County's review of the Industrial Safety Ordinance and agreed to take on a role in providing public involvement in the review of the safety culture assessments

- The Commission provided recommendations to the Board of Supervisors concerning implementation of the Adapting to Rising Tides study
- The Commission provided recommendations to the Board of Supervisors concerning brownfield remediation as part of the Northern Waterfront Economic Development Initiative
- The Commission put on a workshop on cybersecurity for businesses
- The Commission recommend changes and additions to the County's Legislative Platform

ATTENDANCE/REPRESENTATION

The 13-member Commission has members from organized labor, environmental groups, industry, cities, environmental engineering firms, and the public at large. The Commission has membership from all regions of the County. All seats on the Commission were occupied this year. The Commission held 9 meetings this year. The Operations committee met 9 times this year and the Planning & Policy committee met 7 times this year. The Commission meetings averaged of 9 of the 13 members or their alternates being present.

TRAINING/CERTIFICATION

No training or certification was provided or conducted.

PROPOSED WORK PLAN/OBJECTIVES FOR THIS YEAR

The Commission held a planning retreat in December, 2016 and decided that their priorities for 2017 - 2019 would be:

- Continue to monitor the implementation of the Pharmaceutical Disposal Ordinance.
- Conduct formal annual reviews of the Industrial Safety Ordinance.
- Consider policies to redevelop brownfields within the Northern Waterfront Economic Development Initiative.
- Complete development of pipeline emergency preparedness brochure.
- Monitor pipeline safety issues.
- Consider the hazardous materials issues in the Adapting to Rising Tides Study and address policy issues as they arise.
- Sponsor a workshop on cybersecurity.
- Monitor rail transport of crude oil safety issues including tank car design.
- Monitor implementation of refinery air quality and safety regulations.

In addition, the Commission has added to their scope or work this year continued monitoring of potential changes to chlorine dispersion modeling factors and review of State school siting guidelines. The Commission will also co-sponsor 3 workshops on pipeline with the Alamo Improvement Association and the Pipeline Safety Trust this year.

Attachment

Item 2

2018 ANNUAL REPORT

Advisory Body Name: Hazardous Materials Commission

Advisory Body Meeting Time/Location: Fourth Thursday of every month, 4-6 pm, 2477 Arnold Industrial Way, Concord

Chair: George Smith, Environmental Engineer Seat

Staff: Michael Kent, Contra Costa Health Services

Reporting Period: January-December, 2018

ACTIVITIES

- Researched application of school siting criteria for hazardous materials to charter schools.
- Received a presentation on the clean-up activities at the former Concord Naval Weapons Station.
- Received a presentation about a hazardous materials factsheet being created by Contra Costa Climate Leaders.
- Received a presentation on outreach to businesses about Sea Level Rise from the Hazardous Materials Program.
- Solicited the Chambers of Commerce in the County to determine their interest in promoting a workshop on Cybersecurity to local businesses.
- Received a presentation by No Coal in Richmond about coal and petroleum coke loading operations in Richmond.
- Received a presentation by concerned residents about the cleanup plan for Selby Slag.
- Received a presentation by Levin Richmond Terminal about their Best Management Practices for loading coal and petroleum coke.
- Conducted an in-depth review of Commission by-laws.
- Received a presentation from the Bay Area Air Quality Management District concerning recent amendments to their regulations governing dust control relevant to Levin Richmond Terminal.
- Received a presentation from Ensuring Opportunities to End Poverty about their community engagement efforts for the Regional Adapting to Rising Tides project.
- Conducted annual meetings with each of the five County Supervisors.

ACCOMPLISHMENTS

- The Commission assisted in developing and implementing three public workshops on pipeline safety by the Alamo Improvement Association.
- The Commission provided advice to the Board of Supervisors concerning school siting criteria related to sources hazardous materials.
- The Commission provided advice to the Board of Supervisors concerning the funding of the US Chemical Safety Board.

- The Commission provided extensive feedback on a hazardous materials factsheet being created by Contra Costa Climate Leaders.
- The Commission provided feedback to Ensuring Opportunities to End Poverty about their community engagement efforts for the Regional Adapting to Rising Tides project.
- The Commission developed a critique of the former DuPont Oakley site clean-up plan at the request of Supervisor Burgis.
- The Commission recommended changes and additions to the County's Legislative Platform concerning school siting criteria.

ATTENDANCE/REPRESENTATION

The 13-member Commission has members and alternates from organized labor, environmental groups, industry, cities, environmental engineering firms, and the public at large. The Commission has membership from all regions of the County. Ten seats on the Commission were fully occupied this year. One of the Environmental Seats was vacated during the year, though the alternate was still filled, and one of the business seats and its alternate was vacated during the year. The alternate for one of the Labor seats was vacant the whole year. The Commission held 8 full commission meetings this year. The Operations committee met 9 times this year and the Planning & Policy committee met 4 times this year. On average, nine of the thirteen Commission seats were represented at the full Commission meetings.

TRAINING/CERTIFICATION

No training or certification was provided or conducted.

PROPOSED WORK PLAN/OBJECTIVES FOR THIS YEAR

The Commission held a planning retreat in December, 2016 and decided that their priorities for 2017 - 2019 would be:

- Continue to monitor the implementation of the Pharmaceutical Disposal Ordinance.
- Conduct formal annual reviews of the Industrial Safety Ordinance.
- Consider policies to redevelop brownfields within the Northern Waterfront Economic Development Initiative.
- Complete development of pipeline emergency preparedness brochure.
- Monitor pipeline safety issues.
- Consider the hazardous materials issues in the Adapting to Rising Tides Study and address policy issues as they arise.
- Sponsor a workshop on cybersecurity.
- Monitor rail transport of crude oil safety issues including tank car design.
- Monitor implementation of refinery air quality and safety regulations.

In addition, the Commission added to their scope of work this year the review of State school siting guidelines, the Selby Slag clean-up plan, the former DuPont site clean-up plan, the control of dust at the Levin Richmond Terminals, and the review of the hazardous materials fact sheet by Contra Costa Climate Leaders. In 2019, additional new topics may be added to the work plan as requested.

Attachment

Item 3

2019 ANNUAL REPORT

Advisory Body Name: Hazardous Materials Commission

Advisory Body Meeting Time/Location: Fourth Thursday of every month, 4-6 pm, 2477 Arnold Industrial Way, Concord

Chair: George Smith, Environmental Engineer Seat

Staff: Michael Kent, Contra Costa Health Services

Reporting Period: January-December, 2019

ACTIVITIES

- Conducted annual meetings with each of the five County Supervisors.
- Received presentations on the proposed control of coal loading in Richmond.
- Received regular updates on the status of the AB 617 process in West County.
- Received an update on the status of the Pharmaceutical Disposal ordinance.
- Received a presentation on PFASs in the environment.
- Received three presentations on DTSC development of SB 673 TSD permit requirements.
- Received a presentation on SB 1000 Environmental Justice requirements for General Plans.
- Received an update on the status of the Community Warning System from the Office of Emergency Services.
- Reviewed the draft annual report on the ISO.
- Received a presentation on a Carbon Tax proposal.
- Received a presentation concerning a proposed deep-water dredging project.
- Advertised for and reviewed applications for open Commission seats.
- Planned a workshop on Cybersecurity with Contra Costa CAER and the Department of Homeland Security.
- Received presentations on WSPA lawsuits about State accident prevention laws.
- Received a presentation on the repurposing of the State underground storage tank cleanup fund.
- Received a presentation from Phillips 66 refinery on their Marine Terminal proposal.

ACCOMPLISHMENTS

- Created an ad-hoc Student seat for the Commission.
- Made recommendations to the Board of Supervisors concerning pipeline safety.
- Provided input to the Hazardous Materials Program on the annual ISO report.
- Made recommendations to the Board of Supervisors concerning appointments to 2 Environmental seats and a General Public Seat.
- Held a workshop on Cybersecurity with Contra Costa CAER and the Department of Homeland Security.

ATTENDANCE/REPRESENTATION

The 13-member Commission has members and alternates from organized labor, environmental groups, industry, cities, environmental engineering firms, the League of Women Voters and the public at large. The Commission had membership from all regions of the County in 2019. All thirteen seats on the Commission were occupied this year. One of the Environmental Seats and one of the Environmental Seat alternates were vacated and replaced this year. One of the Business Seats and one of the Business alternate seats were vacated this year and replaced this year. The alternate for one of the Labor seats was vacant the whole year. The Commission held ten full commission meetings this year. The Operations committee met nine times this year and the Planning & Policy committee met seven times this year. On average, ten of the thirteen Commission seats were represented at the full Commission meetings.

TRAINING/CERTIFICATION

No training or certification was provided or conducted.

PROPOSED WORK PLAN/OBJECTIVES FOR THIS YEAR

In 2020 the Commission will continue to investigate some of the issues they began investigating in 2019 and will address emerging issues that are brought to them by the Board of Supervisors, the public and members of the Commission. In addition, the Commission will continue to monitor several issues that they monitored in 2019.

The issues the Commission intends to continue investigating in 2020 are the WSPA lawsuits concerning state accident prevention laws, the relationship of deep water dredging and other activities at Phillips 66 to their long-term crude oil slate, the implementation of state regulations concerning TSD permits for large industrial facilities, principle statements for the County's legislative platform, and Environmental Justice requirements in the development of the County's General Plan update.

The issue the Commission intends to continue to monitor in 2020 are the implementation of the County's Pharmaceutical Ordinance, the Northern Waterfront Economic Development Initiative, implementation of the recommendations of the Adapting to Rising Tides study, the AB 617 process in Richmond, the adoption of a local coal ordinance in Richmond, and implementation of the Industrial Safety Ordinance and the Community Warning System.

Additional activities the Commission will conduct in 2020 are annual meetings with each of the County Supervisors, placement of an ad-hoc student seat on the Commission, and recruitment of a candidate for the new Environmental Justice seat on the Commission, if it is approved by the Board of Supervisors.

Attachment

Item 4

Hazardous Materials Commission Retreat

October 27, 2016, 3:00-7:00
IBEW Local 302 Meeting Hall
1875 Arnold Drive
Martinez, CA 94553

Retreat Objectives:

1. Recap progress on activities identified at last retreat
2. Determine priority issues for coming 3 years (continuing and new)
3. Assign priorities or next steps to committees for action

Attendance: Fred Glueck, Aaron Winer, Matt Buell, Jack Bean, Don Bristol, Lara DeLaney, Rich Kinney, George Smith, Ron Chinn, Ralph Sattler, Ed Morales, Steve Linsley, Peter Dragovich, Frank Gordon, Tim Bancroft, Rick Alcaraz, Tracy Scott, Leslie Stewart, Audrey Albrecht

AGENDA

Facilitator: Mary Anne Morgan

1. Review of agenda, goals, and role of facilitator
Group (Name, position, how long) and MAM Introductions George
2. Public Comment - None
3. Reiterate Commission mission George
4. Review last three year activities/accomplishments
 - Pharmaceuticals- Ralph Sattler
 - ISO- George Smith
 - Pipeline Transport- Fred Glueck
 - Brownfields- Frank Gordon
 - Areas of limited activity
 - Community warning system
 - Environmental Justice Framework implementation
 - Rail transport-economy changed
 - Crude Oil Terminals- demand reduced Leslie
 - Refinery Modernization- no controversies to address
 - Air District Refinery Fenceline Monitoring- ARB working on rules, more role in future
 - Summarize and highlight those that should/could remain on HM working agenda as needed

5. Emerging Issues for consideration: Listing, Clarifying, Advocating pre-Vote Materials:

Michael

- Results of survey – Michael (post findings on flip)
- Recap of education done in some of these areas to date- (industrial cybersecurity; sea level rise; nanotechnology)
- Clarify which need education 1st, before action could be taken (write on flip chart next to issue)
- Ask if there are issues listed that they don't understand and explain them (or move to "education" needed)
- Ask people to describe and advocate for any issue they want to see prioritized
 - After dinner, we'll review the criteria for selecting among possible priorities, and then "vote by dot".

BREAK OR DINNER SPEAKER- Ignacio Dayrit, Director of Programs, Center for Creative Land Recycling

6. Review issues and confirm group understanding

MAM

Below is the list discussed prior to voting, indicating which were combined:

1. Pharmaceuticals disposal- continuing ACTION activity. Providing input into proposed ordinance, and considering education for community as needed. This was not voted on, as it is already ongoing.
2. Rail and Pipeline Transportation of crude oil/ petroleum products- EDUCATION ACTIVITY
group added an interest in looking at tank car issues, and replacement; Supervisor Piepho supported this activity.
3. Brownfields Policy- POTENTIAL EDUCATION AND ACTION
Waterfront Initiative was added to this topic, due to shared focus, site locations; the latter activity is supported by S. Glover
4. Concord Naval Weapons Station- EDUCATION ACTIVITY
need for update and discussion of status of disposal of hazardous waste on the base site since it is not in the purview of the HMC, but they would like a presentation update.
5. Oil and Gas wells in CCC- EDUCATION ACTIVITY
There are active, idle, capped and plugged wells, HMC would like a presentation on their locations and status. This might require several agencies to participate in presenting to HMC.
6. Air District and Refinery Issues- EDUCATION ACTIVITY
Group combined the following issues under this category- 1. Refinery fence line monitoring; 2. BAAQMD air monitoring emissions; 3. Carbon/methane emissions and relevant legislative updates (Jack indicated he knew good speakers, including someone who gave a good overview legislative update at a meeting he attended recently)

7. Modernization Plans for Refineries for next 5 years
This may not be a big topic in the next couple of years, but it could link to PSM at some point
8. Sea Level Rise
Impact on industrial sites and contaminated areas; group added the Northern Waterfront Initiative to this topic, since it is one place where sea level rise will be very significant concern; topic should also consider other locations such as Richmond.
9. Pesticides and natural landscape for residential and commercial sites
Pesticide issues are already handled by another agency
10. PSM Regulations Revisions
Movement on this issue is likely in the next year; potentially could link to modernization plans, but group decide to keep these issues separate.
11. Chlorine Release Risks Update
Leslie described an article she just read regarding this issue, that stated there may be changes in the information about the risk of exposure to chlorine releases at local stationary sites. It is likely the state and local agencies will release new recommendations, that could prompt review and education of the public (can share with the group). After group discussion, this issue was re-titled Toxic Release Risk Changes, to incorporate broader scope
12. EJ in CEQA
Group was unclear what this issue was, and whoever submitted it wasn't present at the meeting to explain. Group hypothesized it might be about the new state law just passed, SB1000, that requires that General Plans must include some recognition of community impact, and potentially, EJ.
13. Infill and CEQA
Consider how redevelopment for housing can also minimize impacts of commutes
14. Fracking- EMERGING ISSUE FOR HMC EDUCATION
Water disposal, earthquakes issues, if fracking were to be used in CCC in future (it isn't now). HMC could get educated to be ready to respond if issue comes up locally
15. Cybersecurity ACTION
Follow up on last year's presenter, who offered to help organize a workshop for businesses on cybersecurity; HMC could co-host.
16. Nanotechnology
17. Northern Waterfront Initiative- combined with Sea Level rise
18. Carbon/methane emissions- combined with Air District and Refinery Issues

7. Review selection criteria

MAM

8. Dot voting Activity - Everyone

9. Review and summarize results

TOPIC PRIORITIES FOR ACTION FIRST

- #1 *Sea Level Rise (11 votes)*
Decision/Action: Full Commission discussion at December meeting on a more active role for HMC
- #2 *Brownfields/ Northern Waterfront Initiative (10 votes)*
Action: Two committees will consider next steps: Planning and Policy Committee will look at policy issues, and Operations Committee will consider outreach strategy, which might include engaging in education through brownfield redevelopment program.
- #3 *Air and Refinery Issues (11 votes)*
Decision/Action: Full Commission will discuss speaker series option, identify topics and speakers (Jack a resource); depending on outcome of discussion, issue will be assigned to appropriate committee, and update will be given to BOS.
- #4 *Rail and Pipeline (9 votes)*
Decision/Action: Planning and Policy Committee will review and vet current pipeline safety trust recommendations and discuss tank car update as an educational session for Commission; Operations Committee will consider possible brochure for emergency preparedness around R&P incidents
- #5 *Cybersecurity (9 votes)*
Decision/Action: Operations Committee will explore co-sponsoring a workshop for businesses

ADDED FROM REPORT ON CURRENT ACTIVITIES FROM ISO WORK

ISO Oversight Committee Participation: A recommendation is going to the BOS soon, about establishing an oversight committee for annual reviews of ISO, in response to critique from Chemical Safety Board. HMC needs to decide if it is interested in serving on this Committee.

Decision/Action: HCM will discuss at December meeting whether it's interested in offering to serve on an Oversight Committee, if one is established.

2ND LEVEL PRIORITY: AS TIME PERMITS AND OPPORTUNITIES ARISE

Decision/Action: HMC and staff will look at possible educational sessions/presentations to Commission on these over the next year or two:

- #6 Oil and gas wells- monitor status (8 votes)
- #7 PSM Regulations (7 votes)
- #8 Concord Naval Weapons Station- disposal of hazardous wastes from site (7 votes)
- #9 Toxic Release Risk Hazards Update (5 votes)
- #10 Nanotechnology (5 votes)
- #11 Fracking- emerging/potential issue- need education on risks in case of future issue (4 votes)

#12 EJ in CEQA (4 votes)

Decision/Action: Operations Committee will consider the status of new legislation (SB1000) and update Commission

- #13 **Infill and CEQA-** infill development for housing/minimize commutes (1 vote)
Decision: No action now

NO votes:

- Modernization Plans for Refineries
- Pesticides and Natural Landscaping

12. Meeting evaluation

MEETING EVALUATION

Positives	Things to change
Great food!	Traffic to retreat site was bad- easier location
Everyone participated	Identify for each issue in advance- and summarize at the meeting- whether it is an education item, or an action item
Different presenters were good, more interesting	Could add question above to the survey, and ask Commissioners to indicate how they want the HMC to act on the topic
Facilitator kept it moving	Have small groups at the meeting determine the topics for discussion and voting

Attachment

Item 5

2019 State Legislative Platform

Health Care

112. SUPPORT legislative efforts to reduce or eliminate lead and toxic substances in consumer products, particularly those used by infants and children.

113. SUPPORT legislative efforts to reduce exposure to toxic air pollutants and the reduction of greenhouse gases.

Land Use/Community Development

224. SUPPORT efforts to promote economic incentives for "smart growth," in Priority Development and Priority Production Areas including in-fill and transit-oriented development. *Balancing the need for housing and economic growth with the urban limit line requirements of Measure J (2004) will rely on maximum utilization of "smart growth" and Sustainable Community Strategy principles. Priority Production Areas are locally designated zones where manufacturing, warehousing, distribution and repair services would be a priority consideration in determining future land use.*

246. SUPPORT legislation that funds programs to remediate brownfield sites in the County and modifies existing programs to make implementation easier or apply more broadly. Specifically:

- Consider modification to the Cleanup Loans and Environmental Assistance to Neighborhoods (CLEAN) program that would simplify the approval process for applications;
- Broaden the criteria for sites that are eligible for California Land Reuse and Revitalization Act (CLRRRA) to include all sites that are listed by the State or Federal Government as contaminated; and
- Fully fund the California Recycle Underutilized Sites (CALReUse) program.

Law and Justice System

248. SUPPORT legislation that provides a practical and efficient solution to addressing the problem of abandoned and trespassing vessels and ground tackle in an administrative process that allows the California State Lands Commission to both remove and dispose of such vessels and unpermitted ground tackle. *Boat owners in increasing numbers are abandoning both recreational and commercial vessels in areas within the Commission's jurisdiction. Our state waterways are becoming clogged with hulks that break up, leak, sink and add pollutants to our waterways and marine habitat.*

Pipeline Safety

267. SUPPORT legislation that contains specific mitigations or solutions for installation of Automatic Shutoff Valves for both High Consequence Areas (HCA) and for those that transverse Active Seismic Earthquake Faults for all intrastate petroleum pipelines. *State Fire Marshal Annual Inspections of all Intrastate Petroleum Pipelines do not contain the specific mitigations or solutions for installation of Automatic Shutoff Valves for both High Consequence Areas (HCA) and for those that transverse Active Seismic Earthquake Faults that are mandated for Gas*

Pipelines under AB 2856. The County has several petroleum pipelines that should be classified under these categories and present the same explosive nature as gas pipelines do.

268. SUPPORT legislation that contains specific language for protection of all seasonal and all year creeks and all State Waterways where petroleum pipelines are present. *New and replacement pipelines near environmentally and ecologically sensitive areas should use the best available technology including, but not limited to, the installation of leak detection technology, automatic shutoff systems or remote controlled sectionalized block valves, or any combination of these technologies to reduce the amount of oil released in an oil spill to protect state waters and wildlife.*

Transportation

278. SUPPORT efforts to coordinate planning between school districts, the state, and local jurisdictions for the purposes of: (1) locating and planning new schools, (2) funding programs that foster collaboration and joint use of facilities, and (3) financing off-site transportation improvements for improved access to existing schools. *The County will urge the California Department of Education's current Title 5 update effort to include removing the current conflict between current school siting policies and sustainable communities. Related to this effort, the County supports reform of school siting practices by way of legislative changes related to any new statewide school construction bond authorization. The County takes the position that reform components should include bringing school siting practices and school zone references in the vehicle code into alignment with local growth management policies, safe routes to school best practices, State SB 375 principles, and the State Strategic Growth Council's "Health in All Policies Initiative." The County will also urge DOE's current Title 5 update effort to apply the requirements of Title 5, as they pertain to evaluating the risks from hazardous materials, to schools being rebuilt on the site of existing schools and to charter schools, and to include the evaluation of risks from hazardous materials potentially released from nearby industrial facilities due to fire, explosions or accidental releases to school siting criteria. Related to this, the County supports the development of guidelines for assessing and mitigating the risks of siting new schools near industrial facilities and rail lines due to potential explosions and fires from the use, storage, manufacture and transportation of hazardous materials, similar to the guidelines they have established for assessing and mitigating the risks from the transportation of hazardous materials through pipelines. State financial and/or technical support to offset the cost of adhering to new guidelines or requirements should be provided.*

280. SUPPORT efforts to increase waterborne transport of goods and obtaining funds to support this effort. *The San Francisco to Stockton Ship Channel is a major transportation route for the region, providing water access to a large number of industries and the Ports of Sacramento and Stockton. A project is underway to deepen the channel, providing additional capacity to accommodate increasing commerce needs of the Ports and providing better operational flexibility for the other industries. Increased goods movement via waterways has clear benefits to congestion management on highways and railroads (with resultant air quality benefits).*

281. SUPPORT legislative and administrative measures to enhance rail safety, increase state oversight of railroad bridges, provide funding for the training of first responders, and implement regulations that increase tank car safety standards for cars transporting crude oil and other

hazardous materials, and regulations that require railroads to share data with state emergency managers and local responders.

Waste Management

288. SUPPORT legislation that establishes producer responsibility for management at the end of their useful life of products, including pharmaceuticals, batteries, sharps and veterinary medicine.

290. SUPPORT legislative and regulatory efforts to allow third parties, under specific circumstances and conditions, to collect and transport household hazardous waste to collection facilities.

295. SUPPORT legislation that can reduce the amount of harmful pharmaceuticals (including veterinary medicine) that ultimately enter waste water treatment facilities, bodies of water, and landfills.

June 25 recs to Board

- 1) Support federal legislation that improves leak detection systems in pipelines.

- 2) Support federal legislation that requires pipeline operators to contract for an independent technical seismic vulnerability study on HCA pipelines affected by potentially active faults to feed into the pipeline risk analysis, and make the study available to the public.