

CONTRA COSTA COUNTY  
HAZARDOUS MATERIALS COMMISSION

*PLANNING AND POLICY DEVELOPMENT COMMITTEE MEETING*

Wednesday, March 18, 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: JANUARY 15, 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) Review update from DTSC on the implementation of SB 673

Attachments

5. NEW BUSINESS:
  - a) Consider developing recommendations to the Board of Supervisors in response to the Commodity Flow Study conducted by the Hazardous Materials Program

*<https://cchealth.org/hazmat/adapting-to-rising-tides/pdf/Commodity-Flow-Study-with-Special-Focus-on-Sea-Level-Rise.pdf>*

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*

## **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 21<sup>st</sup> meeting.
- On February 5<sup>th</sup> 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 23<sup>rd</sup>.

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 13<sup>th</sup> 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 Wi8lsom at the East Bay Leadership meeting on January 10<sup>th</sup>, 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 10<sup>th</sup>.

#### **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 5<sup>th</sup> 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 who is leading the CEQA review of the propose increased capacity at the Phillips wharf. The Air District said they are asking the County if there are issuing a permit and doing a CEQA review, and the County said they haven't made a determination yet. But he reiterated that if the County doesn't require a permit then they won't be the lead agency.

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 capacity. 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.

**Attachment**

**Item 4.b**

# SB 673 Permit Protections in Vulnerable Communities

## Stakeholder Update Message

Greetings,

This email provides a brief overview of DTSC's efforts to advance a regulatory proposal for additional permit protections in vulnerable communities. Current updates are available on DTSC's [SB 673 Permit Criteria -Community Protection](#) web page.

### Background

Senate Bill 673 (SB 673, Chapter 611, Stats. 2015) directs the Department of Toxic Substances Control (DTSC or the Department) to update its criteria when deciding whether to issue new or modified permits, or permit renewals of hazardous waste facilities. The law instructs the Department to consider "the vulnerability of, and existing health risks to, nearby populations," using available tools, including indicators of community vulnerability and cumulative impact. SB 673 also authorizes DTSC to consider the use of "minimum setback distances from sensitive receptors" in making a permitting decision. As part of this effort, DTSC seeks to gain stakeholder input through public engagement efforts this year.

In October of 2018, the Department released the SB 673 Draft Regulatory Framework Concepts document in [English](#) and in Spanish ([Español](#)). Later that month and in spring of 2019, DTSC staff met with stakeholders during focus group meetings and public workshops to introduce the developing concepts and solicit input. Since then, DTSC has been working on revising the regulatory concepts based on comments provided throughout the stakeholder engagement process.

### Status

DTSC is currently working on finalizing an informal regulatory proposal. This proposal is prior to the Administrative Procedure Act (APA), which provides the general procedures for formal rulemaking in California. While the pre-APA document is likely to be ready for public review in April, an outline is now available [[English](#) | [Español](#)] and is posted on our [SB 673 Permit Criteria - Community Protection](#) web page.

DTSC staff seeks to continue and engage with their stakeholders in a second round of public engagement efforts this year in 2020 that will include three public workshops and a joint summit.

### More Information

If you are interested in receiving ongoing communications about this effort, please sign up for the Permit Decision Criteria – SB 673 electronic mailing list found on the [DTSC Elist](#) web page. DTSC encourages the sharing and posting of this update and other SB 673 information.

For direct inquiries, please email our **new SB 673 Project Manager**, Evelia Rodriguez at [Evelia.Rodriguez@dtsc.ca.gov](mailto:Evelia.Rodriguez@dtsc.ca.gov) or by replying to this email.

# **SB 673 Cumulative Impacts and Community Vulnerability Draft Regulatory Framework: Permit Protections in Vulnerable Communities**

## **Framework Outline**

### **Executive Summary**

#### **I. Introduction and Overview of Community Vulnerability and Impacts**

Hazardous Waste Management and Environmental Justice

Background on Senate Bill 673 (Lara, 2015)

Permitted Facilities in California

Community Impacts and Vulnerability

Comparison of Cumulative Impacts to Other Analysis Tools

CalEnviroScreen Overview and Background

Use of CalEnviroScreen and Supplemental Information

#### **II. Draft Regulatory Framework Elements**

##### **Element 1: Community and Facility Screening**

###### **a) Community Screening**

1. Area of Analysis

2. Supporting Research for Area of Analysis Distances

3. Use of Screening Tools

###### **b) Evaluation of Facility Characteristics**

##### **Element 2: Facility Pathways and Designations**

###### **a) Tiered Pathways**

###### **b) Case Studies Summary**

###### **c) Public Engagement**

##### **Element 3: Facility Actions**

###### **a) Menu of Facility Actions**

1. Improvements to Facility Activities and Operations



2. Community or Environmental Improvements
3. Monitoring or Other Evaluation of Community Concerns
4. Public Engagement and Outreach Strategies
5. Setback Distances

- b) Facility proactive actions and allowable credit

**Element 4: Facility Action Workplans**

- a) Facility workplan requirements
- b) Public Engagement In Workplan Review
- c) Evaluation of Facility Workplans
- d) Facility Actions as Enforceable Permit Conditions or Compliance Schedules

**Element 5: Decisions to Revoke or Deny a Permit**

**Element 6: Inspection Scoring Adjustments for Violations in Vulnerable Communities**

**Element 7: Updates to Data and Tools**

**Element 8: Guidance Documents**

**III. Overview of Stakeholder Input**

**IV. Conclusion and Next Steps**

**V. Appendices**

Appendix 1 - Glossary of Terms

Appendix 2 - Supplemental Information Provided by the University of California  
Research Team

Appendix 3 - Facility Workplan Requirements

Appendix 4 - Case Studies

Appendix 5 - Summary of Comments

Appendix 6 - Research List