CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION

PLANNING AND POLICY DEVELOPMENT COMMITTEE MEETING

Wednesday, January 17, 2018
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: OCTOBER 18, 2017**
3. **PUBLIC COMMENT**
4. **OLD BUSINESS:**
   a)NONE
5. **NEW BUSINESS:**
   a) Election of Committee Chair and Vice Chair
   b) Review proposed legislation on Brownfields – See 6 attachments
   c) Set priorities for 2018 – See 3 attachments
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
October 18, 2017

Members and Alternates:

Present: Rick Alcaraz, Frank Gordon, Jim Payne, Jack Bean (alternate), Peter Dragovich (alternate), Marj Leeds (alternate)
Absent: George Smith, Mark Ross Don Bristol (represented by alternate), Matt Buell (represented by alternate), Usha Vedagiri (represented by alternate)
Members of the Public: None

1. **Call to order, introductions and announcements**

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

Announcements:

Michael Kent announced:

- The next annual meetings with County Supervisors are as follows:
  - Anderson – November 2, 2:30
  - Glover – November 6, 2:00

  The annual meeting on October 12th went well.
- DTSC sent out an announcement that a facility in North Richmond has applied to add a wash rack to their TSD facility.
- The Commission will consider moving its last meeting of the year from December 7th to November 30th so that it doesn't conflict with a meeting of the Mayors Conference.

Commissioner Bean announced the last Industrial Association meeting on September 21st had 70 people. The luncheon with County Supervisors is on November 9th and about 100 people have signed up so far.

2. **Public Comments:** None

3. **Approval of Minutes:**

The minutes from the September 20, 2017 meeting were moved by Commissioner Gordon, seconded by Commissioner Dragovich and approved 4-0-1 with Commissioner Leeds abstaining.

4. **Old Business:** None

5) **New Business:**

a) **Continue review of the County's Legislative Platform**

The committee reviewed several items that were flagged at the last meeting for further review.

The committee decided to recommend to the full Commission that they leave items 199 and 200 as is, but recommend that item 201 be deleted because it is incomplete and redundant.

The committee reviewed input from Ignacio Dayrit from the Center for Creative Land Recycling concerning four brownfield remediation programs that he felt could be improved. They were the Site Clean-up Sub-account program, the California Land Reuse and Revitalization Act, the Clean-up Loans and Environmental Assistance to Neighborhoods program and the California Recycle and Underutilized Sites program. The committee asked for more detail information about these programs before they could make a decision as to whether they should recommend support for them. Because of times constraints for providing input into the development of the Board of Supervisors legislative platform, they recommended that this topic be taken up at the next full Commission meeting rather than bring it back to the committee again.

Items of Interest: None

6) **Plan Next Agenda:** No items discussed.

7) **Adjournment –** The meeting was adjourned at 5:00.

HAZARDOUS MATERIALS COMMISSION MEETING
Planning & Policy Development Committee
Commissioners
Sign-In Sheet
Date: May 17, 2017

United Steelworkers Local 5 (PACE)
1333 Pine Street, Suite C-1,
Martinez, CA 94553

Please initial by your name - (Do not X or /≅)

Member	Alternate
_____ Fred Glueck	_____ Aaron Winer
_____ Matthew Buell	_____ Jack Bean
_____ Don Bristol	_____ Marj Leeds
_____ Lara DeLaney	_____ Matthew Rinn
_____ Mark Ross	_____ Rich Kinney
_____ George Smith – Chair	_____ Ron Chinn
_____ Ralph Sattler	_____ Ed Morales
_____ Usha Vedagiri	_____ Peter Dragovich
_____ Steven Linsley	_____ Linus Eukel
_____ Frank Gordon	_____ Tim Bancroft
_____ Rick Alcaraz	_____ Vacant
_____ Jim Payne	_____ Tracy Scott
_____ Leslie Stewart	_____ Rita Xavier
County Staff	
_____ Michael Kent	
_____ Randy Sawyer	

Attachment

Item b1

HSC Section 25395.22

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The stricken language identifies that funds may be used to purchase environmental liability insurance. This provision has been relocated to section 25395.23(a), which identifies other permissible uses of loan funds, for organizational purposes

(a) The department, with the approval of the secretary, shall establish a Cleanup Loans and Environmental Assistance to Neighborhoods Program to provide loans to finance the performance of any action necessary to respond to the release or threatened release of hazardous material at an eligible property. ~~A recipient of a loan to perform an action to respond to a release or threatened release of a hazardous material at an eligible property that is granted pursuant to this section may also use the loan funds to pay the premium for environmental insurance products to facilitate the development of the site, if the insurance company has an A.M. Best Financial Strength Rating of A+ or better and an A.M. Best Financial Size Category of FSC X or larger and is authorized to offer environmental insurance in California.~~ The department shall take those necessary actions to promote the use of loans under the CLEAN program by local governments. A loan provided pursuant to this section shall not be used to pay for a phase I environmental assessment, a preliminary endangerment assessment, the department's oversight of actions necessary to respond to the release or threatened release of hazardous material at an eligible property, or any operation and maintenance activity at a site.

(b) The department shall develop an application form for a loan under the CLEAN program and shall include, in the form, any provisions that the department determines to be appropriate to carry out the CLEAN program. The application shall be signed by the loan applicant and shall be accompanied by all of the following:

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(1) A preliminary endangerment assessment that has been approved by the department, or an environmental assessment with equivalent information, that discloses the presence of a release or threatened release of a hazardous material at the property at concentrations that may pose a risk to public health and safety and the environment.

(2) The name and address of the project coordinator for the site and the resumé of the coordinator that demonstrates that the coordinator possesses the requisite qualifications to manage the response action at the site.

(3) Documentation that the property is an eligible property and, if the department has implemented the priority scoring system set forth in Section 25395.23~~-~~,

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sufficient information to enable the department to determine the priority score for the property.

(4) Documentation that the planned future development of the site is consistent with the cleanup level being proposed~~current and reasonably foreseeable future land uses of the property~~.

(5) If the owner of the eligible property that is the subject of the loan application is not the loan applicant, one of the following:

(A) Documentation that demonstrates that the owner agrees to use the property as a security interest for the loan to finance necessary response action at the property.

(B) A copy of an agreement between the property owner and the loan applicant that gives the loan applicant an option to purchase the property.

(C) If the loan applicant is a local government entity, or a developer or prospective purchaser acting in concert with a local government entity pursuant to an enforceable agreement, a demonstration to the department that the local government entity, or developer or prospective purchaser acting in concert with a local government entity pursuant to an enforceable agreement, has legal access to perform any action necessary to respond to the release or threatened release of hazardous material at an eligible property, or will have legal access, prior to receiving loan funds.

(6) Any other information the department deems necessary.

HSC Section 25395.23

(a) The department~~, after consultation with the secretary, the Secretary of Business, Transportation and Housing, and the Director of the Office of Planning and Research,~~ may approve loan applications submitted pursuant to Section 25395.22~~.~~. The department may approve a loan only to: develop a response plan; implement~~for~~ those response actions necessary to address a release or threatened release of a hazardous material at an eligible property; or pay the premium for environmental insurance products to facilitate the development of the site, if the insurance company has an A.M. Best Financial Strength Rating of A+ or better and an A.M. Best Financial Size Category of FSC X or larger and is authorized to offer environmental insurance in California.

This modification clarifies that the cleanup level must match the future use of the site. The term "reasonably foreseeable future land use" is a term of art and may inadvertently introduce confusion.

The Secretary of Business, Transportation and Housing ceased to exist in 2012 following the implementation of the Governor's Reorganization Plan #2 of 2012. Additional consultation is not necessary, as the loan prioritization criteria are consistent with the Sustainable Communities and Climate Protection Act (SB 375 of 2008).

Additional text has been relocated here from section 25395.22 for organizational pruposes.

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(b) If the department determines, based on estimates of the number of loan requests that will be submitted in any fiscal year and the amount of loan funds that will be available during that fiscal year, that sufficient funding to meet the demand for loans will not be available, the department shall establish a system for ranking loan applications based on priority scores. Priority scores shall be calculated for each loan application by scoring the project that is the subject of the loan application using scales that measure the factors listed in subdivision (c). The department shall approve loans for a project based on its priority scores.

(c) The system for ranking loan applications pursuant to subdivision (b) shall establish priority scores for projects that are the subjects of the loan applications using scales that measure all of the following factors:

(1) The degree of community support expressed for the project, including, but not limited to, letters of support from local governmental entities, state or local elected officials, community leaders, and the general public.

The former language addressed leveraging of resources through redevelopment finance tools and Mello-Roos districts. As redevelopment agencies have been dissolved, this language has been replaced with a prioritization element consistent with SB 375, SB 535, AB 1500, and AB 32.

(2) Location of the project within a disadvantaged community or benefiting low-income households or communities. ~~Financial support for the project provided at the local level, including grants or other subsidies, and funding provided by the issuance of bonds pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2. 5 (commencing with Section 53311) of Division 2 of Part 1 of Title 5 of the Government Code) or financing under the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24).~~

(3) The potential for the project to provide additional protection of the public health and safety.

(4) The potential for the project to enhance strategic community development, including, but not limited to, all of the following:

(A) The creation of new jobs.

(B) Generation of additional tax revenue.

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(C) The likelihood that the project will stimulate additional redevelopment in adjacent areas.

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(D) The degree to which implementation of the project will improve local property values.

(E) The degree to which implementation of the project will result in the development of new parks.

(F) The extent to which the project may have a beneficial effect on the construction of new schools.

The term "inner city" is not a defined term, and may inadvertently exclude needed affordable housing in rural locations or tribal communities.

(G) The extent to which the project will result in the construction of affordable ~~inner-city~~ housing.

(H) The potential for the project to have a beneficial impact on existing local and regional infrastructure or projected infrastructure needs, or otherwise promote infill development.

(5) The economic viability of the project, including, but not limited to, an analysis of the current value of the property as compared to its projected value after all necessary response actions have been completed.

(6) The ability of the loan applicant to successfully perform the response action at the site and repay the loan if funding is provided.

(7) The geographic location of the project, taking into consideration the number and amounts of loans approved for projects located in that area, as compared to those approved for other needy areas throughout the state.

(8) The degree of likelihood that the response action would not be completed if a loan pursuant to Section 25395.22 is not made, including whether any necessary response action is already being paid for by a responsible party pursuant to an administrative order, an agreement issued or entered into with a federal, state, or local agency, a judicial order, or a consent decree.

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(9) The ability to obtain conventional financing absent a loan under this program.

HSC Section 25395.24

(a) The department may approve all, or part of, a loan request pursuant to Section 25395.23, except the maximum amount of a loan approved pursuant to Section 25395.23 shall not exceed two million five hundred thousand dollars ($2,500,000).

(b) The department shall not approve a loan pursuant to Section 25395.23 if the total debt against the eligible property subject to the release or threatened release of a hazardous material on which the response action will be taken exceeds 80 percent of the estimated value of the property after all necessary response actions are complete.

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Item b2

Draft For discussion Purposes Only

Section 25395.79.2 of the Health & Safety Code defines whether property can be a "site" eligible for CLRRA. The definition has one requirement, Cal. Health & Safety Code § 25395.79.2(a), and three exclusions, Cal. Health & Safety Code § 25395.79.2(b)(1)-(3). The three exclusions are designed to prohibit CLRRA immunities from applying in situations when a government agency has identified a person as potentially responsible for hazardous conditions on a site. However, since the three exclusions apply to a "site" rather than a specific person, the exclusions have the effect of prohibiting a bona fide prospective purchaser of a property from qualifying for immunities under CLRRA - even when that party has no responsibility for the condition of the property and the relevant government agency will continue to have legal recourse against the potentially responsible party. We suggest revising the three statutory exclusions as follows:

1. The Requirement: A site must be "real property located in an urban infill area for which the expansion, redevelopment, or reuse may be complicated by the presence or perceived presence of hazardous materials." Cal. Health & Safety Code § 25395.79.2(a).

2. The First Exclusion: An eligible site cannot be a "facility that is listed or is proposed for listing on the National Priorities List established under Section 105 of [CERCLA] if the person seeking immunities has been named by the United States Environmental Protection Agency as a potentially responsible party." Cal. Health & Safety Code § 25395.79.2(b)(1).

3. The Second Exclusion: An eligible site cannot be "a site on the list maintained by the department pursuant to Section 25356 if the person seeking immunities has been named by the Department of Toxic Substances Control, the Regional Water Quality Board, or a Certified Unified Program Agency as a potentially responsible party." (DTSC's list of hazardous substance release sites). Cal. Health & Safety Code § 25395.79.2(b)(2).

4. The Third Exclusion: An eligible site cannot be "a site that is solely impacted by a petroleum release from an underground storage tank eligible for reimbursement from the California Underground Storage Tank Cleanup Fund if the person seeking immunities has been name by any state or municipal entity a potentially responsible party." Cal. Health & Safety Code § 25395.79.2(b)(3).

Section 25395.109 of the Health & Safety Code establishes that the sunset date for CLRRA to be January 1, 2017. We suggest extending it as follows:

~~1.~~ This chapter shall remain in effect only until January 1, ~~2017~~2024, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2017~~2024, deletes or extends that date.

Section 25395.110 of the Health and Safety Code address the extent of immunities following the sunset of the legislation. Consistent with the foregoing, we suggest revising this section as follows:

~~1.~~ (a) "A person who, before January 1, ~~2017~~2024, qualifies for immunity pursuant to Chapter 6.82 (commencing with Section 25395.60), as that chapter read on December 31, ~~2016~~2023, shall continue to have that immunity on and after January 1, ~~2017~~2024, if the person continues to be in compliance with the requirements of former Chapter 6.82 (commencing with Section 25395.60), including, but not limited to, compliance with all response plans approved pursuant to Article 6 (commencing with Section 25395.90) of former Chapter 6.82, and compliance with all other applicable laws." Cal. Health & Safety Code § 25395.110(a).

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2. (b) This article shall become operative January 1, ~~2017~~2024. Cal. Health & Safety Code § 25395.110(b).

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Item b3

Draft

Proposal to Amend Site Cleanup Subaccount Program Legislation
To Promote Cleanup of
Properties for Affordable Housing and Other Projects Conveying Significant Public Benefits

Proposed Action: Amend Health and Safety Code section 25299.50.6 to more clearly make affordable housing projects and other projects conveying significant public benefits that remediate environmental conditions eligible Site Cleanup Subaccount Program remediation grants. *Please see "Proposed Amendments", attached as Exhibit "A".* The amendments would be consistent with the existing statute's express priorities, which include:

- Improve human health, safety, and the environment threatened by contamination;
- Remediate environmental conditions in small or financially disadvantaged communities;
- Fund investigation or remedial efforts having high potential for environmental benefits;
- Reserve funding for remedial or investigation efforts where other funding is unavailable; and
- Other factors the board identifies as necessary for consideration.

Background: In 2014, SB 445 (Hill) established the Site Cleanup Subaccount Program (Subaccount), administered by the Regional Water Quality Control Boards (Regional Board). Among other things, the Regional Board may use the Subaccount to fund grants to "remediate the harm or threat of harm to human health, safety, and the environment caused by existing or threatened surface or groundwater contamination." Remedial projects are eligible for funding provided: (1) a Regional Board or a local agency requires or approves the investigation or remediation activity; and (2) the responsible parties lack sufficient financial resources to pay for the required response actions. Condition "1" may be waived based on certain findings.

Grant funds are generated through an annual $.003 per gallon levy on stored petroleum. Amounts are appropriated to fund the Subaccount on an annual basis. The legislature appropriated $23,000,000 for Subaccount grants and administration in 2016. To date, annual appropriations of $19.5 million are available in grant funding.

Issue: SB 445 may inadvertently make ineligible (or complicate funding opportunities for) affordable housing and other projects providing significant public benefits (e.g., development of parks) that remediate environmental conditions as part of site redevelopment. Environmental conditions remediated through such projects are frequently longstanding and would not be addressed but for the property's redevelopment. In addition to achieving site remediation under agency oversight and improving environmental health, these projects safely transform impaired properties into community assets and place the properties to beneficial use.

Exclusion from Subaccount eligibility can occur because the project applicant may appear to have financial resources on its balance sheet, even though the applicant may be a cash-strapped organization that is funded through donations and other subsidies. For example, an applicant may be perceived to have resources, and therefore be deemed ineligible, because:

- the applicant is a municipal entity, larger nonprofit organization, public-private partnership, or non-profit/commercial joint venture;
- funds appearing on balance sheets may be restricted for only limited purposes (e.g., backbone utility construction, provision of services), and do not include site remediation; and
- funds may exist for remediation purposes, but their use would result in undesirable reallocations of resources (e.g., reductions in affordable housing depth and percentages).

Therefore, affordable housing projects and other projects conveying significant public benefits can remediate environmental threats, but they may nonetheless be found ineligible for Subaccount funding. Modest amendments to the Subaccount legislation would clarify that such project applicants are eligible for funding, while maintaining consistency with the statute's purposes.

Attachment

Item b4

Exhibit "A"

Proposed Amendments

California Health and Safety Code Section 25299.50.6

Laws > California Laws > Health and Safety Code > California Health and Safety Code Section 25299.50.6

25299.50.6. (a) The Site Cleanup Subaccount is hereby established in the State Treasury. Moneys shall be deposited in the subaccount pursuant to subdivision (m) of Section 25299.51.

(b) The board may expend the funds in the Site Cleanup Subaccount, upon appropriation by the Legislature, for the following purposes:

***

(3) To issue grants pursuant to this section for the reasonable and necessary costs of actions to remediate the harm or threat of harm to human health, safety, and the environment caused by existing or threatened surface or groundwater contamination at a location that meets both of the following conditions:

(A) The board, a regional board, or local agency requires the responsible parties to undertake or contract for investigation or cleanup, pursuant to an oral or written order, directive, notification, or approval issued pursuant to Section 25296.10, or pursuant to a cleanup and abatement order issued under Section 13304 of the Water Code. The board may waive this requirement if the board finds that it is infeasible for an order to be issued before initiation of remediation.

(B) The responsible parties: (i) lack sufficient financial resources to pay for the required response actions; (ii) seek grant funding to remediate property on which to develop a residential or mixed use project including 20% or more affordable housing units; or (iii) seek grant funding to remediate property on which to develop one or more project conveying significant public benefits.

***

(c) At least annually, the board shall review grant applications and adopt a list of applicants to be awarded grants pursuant to paragraph (3) of subdivision (b). In addition to the conditions specified in paragraph (3) of subdivision (b), the board shall consider all of the following factors when awarding grants:

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(1) The degree to which human health, safety, and the environment are threatened by surface water or groundwater contamination at the location.

(2) Whether the location is located in a small or financially disadvantaged community.

(3) The cost and potential environmental benefit of the investigation or cleanup.

(4) Whether the remediation will facilitate the development of either a residential or mixed use project including 20% or more affordable housing units or other project conveying significant public benefits.

(54) Whether there are other potential sources of funding for the investigation or cleanup.

(65) Any other information the board identifies as necessary for consideration.

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Item b5

CENTER FOR CREATIVE LAND RECYCLING

RECLAIM. CONNECT. TRANSFORM

January 5, 2018

Subj: Environmental cleanup funding for affordable housing and other projects conveying significant public benefits—proposed amendment to SB 445

Dear Senator Hill, Senator McGuire, Senator Skinner, Senator Wiener, Assembly Member Chiu, Assembly Member Thurmond, and Assembly Member Wood,

The undersigned organizations represent a statewide coalition of cities and organizations seeking your support on behalf of a legislative amendment that would make existing state resources for environmental remediation accessible to projects with a 20% affordable housing components or convey other significant public benefit (e.g., public park). We urge you to take up and support this issue ahead of the 2018 legislative session.

SB 445 established the Site Cleanup Subaccount Program (SCAP), placing administrative oversight with the State Regional Water Quality Control Boards. The legislation established annual funding for cleaning-up sites with groundwater and other contamination, which is a complex and costly process, and unfortunately very common. SCAP can and should be a critical funding source for revitalization projects that revitalize underserved communities. It represents a resource to advance environmental justice while growing local economies and protecting human and environmental health.

Unfortunately, the specific language of SCAP's authorizing legislation (SB 445) may inadvertently complicate funding opportunities for projects that cleanup the environment as part of site redevelopment, such as projects that create affordable housing, parks, and other projects that provide significant public benefits. SCAP is a resource that our organizations could put to good use to build a more sustainable, equitable California.

Specifically, SCAP funding is not available to project proponents that may appear to have financial resources on their balance sheets, even though the applicant may be a cash-strapped organization that is funded through donations and other subsidies. For example, an applicant may be perceived to have resources, and therefore be deemed ineligible, because the applicant is a municipality, larger nonprofit organization, public-private partnership, or non-profit/commercial joint venture.

Modest amendments to SB 445 would clarify that affordable housing and other projects that convey significant public benefits are eligible for cleanup funding, while maintaining fidelity with the statute's intended purpose. Indeed, clarifying that the proponents of such projects are eligible would support the legislation's purpose of promoting environmental and public health, especially in advantaged communities.

We are writing to ask for your support of the proposed amendment to SB 445, which would ease consideration for SCAP funding for projects with 20% or more of affordable housing, or those conveying other significant public benefits.

Sincerely,

Enclosure

CC: Nicholas Targ, Partner, Holland and Knight

Attachment

Item b6

CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION

October 30, 2017

MEMO

To: Lara DeLaney, Senior Deputy County Administrator

From: Michael Kent, Executive Assistant to the Hazardous Materials Commission

Re: Recommendations from the Hazardous Materials Commission for the 2018 Board of Supervisors State Legislative Platform

On October 26, 2017 the Hazardous Materials Commission met and considered recommendations from their Planning and Policy committee concerning the Board of Supervisors State Legislative Platform. After reviewing and discussing the recommendations, the Commission voted 8 to 0 (with one abstention) to make the following recommendations to the Board of Supervisors.

1) Delete item # 201 – this item is incomplete and confusing as to intent.

2) 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 simply the approval process for applications
   - Broaden the criteria for sites that are eligible for California Land Reuse and Revitalization Act (CLRRA) to include all sites that are listed by the State or Federal Government as contaminated.
   - Fully fund the California Recycle Underutilized Sites (CALReUse) program.

597 Center Ave., Suite 200 Martinez, CA 94553 (925) 313-6712

Attachment

Item c1

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
   - IS0- 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 oi/ petroleum products- EDUCATION ACTIVITY
   group added an interest in looking at tank car issues, andreplacement; 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, of 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 c2

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 c3

Contra Costa County Board of Supervisors

2017-2019 Triennial Sunset Review of Appointed Boards, Committees & Commissions

INTRODUCTION

Contra Costa County is governed by a five-member Board of Supervisors elected by the citizens of our County. The work of the Board of Supervisors is augmented by various advisory boards, committees, or commissions, comprised of citizens who are appointed by the Board of Supervisors. These appointed bodies are formed to provide support and citizen input by making recommendations to the Board of Supervisors on various issues (such as service delivery problems or community needs). County committees are created as a result of State and Federal legislation, contractual agreements with other public agencies, or in response to specific community needs. These citizens' advisory bodies serve as direct links between the Board of Supervisors and our community, expand communication between the public and County government, and enhance the quality of life for our residents.

SUMMARY OF THE TRIENNIAL SUNSET REVIEW PROCESS

The Contra Costa County Board of Supervisors adopted Resolution No. 2012/261 on June 26, 2012, establishing a "triennial sunset review process" for most County boards, committees and commissions whose members are appointed by the Board of Supervisors. Each year the Clerk of the Board will schedule one-third of these committees for review by the County Administrator's Office and the Internal Operations Committee of the Board of Supervisors.

The purpose of the triennial sunset review is to provide the Board of Supervisors with a method to periodically evaluate the purpose, performance and effectiveness of the advisory committees. For additional information about the review procedure, please refer to Resolution 2012/261 of June 26, 2012, and to the Advisory Body Handbook.

SUBMISSION INSTRUCTIONS

Completed surveys are due to the Clerk of the Board by Friday, December 1, 2017. You can submit your completed questionnaire by any one of the following three methods:

- **Electronic survey (note: any attachments will need to be submitted by email)**
  - Visit: https://goo.gl/bQcYU5

- **Email** **Please direct questions and completed surveys to:**
  Emlyn Struthers, Management Analyst for the Clerk of the Board
  Emlyn.Struthers@cob.cccounty.us

- **Mail**
  Clerk of the Board of Supervisors
  Attn: Advisory Body Sunset Review
  651 Pine Street, Rm. 106
  Martinez, CA 94553

Contra Costa County Board of Supervisors
Advisory Body
Triennial Review

Contact Information

Name of Advisory Body (i.e. Committee, Commission, Council, or Board)
Hazardous Materials Commission

Name of Person Completing the Triennial Review Survey
Michael Kent

Chairperson Name
George Smith

Staff Name
Michael Kent

Staff Agency/Department
Contra Costa Health Services

Staff Telephone Number
(925) 313-6587

Staff Email
Michael.kent@hsd.cccounty.us

Advisory Body Website Address (write "n/a" if the advisory body does not have a website)
http://cchealth.org/hazmat/hmc/

Membership

How many advisory body members were appointed during the last 36 months?
20 (10 members and 10 alternates), because their terms expired

How many advisory body members resigned during the last 36 months?
1 – One of the representatives from the Mayor's Conference resigned because he was not re-elected to his City Council seat.

Has the advisory body experienced any membership challenges (i.e. high vacancy rates, trouble filling seats, high member turnover, difficulty with recruitment and retention)?
Yes

If "Yes", please describe the membership challenges experienced.

The Alternate for Labor Seat # 2, which is nominated by the Central Labor Council, has been vacant during this period due to the fact that they have not nominated anyone for this seat.

Are there special qualifications, requirements or prerequisites for members to serve on the advisory body?
Yes

If "Yes", explain whether the requirements are important and necessary, or describe any issues where these requirements have limited recruitment of potential candidates.
Candidates for the 3 Environmental Seats, the Environmental Engineer Seat and the General Public Seat are required to live or work in Contra Costa County and have a demonstrated knowledge of hazardous materials issues. These requirements are important because this Commission is focused specifically on hazardous materials issues affecting Contra Costa County, and without meeting these requirements, a person would not make a good candidate.

Does the advisory body have a sufficient number of members to achieve its mission?
Yes

If "No", Do you recommend an adjustment to the number of advisory body seats (an increase, decrease, or other restructuring)?
No

If "Yes", please indicate which seats you would modify, and why.
Click here to enter text.

Meetings

How many advisory body meetings were scheduled during the last 36 months?
33

During the last 36 months, how many advisory body meetings were held?
26

How many advisory body meetings were cancelled during the last 36 months?
7

How many advisory body meetings were cancelled during the last 36 months *specifically due to lack of quorum*?
3

Community Information, Outreach, and Meeting Notices

How does the advisory body engage stakeholders and the general public on issues and programs within the body's area of responsibility?

Members are expected to promote the Commission to their constituencies. Also, the Commission has a list of interested parties it sends agenda packets to as well as posting them on their web site. Finally, the Commission has co-sponsored public events concerning pipeline safety and cybersecurity that engage stakeholders and the general public.

How are stakeholder and public input incorporated into the advisory body's mission and objectives?
The commission holds a retreat every three years where they develop their workplan based on members' input.

What outreach efforts are undertaken to encourage public participation in advisory body meetings and sponsored activities?
The Commission posts its agendas on its website and distributes it to an interested parties list and the media. The workshops the Commission co-sponsored were advertised widely through announcements, flyers, social media and the print media.

How far in advance of the meeting date does the advisory body post its meeting notice?
At least 72 hours but usually 6 days.

Where are meeting notices posted (please note all locations, both physical and electronic)?
The meeting notices are physically posted at 597 Center Ave. in Martinez and sent to the Clerk of the Board. They are electronically posted on our Website and the County's website and sent to the media.

What information is regularly presented to the advisory body members to keep them informed of the body's performance?
The minutes of the previous meeting are attached to each agenda. The Commission develops a workplan every three years at a retreat and the workplan is reviewed and updated periodically, but at least once a year.

Mission and Purpose

What is the original purpose and responsibility of the advisory body?
To advise the Board of Supervisors and the Cities on hazardous materials and hazardous waste issues.

Have there been major changes to the advisory body's responsibility (such as changes in legal mandates or in the major activities that it has undertaken)?
No

If "Yes", please describe these changes.
Click here to enter text.

What target population or priority communities are served by the advisory body?
The Commission generally prioritizes communities in the industrial belt of the County (mainly along the waterfront from Richmond to Antioch) because this is where the vast majority of hazardous materials are used and hazardous waste generated. However, some

issues are pertinent to the other parts of the County such as Household Hazardous Waste management issues, and pipeline and transportation safety issues.

List activities, services, programs, and/or special projects the advisory body delivers to achieve its current mission.

In 2015 the Commission undertook the following activities: •Requested information on the implementation of the County's Environmental Justice Policy from the Health Services, Public Works, Agriculture, and Conservation and Development Departments. •Provided input to the Department of Conservation and Development on the Northern Waterfront Economic Development Initiative. •Received presentation on Brownfield remediation funding options •Received presentation on Health in All Policies approach from Public Health Director •Tracked the development of Crude by Rail issues in California •Participated in the County's review of the Industrial Safety Ordinance •Received presentation on Chevron Modernization Project •Provided recommendations to Board of Supervisors on implementation of the County's Environmental Justice Policy •Co-sponsored two Public Workshops on pipeline safety •Reviewed recommendations on pipeline safety by the Pipeline Safety Trust•Tracked implementation on Pharmaceutical Disposal Ordinances in California•Received presentation on Cybersecurity for Industrial Facilities •Conducted annual meetings with County Supervisors.
In 2016 the Commission undertook the following activities: •Reviewed recommendations on pipeline safety by the Pipeline Safety Trust.• Received a presentation from the Bay Area Air Quality Management District concerning their proposed regulation for oil refinery emissions. •Received a presentation on the Adapting to Rising Tides study of sea-level rise for Contra Costa County from the Bay Conservation and Development Commission. •Participated in the Northern Waterfront Economic Development Quality of Life committee. •Provided input on a consumer survey about pharmaceutical disposal. •Reviewed the recommendations of the Adapting to Rising Tides study that pertained to hazardouss materials. •Received a presentation on Industrial Cybersecurity from the Department of Homeland Security. •Participated in the review of the County's Industrial Safety Ordinance. •Reviewed proposed changes to the Industrial Safety Ordinance and supported the recommendation that Commission review of the Ordinance become a formal part of the review process. • Received a presentation from the Bay Area Air Quality Management District on their proposed Toxic Air Contaminants rule.•Began development of a brochure on emergency planning for congregate facilities near pipelines. • Held triannual Commission planning retreat. •Conducted 2 annual meetings with County Supervisors. In 2017 the Commission undertook the following 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 Siting 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

Are the advisory body bylaws reflective of the body's current mission, purpose, and focus?
Yes

If "No", please describe how the body's current mission, purpose, or focus differ from the existing bylaws.

Click here to enter text.

Do you recommend changes to the advisory body's mission, purpose, or focus?
No

If "Yes", explain the changes you would suggest.

Click here to enter text.

Budget (if applicable)

Does the advisory body have an annual operating budget or partner directly with a County department or private organization that provides, holds, and/or disburses funds on behalf of the advisory body?

No

➡ If "No", please proceed to the next section, "Challenges."

If "Yes", please complete the questions below.

Is the advisory body affiliated with a non-profit agency or organization?
Choose an item.

If "Yes", what is the name of the affiliated non-profit agency or organization (examples may include a Friends Committee, Booster Club, or other similar organization)?
Click here to enter text.

Are there written documents that outline the relationship between the advisory board and the fundraising entity?
Choose an item.

If "Yes", please link or attach any governing documents that describe the relationship between the entities and how they are governed.
Click here to enter text.

Please provide the advisory body's sources of revenue (if any) for the past 36 months. Rounded figures can be used. Please use additional sheets or documents if necessary.

Revenue Sources

Source	Amount ($)
Total	

Provide a summary of the committee's actual or estimated expenditures for the past 36 months. Please use additional sheets or documents if necessary.

Expenditures by Category

Category	Amount ($)
Total	

Challenges

Are there any additional challenges or problems that the advisory body wishes to bring to the attention of CAO and/or the Board of Supervisors, or that the advisory body has been unable to resolve?
Choose an item.

Provide a description of the challenge or concern.
This year the Hazardous Materials Commission will be educating itself about the issue of nanotechnology use within the County, its risks and potential health impacts. The Commission will bring policy recommendations to the Board if warranted.

Who is affected by this challenge or problem?
Potentially everyone in the County

What changes or other recommendations has the committee considered in response?
The Commission is just beginning its investigation

Accomplishments and Impact

Describe the specific impact the work of the advisory body has made in achieving its mission.
We provided critical information to particpants in our cybersecurity and pipeline safety workshops; we helped update the county's Industrial Safety Ordinance to keep it the best in the Country; we developed an emergency preparedness brochure that could have a significant positive impact on the outcome for a sensitive receptor such as a school or a hospital if they have a pipeline rupture or explode near their facility; and we provided specific recommendation to the Board of Supervisors on implementing the County's Environmental Justice policy, responding to the Pipeline Safety Trust's report on pipeline safety in Contra Costa County, implementing the Northern Waterfront Economic Development Initiative, responding to the recommendations of the Adapting to Rising Tides Study; and on adding planks to the County's legislative platform.

Describe any effects the advisory body has had on the target population or community.
It is impossible to quantify the preventative impact of making regulations and emergency preparedness plans better, but we believe the Commission's activities have reduced the potential for hazardous materials release or impacts on County residents. In addition, by educating residents through the pipeline safety workshops the Commisison co-sponsored, we have created a more informed and prepared populace, and one that is more able to participate in governmental decision-making about pipeline safety issues.

Additional comments on the accomplishments and impact of the advisory body (optional)
You may use this space to share additional comments about the work of the advisory body, its effectiveness, the services it provides, or any other related achievements.
Click here to enter text.

Required Materials (Attach or Provide Links)

- Agendas from the last 12 meetings
  - ☒Attached; *or*
  - ☐Link to Agendas from last 12 meetings: Click here to enter text.
- Minutes (or records of action) from the last 12 meetings
  - ☒Attached; *or*
  - ☐Link to Minutes from last 12 meetings: Click here to enter text.
- Bylaws currently in effect
  - ☒Attached; *or*
  - ☐Link to current bylaws: Click here to enter text.
- Annual Report (submitted to the Board of Supervisors)
  - ☒Attached; *or*
  - ☐Link to most recent Annual Report: Click here to enter text.

Required signatures

(1) Chairperson of your advisory body:

x_____

(please print name):_____

(2) County Staff or Liaison who coordinated survey:

x_____

(please print name):_____

Please direct completed forms and any questions to:

Emlyn Struthers
Management Analyst for the Clerk of the Board
Emlyn.Struthers@cob.cccounty.us
Phone: (925) 335-1919

Thank you for your cooperation!