

Hazardous Materials Commission

Draft Minutes

Planning and Policy Development Committee

December 16, 2020

Members and Alternates:

Present: Jonathan Bash, Don Bristol, Mark Hughes, Jim Payne, George Smith, Ed Morales (alternate), Tim Bancroft (alternate), Marj Leeds (alternate)

Absent: Mark Ross,

Staff: Michael Kent; Matt Kaufmann, Hazardous Materials Programs Director; Susan Psara, Karine Abramians, Ellen Dempsey, Devra Lewis, Hazardous Materials Program staff

Members of the Public: Jay Gunkelman, Aimee Henry, Brandon Mattson, Adrienne Ursino,

1. Call to order, introductions and announcements

Commissioner Payne called the meeting to order at 4:05.

Announcements: None

2. Public Comments:

Jay Gunkelman wanted to know if the County's Hazardous Materials Program has the capability to do thermal imaging for hydrogen fires. He is aware that there are meters available for only \$500 - \$600 dollars. Matt Kaufmann responded that the Hazardous Materials Program does have thermal cameras, but they don't measure for Infra-Red readings. They are looking into purchasing equipment with this capability. He thought that most Fire Departments probably have at least some of this capability. Commissioner Bristol added that the Petrochemical Mutual Aid group of CAER has access to drones with thermal imaging and IR capabilities through their membership.

3. Approval of Minutes:

The minutes from the November 18, 2020 meeting were moved by Commissioner Hughes, seconded by Commissioner Smith and approved with 3-0-1 with Commissioner Payne abstaining and Commissioner Bristol arriving after the vote.

4) Old Business:

a) Review and develop recommendations about the Placeworks memo concerning draft Environmental Justice Goals, Policies and Actions for the County General Plan update

The committee reviewed the following specific comments they made at the last committee meeting (listed after the discussion) and had the following discussion.

Commissioner Hughes expressed his concern about the Goal K policy K.1 discouraging construction of new large-scale hazardous waste facilities. He thought it would be a problem in terms of where hazardous waste would be managed when existing facilities are full. Matt Kaufmann thought the term large-scale was ambiguous and would need to be changed. But he thought they were referring to facilities that treat, store or dispose of hazardous waste from other sources, and not facilities that treat, store or dispose on-site the hazardous waste they generate themselves. Karine Abramians added that historically, large facilities do treatment, storage or disposal of their own waste, but don't treat waste from other facilities. She thought it would be wrong to limit new facilities just because they treat, store or dispose of their own waste.

Commissioner Leeds asked if the policy should be amended to clarify that it is only intended to discourage facilities that take waste from other sources. Commissioner Bancroft noted that there are already a couple of TSD's in the Bay Area. He thinks the policy needs to be more specific and suggested Placeworks be asked for more specifics. Commissioner Bristol said he wouldn't want this policy to limit the collection of Household Hazardous Waste. Furthermore, he thought this restriction should be limited to Disadvantaged Communities only.

Commissioner Bristol thought that the second policy under Goal K, that the County should advocate for and coordinate with local and regional agencies to clean up contamination in Disadvantaged Communities, was silly and unnecessary because the County already does that. Commissioner Smith agreed. Matt Kaufmann said that the County doesn't have any authority over clean-ups, but thinks this is more about clean-up of contaminated sites. Commissioner Bash agreed that this is about site clean-up, and maybe it is about increasing the capacity to get sites cleaned-up, or prioritizing sites. Matt Kaufmann thought that maybe it would be better to change the policy to giving residents the ability to advocate with agencies to get sites cleaned-up. He would be uncomfortable with the Hazardous Materials Program being in a quasi-advocacy role. Commissioner Morales said that this policy shouldn't just be limited to brownfield sites, but to active industrial sites with contamination on them. He said he couldn't be sure of the intent of the policy.

Nobody was clear on what was meant in Action K.1 where it referred to the County's Brownfield and Contaminated Sites Cleanup Policy.

Commissioner Bash said that he would like the Commission to consider a new policy addressing the creation of buffer zones around facilities that use hazardous materials or generate hazardous waste.

Commissioner Bristol ask for clarification as to whether there are going to be other hazardous materials-related issues in the General Plan that are not Environmental Justice issues. Staff said he would try to get clarification on this.

Commissioners Hughes and Smith said they were still concerned that there was not enough outreach to the business community, especially for Goal A – the equitable distribution of social and economic advantages among all communities in the county so that no community is disproportionately burdened by environmental pollution or other hazards.

Chairperson Payne summarized the main points still outstanding as the need to consider a buffer zone policy, and clarification of what Action K-1 was referring to as the County’s Brownfield cleanup policy.

Specific Comments from 11/18/20 committee meeting

Overall question – Did DCD reach out to the business community to discuss these proposals?

Goal A

Policy 3 – better define the terms “early and significant”

Policy 4 – need to establish a specific timeline for this phaseout

Policy 4 – there are other industry types that present hazards, should there be specific policies for them?

Policy 4 and 5 – should also require that the economic impacts and consequences of implementing these policies be analyzed.

Policy 5 – need to define “major development project”

Policy 6 – Is “prioritizing” enough to ensure that equity is achieved, or do quantifiable endpoints need to be established to ensure equity?

Action 1 – DTSC needs to be coordinated with for phase out and site remediation

Action 2 – Is significant impact only determined by CEQA, or can Health Impact Analyzes also be used?

Goal K

Action K-1 – County does not have a Brownfield Cleanup policy. Be specific about what type of partnerships to establish with EJ groups, what would be their role (only jurisdictions can apply for grant funding.)

Possible new policy – If not already required by ISO or other regs, require facilities to demonstrate that they have adequate capacity or access to equipment and personnel to put out fires at their facility

5) New Business: None

6) Items of Interest: None

7) Plan Next Agenda: The committee will continue to review the Environmental Justice goals, policies and actions proposed for the General Plan update.

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