

## **Hazardous Materials Commission**

### **Draft Minutes Operations Committee**

January 8, 2021

#### **Members and Alternates**

**Present:** Marielle Boortz, Audrey Comeaux, Sara Gurdian, Fred Glueck, Steve Linsley, Gabe Quinto, Madiline Kronenburg (alternate), Heather Youngs (alternate) Tim Bancroft (alternate), Kevin Hernandez (student intern)

**Absent:** Rick Alcaraz,

**Staff:** Michael Kent, Susan Psara, Matt Kaufmann, Devra Lewis, Ellen Dempsey

**Members of the Public:** Maureen Toms, Department of Conservation and Development; Jan Warren

- 1) **Call to order, announcements:** Commissioner Glueck called the meeting to order at 10:02 am.

Michael Kent announced:

- The Commission is back to its regular monthly schedule, and will be meeting by Zoom for the foreseeable future. He also welcomed the new Commissioners to their first official meeting.

- 2) **Approval of Minutes:**

The minutes of the December 11, 2020 meeting were moved by Commissioner Quinto, seconded by Commissioner Linsley and approved with corrections by a vote of 6 - 0.

- 3) **Public Comments:** None

- 4) **Old Business:**

- a) **Consider a request by the Alamo Improvement Association to support the application for a grant to the Federal Department of Transportation concerning pipeline safety education**

Roger Smith from the Alamo Improvement Association was unable to attend the meeting, so Michael Kent reviewed a summary of the proposal with the Committee. Commissioner Quinto made a motion, seconded by Commissioner Linsley, to recommend to the full Commission that they consider the request to by the AIA to recommend to the Board of Supervisors that they write a letter of support for the grant to the Federal Department of Transportation. The motion carried 6-0.

**b) Review and develop recommendations concerning draft Goals, Policies and Actions on Environmental Justice for the update to the County General Plan contained in an October 2, 2020 memo by Placeworks.**

The committee reviewed the previous recommendations they had suggested that were in the minutes from the December 11, 2020 Operations committee meeting (copied below).

The committee decide to consider any new recommended policies and actions before reviewing those previously recommended.

Commissioner Youngs recommended a new policy and related action for Goal F – Transportation. The committee discussed the recommendation and came up with the following language:

*The County should encourage that the safest transportation method be employed for hazardous materials and hazardous wastes transported in Contra Costa County, taking into consideration the potential impacts of Sea Level Rise, and should particularly encourage reducing the transportation of hazardous materials and hazardous wastes in Disadvantaged Communities.*

Commissioner Youngs recommended an associated Action Item to this recommend Policy. The committee discussed the recommendation and came up with the following language:

*The County should consider the findings from the Adapting to Rising Tides studies for Contra Costa County prepared by the Bay Conservation and Development Commission and the Hazardous Materials Commodity Flow study prepared for the Hazardous Materials Programs in future planning and transportation improvements, and in Sea Level Rise and flooding mitigation measures, specifically in areas already having risks or found to have potential future risks from Sea Level Rise and flooding.*

Commissioner Youngs then recommended a clause be added to existing Policy K.2. The committee discussed the recommendation and came up with the following language:

*Advocate for and coordinate with local and regional agencies in efforts to and remediate or treat contaminated surface water, groundwater, or soils in or affecting disadvantaged communities, and in efforts to communicate with, and educate, the public about these site.*

Commissioner Youngs recommended an associated Action Item to this recommend Policy. The committee discussed the recommendation and came up with the following language:

*Improve and expand the ease of access to information about, and the status of, contaminated sites in Contra Costa County.*

Commissioner Youngs made a motion, seconded by Commissioner Quinto to recommend these policies and action items to the full Commission for consideration. The motion carried 6 – 0.

The committee then decided to review the policy recommendations previously made by Commissioner Linsley, contained in the December 11, 2020 minutes.

The committee reviewed the first policy Commissioner Linsley recommended and came up with the following language:

*The County should have established setbacks for new proposed pipelines, rail lines, oil and gas exploration sites from healthcare, schools, residences, senior and childcare facilities and other sensitive receptors, and should have established setbacks for proposed new sensitive receptors from industrial facilities and other facilities using hazardous materials.*

Commissioner Linsley recommended an associated Action Item to this recommend Policy. The committee discussed the recommendation and came up with the following language:

*The County should establish criteria for developing setbacks, or mitigation measures in lieu of setbacks, for projects involving hazardous materials being proposed near sensitive receptors, or for sensitive receptors projects being proposed near facilities using hazardous materials.*

Commissioner Linsley made a motion, seconded by Commissioner Quinto, to recommend this policy and action item to the full Commission for consideration. The motion carried 6 – 0.

Commissioner Linsley then suggested the following policy be recommend based on the proposal he made at the last committee meeting:

*The County should require safe clean up, not cover up, of contaminated sites to be developed for sensitive receptor uses.*

Commissioner Glueck expressed his concern that about this placing too much restriction on getting sites cleaned up and reused. Commissioner Qunito said he shared this concern. After several attempts at adjusting the language of this proposed new policy to address this concern, Commissioner Linsley proposed the following language:

*The County should only allow the development of contaminated sites intended for use by a sensitive receptor if the deed restrictions for the site are compatible with sensitive receptor use.*

Commissioner Linsley made a motion, seconded by Commissioner Comeaux, to recommend this policy to the full Commission for consideration. The motion carried 4-0-1 with Commissioner Glueck abstaining. Commissioner Quinto had left the meeting at this point.

The committee then reviewed the last two policy recommendations Commissioner Linsley made at the last meeting and came up with the following language:

*The County should not allow new development of a site previously certified as cleaned-up unless any deficiencies found in the latest 5-year review of that site have been corrected.*

and

*The County should not allow development of any stie previously certified as cleaned-up in violation of any existing land use covenants (deed restrictions) imposed on that site.*

Commissioner Linsely made a motion, seconded by Commissioner Boortz to recommend these two policies to the full Commission for consideration. The motion carried 5-0. Commissioner Quinto had left the meeting at this point.

Commissioner Youngs made the following comments in the chat section of the Zoom at the end of the meeting, but there was not time to discuss them.

*Propose additional Amendment to Action J6 – Develop and implement a plan to provide clean air refuges with public transportation access during times when outdoor air quality is unhealthy. (include phrase about transportation access).*

**Specific comments carried over from the December 11, 2020 Operations Committee meeting**

Goal A

Policy 6 and Action 7 should be reversed.

Goal C

Possible new Policy – Homes potentially impacted by chemical fires or releases that may need to shelter-in-place need to be able to do so safely, with adequate infiltration rates and protection from heat. These concepts can also be incorporated into Policies C-4 and C-5.

Possible new Policy – Support continued public education to make sure all residents are provided adequate education about less toxic alternatives to household hazardous products, including pesticides, and education about the safe handling, storage and disposal of Household hazardous Waste, including pharmaceuticals. Ensure there are adequate options for HHW disposal for residents that don't drive.

Goal E

Concerned about the use of the word “equal” in goal. Is this really possible?

Goal F

Action F-4 – make sure the criteria established considers the type of hazmat being transported and the air pollution from the trucks.

Goal J

Policy J-3 Possible new policy – more specificity for how far away sensitive receptors need to be from sources to be safe, and be clear that they shouldn't be placed within that zone.

#### Goal K –

Define “resilient” better – Need policies and actions that address resiliency

Possible new policy – Ensure residents and businesses that live near hazards are adequately educated about the risks from near-by hazardous materials and have adequate ways to protect themselves.

Policy K-1 – What is the definition of “large scale hazardous waste facility” Is this a TSD facility or a facility that generates a large amount of hazardous waste?

Policy K-2 – replace “advocate for” with “Coordinate with agencies to equitably remediate...”

Possible new policy (Commissioner Linsley) - require setbacks of pipelines, rail lines, oil & gas drilling from healthcare, schools, residences, senior & child care, etc., & setback of those new receptor development from those industrial facilities as well as other facilities using hazardous materials

Possible new policy (Commissioner Linsley) - safe clean up, not cover up of contaminated sites to be developed for sensitive receptor uses. (no cleanup with deed restrictions)

Possible new policy (Commissioner Linsley) - No development of cleaned up contaminated sites which have not passed current 5-year reviews

Possible new policy (Commissioner Linsley) - no development of sites in violation of existing land use covenants imposed by DTSC or the Regional Water Quality Control Board.

#### Climate Equity

New policy - no new facilities using or storing hazardous materials to be sited in areas impacted by projected sea level rise without adequate preplanning for that eventuality.

#### **c) Review and develop recommendations concerning the potential impacts of Sea Level Rise on hazardous materials management.**

Due to time constraints, the committee did not discuss this item.

**5) New Business:**

**a) Elect Committee Chair and Co-chair**

Commissioner Glueck volunteered to continue as committee chair and Commissioner Quinto volunteered to serve as vice-chair.

Commissioner Linsely made a motion to nominate Commissioner Glueck for committee chair and Commissioner Quinto for committee vice chair. Commissioner Glueck seconded the motion. The motion carried 6 – 0.

**6) Plan Next Agenda:** The committee will review its priorities for 2021.

**7) Adjournment:** The meeting was adjourned at 12:00.