

Hazardous Materials Commission

Draft Minutes

Planning and Policy Development Committee

January 15, 2020

Members and Alternates:

Present: Don Bristol, Jonathan Bash, Mark Hughes, Jim Payne, George Smith, Rick Alcaraz

Absent: Mark Ross, General Public Seat - Vacant

Staff: Michael Kent

Members of the Public: Charlie Davidson, Tyson Bagley, Adrian Ursino

1. Call to order, introductions and announcements

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

Announcements:

Michael Kent announced:

- The Board of Supervisors will consider reappointing Mark Ross to City Seat #2 and appointing Edi Birsan as his alternate, and vacating Environmental Seat #1 at their January 21st meeting.
- On February 5th the Air District will be holding a meeting on their complaint process at 651 Pine Street in Martinez at 5:00 pm.
- Ryan Hernandez from the County's Water Agency will give a presentation on the deep water dredging project for Carquinez Straits at the full Commission meeting on January 23rd.

Commissioner Bristol announced that the Richmond City Council voted 5-1 in favor of an ordinance to eliminate the shipping of coal and petroleum coke from the City of Richmond at their January 13th meeting. The second reading of the ordinance will be in one month.

Commissioner Smith reported that there was a very good follow-up presentation on PFAS by Amy Wilson at the East Bay Leadership meeting on January 10th, and this would be a good follow-up presentation for the Commission as well.

Commissioner Hughes announced that the Industrial Association and the League of Women Voters will hold a candidate forum for County Supervisor District 5 candidates at the IEBW Hall in Martinez at 7:00 pm on February 10th.

2. Public Comments: None

3. Approval of Minutes:

The minutes from the December 18, 2019 meeting were moved by Commissioner Smith, seconded by Commissioner Britsol and approved 5-0 with the following amendment added at the end of the 5th paragraph of 5.a:

Mr. Sawyer's understanding from his initial review of the project is that it appears that a land use permit would not be required by the ISO, but this determination will be made by the Department of Conservation and Development.

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.**

This item was postponed till the next meeting.

- 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 Phillips 66 San Francisco Refinery facility in Rodeo.**

Michael Kent reported that he asked the Air District, and the Department of Conservation and Development, which agency is leading the CEQA review of the proposed increased capacity at the Phillips wharf. The Air District said they are asking the County if they are issuing a permit and doing a CEQA review, and the County said they haven't made a determination yet. But he reiterated that the County won't be the lead agency if they don't require a permit.

Commissioner Bristol reiterated that the intent of the project is just to use the increased capacity at the Wharf if the pipeline from their facility in Southern California is not available. The permit request doesn't require any physical modification, only a change in allowed throughput. He added that he has calculated the score of the proposed project using the ISO formula and his conclusion was that it didn't score high enough to require a County land use permit.

Commissioner Bristol made a motion for the Commission not to ask the County to conduct the analysis requested by CBE, and the motion carried 5-0.

5) **New Business:**

a) **Consider “Principle” statements for hazardous material-related issues for the County’s legislative platform.**

The committee reviewed existing items in the 2019 State Legislative Platform and developed the following “Principle” statements to be consider by the full Commission.

Exposure

- 1) Support legislative efforts to reduce or eliminate lead and toxic substances in consumer products, particularly those used by infants and children.
- 2) Support legislative efforts to reduce exposure to toxic air pollutants and reduction of greenhouse gases.

Land Use

- 3) Support legislative efforts to evaluate, clean up and redevelop contaminated sites.
- 4) Support legislative efforts that address the illegal dumping of household hazardous wastes through incentives and enforcement.

Pipeline Safety

- 5) Support legislative efforts that increase the safety of the shipment of hazardous materials by pipeline through better monitoring, detection, operational practices and equipment.

School Siting

- 6) Support legislative efforts that reduce the risk to students from the accidental release of hazardous materials by requiring risk assessments that account for all sources of hazardous materials as part of school siting and re-building decisions.

Goods Movement

- 7) Support legislative efforts to increase and improve waterborne transportation of goods when it increases safety.

Rail Safety

- 8) Support legislative efforts that improve the safety of the shipment of hazardous materials by rail through training for local first responders, increased sharing of data, reduction of material hazards, and appropriate speed limits.

Waste Management

- 9) Support legislative efforts that establish producer responsibility for management at the end of their useful life of products, including pharmaceuticals, batteries, sharps and veterinary medicine.
- 10) Support legislative efforts to allow third parties, under specific circumstances and conditions, to collect and transport household hazardous waste to collection facilities.

- 11) Support legislative efforts that reduce the quantity of harmful pharmaceuticals (including veterinary medicine) that ultimately enter wastewater treatment facilities, bodies of water, and landfills.

b) Elect Committee Chair and Vice chair

Commissioner Bristol nominated Commissioner Payne for Chairperson. Commissioner Smith seconded the motion and it carried 5 – 0.

Commissioner Bristol nominated Commissioner Hughes as Vice Chairperson. Commissioner Bash seconded the motion and it carried 5 – 0.

c) Review Committee Priorities for 2020

The committee reviewed the attached materials concerning prior Commission priorities and identified the following priorities for the committee in 2020, in no particular order:

- Continue to review, and potentially develop recommendations for, the regulations being developed by DTSC for TSD facilities concerning cumulative and community impacts.
- Track the developments in the WSPA lawsuits concerning the recent amendments to the State’s PSM and CalARP regulations, and consider supporting a resolution the Board of Supervisors are being asked to adopt.
- Track the development of Air District regulations that also have hazardous materials implications.
- Review the root cause analysis of the Nustar fire in October, 2019 and potentially develop recommendations as appropriate.
- Review the implementation of SB 1000 (Environmental Justice) in the development of the County’s General Plan.
- Continue to receive updates on the emerging impacts and regulation of PFOS.
- Hold public meeting on the ISO Safety Culture Assessments requirements.
- Continue to learn about the impacts of the proposed deepening of the shipping channel in SF Bay and Carquinez Strait.

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, and begin to address other priorities as appropriate.

8) Adjournment – The meeting was adjourned at 5:30.