Hazardous Materials Commission

Draft Minutes
Planning and Policy Development Committee
January 20, 2016

Members and Alternates:

Present: Don Bristol, Jim Payne, Steve Linsley. George Smith, Jack Bean (alternate), Rick Alcaraz, Usha Vedagiri ,
Absent: Lara DeLaney, Frank Gordon, Matt Buell (represented by alternate)
Members of the Public: Roger Smith, Chris Rayner, Alamo Improvement Association; Charles Davidson

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

Commissioner Payne called the meeting to order at 4:10

Announcements:

Michael Kent announced;

- Henry Clark will be stepping down from the Commission and the Operations Committee is recommending he be replaced with Usha Vedagiri and her spot be filled by Charles Davidson. A Resolution is being prepared for a Board presentation in February. Also Mark Ross with be taking Don Tatzin Seat representing the Mayors Conference.

  Commissioner Bean announced that the Industrial Association next luncheon meeting is tomorrow at Zio Fraedo's in Pleasant Hill. The guest speaker is David Cook talking about new state legislation.

2. **Public Comments:** None

3. **Approval of Minutes:**

The minutes from the October 21, 2015 meeting were moved by Commissioner Bristol, seconded by Commissioner Payne and approved 3-0-1 with Commissioners Linsley abstaining.

The minutes from the December 16, 2015 meeting were moved by Commissioner Linsley, seconded by Commissioner Bean and approved 2-0-2 with Commissioners Bristol and Payne abstaining.

Commissioner Smith arrived after the minutes were approved.

4. **Old Business:**

a) **Consider for referral to the Board of Supervisors the recommendations contained in the Pipeline Safety Trust September, 2015 report on pipeline safety in Contra Costa County.**

Michael Kent began the discussion by reviewing with the committee what he learned about the Santa Barbara Systems Safety and Reliability Review committee from a discussion he had with the Deputy Director of the Energy Division of the Santa Barbara Planning and Development Department, Kevin Drude.

Mr. Drude said that committee was started in the early 1980's in response to the fact that the County was anticipating many permit applications for on-shore facilities supporting off-shore oil exploration wells being developed at that time. The Planning Department felt like they needed technical help developing and monitoring the land use permits being issued. The County also developed a Petroleum Ordinance that guides the development of the safety systems they want the facilities to employ. The SSRRC only provides technical support, they don't develop policy or CEQA recommendations. But they are governed by Open Meeting Laws.

Their programs cover only facilities on land and above ground. They include requirements for pipelines, when the facilities voluntarily allow their DOT regulatory conditions to be included in the permits. He noted that all the pipeline companies have done this except the one that had a major spill last year. He also said they share their information with the State Fire Marshal. He said he felt that their program was not redundant with the hazardous materials regulations enforced by the local CUPA, but that they do sometimes participate in their meetings.

His program is fully funded by fees, and he has 13 staff people that oversee permits for 14 processing facilities, one asphalt plant, 2500 wells and 17 mines. He gets technical support from a contract process engineer as well as the SSRRC. He said the committee has been very helpful over the years in providing technical support, and he also likes that the official structure provides transparency to the public.

Michael Kent also talked with Linda Crop from the Environmental Defense Center, which is a public interest law firm that works oil safety issues. She felt the existence of the SSRRC provides accountability and transparency for the public, who sometimes attend depending on the status of particular issues. But they have a good distribution list for their agendas and minutes. She also things having this committee helps with agency coordination. She confirmed that this committee does not address policy issues.

Michael Kent also reported on a conversation he had with Mateika Martin in the County's Emergency Medical Systems program who works with Long Term Care facilities on their emergency plans. She said she had not heard of any of these facilities talk or inquire about pipeline safety, but thought it would be great to start this conversation with them as a part of their emergency planning efforts.

The committee then decided to review the recommendations in the Pipeline Safety Trust report one by one that were made to the Board of Supervisors and the Department of Conservation and Development Health Services and Public Works to decide if they would recommend the Commission encourage the Board of Supervisors to consider them further.

The first two recommendations the committee discussed were to the Department of Conservation and Development (DCD).

1) **Consider adding goals and policies regarding pipelines to the General Plan , and amending Contra Costa County Zoning Code 82.2.010 so that all gas and hazardous liquid transmission pipelines would be subject to land use regulations. Consider additional ordinances (s) pertaining to zoning and land use that are proposed for construction, replacement, modification, or abandonment.**

The committee discussed that they had previously heard from Telma Moreira from DCD that the zoning code 82.2.010 actually does apply to pipelines, but it is confusing and needs to be fixed.

Commissioner Linsley made a motion, seconded by Commissioner Smith that the committee recommend the full Commission encourage the Board of Supervisor to consider this recommendation further. The motion passed 4-1 (Y – Linsley, Smith, Payne, Bean; N –Bristol)

2) **Review all development applications for opportunities to improve existing ingress/egress where currently limited, and where possible, include conditions on approvals to improve connectivity and avoid exacerbation of access problems.**

The committee discussed that they had previously heard from Ms. Moreira said that this is not necessarily something they are doing now, and could be valuable to do.

Commissioner Bean made a motion, seconded by Commissioner Bristol that the committee recommend the full Commission encourage the Board of Supervisor to consider this recommendation further, with the understanding that it only apply to pipeline considerations. The motion passed 5-0 (Y – Linsley, Smith, Payne, Bean, Bristol).

The next set of recommendations the committee looked at were directed at Public Works.

3) **Plan emergency evacuation ingress/egress for areas where a single pipeline crossing road is the only access for home and facilities with the goal of creating public accessibility across these "dead-end" neighborhoods.**

Roger Smith from the Alamo Improvement Association gave a good example of how this is being addressed in a neighborhood of Alamo.

The committee discussed that they had previously heard from Carrie Ricci from Public Works that typically Public Works doesn't do emergency planning. This is probably the role of the Office of Emergency Services (OES) in the Sheriff's Department and would probably need coordination between these two departments.

Commissioner Bean made a motion, seconded by Commissioner Linsley that the committee recommend the full Commission encourage the Board of Supervisor to consider this recommendation further, with the understanding that it these efforts be conducted by the appropriate department. The motion passed 4-0 (Y – Linsley, Smith, Payne, Bean).

4) **Ensure the county has completed and accurate records of corridor and right of way locations. Continue to coordinate with Kinder Morgan and other utilities on resolution of encroachments into pipeline right of way.**

The committee discussed that they had previously heard from Ms. Richie that she felt that Public Works already does have accurate records of pipelines along corridors, and they have this information for right of ways for specific projects. The State Fire Marshal and the Public Utilities Commission has specific information on other pipelines in the County for when it is needed.

Roger Smith recounted an example from Alamo where there was a property line dispute because the records the County had were not accurate.

The committee discussed whether the recommendation was aimed at having the County have all the information available from the State Fire Marshal in house, or if the recommendation was verify that the information they have received from the State Fire Marshal is accurate. In any case, they agreed that the information that is available to the public should be accurate

Commissioner Smith made a motion, seconded by Commissioner Linsley that the committee recommend the full Commission encourage the Board of Supervisor to consider this recommendation further. The motion passed 5-0 (Y – Linsley, Smith, Payne, Bean, Bristol).

The committee then looked at the recommendations to the Board of Supervisors

5) **Ensure the single staff point -of contact for citizens has technical training on safety concerns and support.**

The committee discussed that they had previously heard from Ms. Ricci said she relies on the State Fire Marshal for technical issues, but feels it has been an important issue.

Commissioner Bean made a motion, seconded by Commissioner Smith that the committee recommend the full Commission encourage the Board of Supervisor to consider this recommendation further . The motion passed 5-0 (Y – Linsley, Smith, Payne, Bean, Bristol).

6) **Request appropriate staff conduct an analysis of all congregate facilities located in close proximity to transmission pipelines; develop resources for emergency planning.**

The committee reviewed the responses staff had received from The Office of Education, EMS, hospitals, and CAER concerning how they currently take pipeline safety issues into consideration emergency planning.

Commissioner Linsley made a motion, seconded by Commissioner Bean that the committee recommend the full Commission encourage the Board of Supervisor to consider this recommendation further. The motion passed 5-0 (Y – Linsley, Smith, Payne, Bean, Bristol).

7) **Consider adding goals and policies regarding pipelines to the General Plan , and amending Contra Costa County Zoning Code 82.2.010 so that all gas and hazardous liquid transmission pipelines would be subject to land use regulations. Consider additional ordinances (s) pertaining to zoning and land use that are proposed for construction, replacement, modification, or abandonment.**

The committee noted that this was the same recommendation made to DCD on the topic.

Commissioner Linsley made a motion, seconded by Commissioner Smith that the committee recommend the full Commission encourage the Board of Supervisor to consider this recommendation further. The motion passed 4-1 (Y – Linsley, Smith, Payne, Bean; N –Bristol)

8) **Adopt clear policies and deterrents regarding preventing encroachment including the review of setback variances by municipal advisory councils or committees and department staff so that properties and vegetation along utility corridors do not encroach on pipelines**

The committee discussed that they had previously heard from Ms. Ricci that they are currently walking the corridors to make sure there is not encroachment. She thought that maybe they could send annual letters to residents reminding them not to encroach.

Commissioner Bristol made a motion, seconded by Commissioner Smith that the committee recommend the full Commission encourage the Board of Supervisor to consider this recommendation further. The motion passed 4-0 (Y – Linsley, Smith, Payne, Bristol)

9) **Work in coordination with pipeline operators to develop a technical advisory body that can review the integrity management plans (similar to the Santa Barbara**

County System Safety Reliability Review Committee) and other technical assessments of the pipelines in order to cultivate informed technical expertise in the county and increase public trust and awareness.

The committee also considered the recommendation to Health Services to expand the scope of the Hazardous Materials Ombudsman and the Hazardous Materials Commission regarding pipelines to provide an ongoing review of pipeline operators' emergency plans and an active role in possible county efforts regarding additional coordinated technical review of pipeline integrity management planning.

These recommendations failed to get a motion of support.

5. **New Business**

a) **Elect committee Chairperson –** This item was postponed because of time considerations.

b) **Discussion of Committee Activities for the Year –** This item was postponed because of time considerations.

6. **Items of Interest: None**

7. **Plan Next Agenda**

   Continue discussion of committee activities

8. **Adjournment –** The meeting was adjourned at 5:37.