

Hazardous Materials Commission

Draft Minutes

Planning and Policy Development Committee
September 16, 2020

Members and Alternates:

Present: Don Bristol (late), Jonathan Bash, Mark Hughes, George Smith,

Absent: Jim Payne, Mark Ross,

Staff: Michael Kent

Members of the Public: Jan Warren, Interfaith Climate Action Network

1. Call to order, introductions and announcements

Commissioner Hughes called the meeting to order at 4:10.

Announcements:

Michael Kent announced:

- The Operations Committee is conducting interviews for the open Environmental seat, the new Environmental Justice seat, and the student intern seat on October 9th.
- The next meeting of the full Commission will be Thursday, September 24th.
- The Board of Supervisors Sustainability committee will meet on September 29th at 3:00 via zoom.

2. Public Comments: None

3. Approval of Minutes:

The minutes from the January 15, 2020 meeting were moved by Commissioner Smith, seconded by Commissioner Bash and approved 3-0 (Commissioner Bristol arrived late).

4. Old Business: None

5. New Business:

a) Review County 2020 Legislative Platform and develop recommendations

The committee reviewed existing items in the 2020 State and Federal Legislative Platform, and had the following comments on the items listed in Attachment 1. If no comment was made on an item, then the committee was ok with the item remaining on the platform.

2020 State Legislative Platform

SPONSORED BILLS AND LEGISLATIVE PRIORITIES

Sponsored Bill #2: Legislation, in conjunction with Alameda County and other partners, that establishes statewide hauler permitting requirements and associated penalties as well as increases penalties allowed by State law for illegal dumping.

PRINCIPLES AND POLICY STATEMENTS

Climate Change

- SUPPORT legislative and administrative efforts that: address the impacts of climate change; support climate adaptation and resilience efforts; address the disproportionate impacts that some communities bear because they are located near large industrial facilities (author emphasis); reduce exposure to toxic air pollutants and greenhouse gases; and study and recognize the health impacts of global and regional climate change.

Committee Comment – Add support for also analyzing the economic, workforce and social impacts of the proposed measures to address these concerns.

Health Care

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

Justice Systems

- SUPPORT legislation that provides a practical and efficient solution to addressing the problem of abandoned and trespassing vessels and ground tackle.

Transportation

- SUPPORT regional, coordinated aviation transportation planning efforts to improve service delivery and to provide options to the surface transportation system for people and goods movement.

- SUPPORT efforts to increase waterborne transport of goods, in particular relative to the San Francisco to Stockton Ship Channel.

Committee comment – Also support conducting adequate environmental review of any measure aimed at accomplishing these efforts.

- SUPPORT measures to enhance rail safety with an emphasis on; increased state oversight of railroad bridges, funding for first responder training, funding to improve rail safety and prevent

rail trespass fatalities, improved regulations for tank car safety standards, and data sharing requirements between state emergency managers, local responders, and rail operators.

Committee comment – Also include support for measures that increase enforcement, and support measures that improve the partnership between Federal, State and local agencies regarding rail safety. This Policy Statement should be added to the Federal Platform as well, since the Federal Government has primacy over the regulation of rail safety.

Waste Management

- MAINTAIN the County’s existing discretionary authority over matters pertaining to waste management, recovery and disposal. ENSURE new or expanded responsibilities are not imposed on the County, either directly or indirectly, without providing statutory authority to guarantee funding to implement actions necessary to adequately enforce or comply.
- SEEK more robust local regulatory and enforcement authority relative to the storage, transport, processing, recovery and disposal of waste within our jurisdictional boundaries.

2020 Federal Legislative Platform

FEDERAL FUNDING NEEDS: PROJECT SPECIFIC

1. Secure funding for the Army Corps’ annual maintenance dredging of the federal channels along the County’s borders that maintain the ship channel to the authorized depth of -35 feet.
2. Advocate for and support the San Francisco to Stockton Navigation Improvement Project that proposes to deepen the ship channel to realize transportation efficiencies.
3. Mount Diablo Mercury Mine. Support legislation in the Water Resources Development Act that would give authority to the Army Corps of Engineers to build remediation projects in the Remediation of Abandoned Mine Sites program.

Committee comment – Research whether it would be appropriate (within the purview of the Board of Supervisors) to add a measure that supports legislation that promotes the clean-up and reuse of the former Concord Naval Weapons Station.

SURFACE TRANSPORTATION FUNDING NEEDS

✓ North Richmond Community Supportive Transportation Improvements: Alternate truck route/regulations, trail/school access improvements to address community safety, public health and livability needs, and general transportation improvements to support job growth and priority development area access.

FEDERAL FUNDING NEEDS: PROGRAM SPECIFIC

4. Rail Safety: Support initiatives to increase safety by addressing trespass fatalities and relative to rail service to oil refineries.

Committee comment – Add the item and the committee comments concerning rail safety from the State Platform.

• SUPPORT measures to enhance rail safety with an emphasis on; increased state oversight of railroad bridges, funding for first responder training, funding to improve rail safety and prevent rail trespass fatalities, improved regulations for tank car safety standards, and data sharing requirements between state emergency managers, local responders, and rail operators.

Committee comment – Also include support for measures that increase enforcement, and support measures that improve the partnership between Federal, State and local agencies regarding rail safety. This Policy Statement should be added to the Federal Platform as well, since the Federal Government has primacy over the regulation of rail safety.

6. Stormwater Program Funding: Support additional funding through the EPA to enable compliance with the Clean Water Act.

PRIORITY POLICY STATEMENTS

Climate Change

• SUPPORT legislative and administrative efforts that: address the impacts of climate change; support climate adaptation and resilience efforts; address the disproportionate impacts that some communities bear because they are located near large industrial facilities; reduce exposure to toxic air pollutants and reduce greenhouse gases; and study and recognize the health impacts of global and regional climate change.

Committee comment – Add comments made concerning this issue on State Platform:

Add support for also analyzing the economic, workforce and social impacts of the proposed measures to address these concerns.

• SUPPORT the concept of establishing a national price on carbon-based fuels to address the costs to society of emissions from those fuels.

Committee comment – Research whether this is the same thing as a Carbon Tax.

The Committee also reviewed the proposed policy statements they proposed in January but were not considered by the full Commission at their March meeting due to time constraints. The items

that are **bolded** are ones that the committee felt were not adequately addressed in the 2020 platform.

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) Review Committee Priorities for 2020

The committee reviewed the following priorities the committee identified for itself at the January 15, 2020 meeting, and asked staff to start researching the status of these, to determine when it would make sense to start addressing them. They discussed the need to start addressing the update of the County General Plan, including the SB 1000 requirements, immediately because the Department of Conservation and Development has issued draft EJ goals, policies and action items for review.

- 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:

Commissioner Hughes announced that the Industrial Association's golf tournament is being postponed till the Spring of 2021, their Mayors Conference meeting will be September 24th at 10:30, Congressman Mike Thompson will be the speaker on October 22nd and their Board of Supervisors meeting will be on November 11th.

7. Plan Next Agenda: The committee review the 2020 Legislative platform again, taking into account any comments made by the full Commission, and receive an update on the status of their priorities.

8. Adjournment – The meeting was adjourned at 5:36.