

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
February 25, 2021

Members and Alternates Present: Jonathan Bash, Marielle Boortz, Don Bristol, Audrey Comeaux, Sara Gurdian, Fred Glueck, Mark Hughes, Steve Linsley, Mark Ross, George Smith, Ed Morales (alternate), Heather Youngs (alternate), Madeline Kronenberg (alternate), Tim Bancroft (alternate), Erika Hernandez (student intern), Kevin Hernandez (student intern)

Absent: Rick Alcaraz, Jim Payne, Gabe Quinto, Mayors Conference seat (vacant)

Staff: Michael Kent; Matt Kaufmann, Ellen Dempsey, Karine Abramians, Devra Lewis, Steve Morioka, Susan Psara, Hazardous Materials Program

Members of the Public: Howard Adams, Leslie Stewart, Katrinka Ruk, Jan Warren, Ken Carlson, Shawn Lee, Linsey Crain, Hakim Johnson, Greg ?

1. Call to Order: Commissioner Smith called the meeting to order at 4:04

Announcements and Introductions:

Michael Kent announced:

- The Internal Operations committee of the Board of Supervisors will consider the nomination of Amy McTigue to be the new alternate for the Industrial Association on March 8, 2021 at 10:30 am.

2. Approval of the Minutes:

A motion was made by Commissioner Smith and seconded by Commissioner Hughes to approve the minutes for the January 28, 2021 meeting with corrections. The motion passed 10-0.

3. Public Comments:

Howard Adams wanted to know if there were any new developments for the Root Cause analysis for the fire at the NuStar facility.

4. Hazardous Materials Program Director Report

Matt Kaufmann opened his report by asking Devra Lewis to provide an update on the Kinder Morgan pipeline spill. Ms. Lewis reported that now Kinder Morgan is the sole Incident Commander for the clean-up operation. They have developed a 2-week Incident Action Plan that revolves around doing air sampling, vapor extraction and product recovery.

Mr. Kaufmann continued his report.

- Contra Costa Fire District continues to be the lead agency for the root cause investigation for the NuStar fire. Chief Brochard gave an update at the ISO Ad Hoc committee meeting

of the Board of Supervisors on February 23rd. He said at that meeting that the final report should be completed in 6 – 8 weeks. Commissioner Glueck asked if the legal review had been completed yet. Mr. Kaufmann said he didn't know. Howard Adams said he heard that it will be 6 – 8 weeks until the agencies receive the report to comment on. Mr. Kaufmann reiterated that it was his understanding that it will be 6-8 weeks until the report is available to the general public. He said the Hazardous Materials Program hasn't seen the final draft report yet.

Mr. Kaufmann was asked by Mr. Adams if the problem that cause the fire was corrected yet. Mr. Kaufmann said that Chief Brochard indicated that the tanks were not inerted prior to the incident but that now they are using inert gas in the headspaces of the tanks. Mr. Adams then asked if the root cause found there was a deficiency of fire-fighting foam on the site. Mr. Kaufmann said that he didn't know.

- The manager of the Phillips 66 oil refinery gave a presentation on February 16th to the Water and Environment committee of the East Bay Leadership Council about their renewable fuels project. They have a 2-year time frame for conversion, depending on permitting and environmental review. The meeting was recorded. He did not have any update on the conversion of the Marathon refinery in Martinez.
- On February 23rd at approximately 11:00 am there was a shutdown at the Phillips 66 refinery due to a reduction of supply of hydrogen from the Air Liquide facility, co-located at Phillips 66. At approximately 9:00 pm Phillips 66 reported natural gas odors and having received complaints. The upset was to their vapor recovery system for the natural gas layer over one of their sour water tanks. Hydrogen sulfide was measured at their fence line at 18.5 ppb. The next morning the Hazmat program learned that odors were smelled in Vallejo. They asked for a 72-report and will post it on their website when it arrives. Commissioner Boortz asked if the sourwater tanks were blanketed with natural gas or nitrogen gas. Ms. Lewis confirmed that the tanks were blanketed with natural gas.

5. Operations Committee Report:

The Operations Committee met on February 12th and developed additional recommendations about the Placeworks memo concerning draft goals, policies and actions on Environmental Justice for the update to the County General Plan. They also discussed their priorities for the year.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee met on February 17th and reviewed and developed recommendations concerning Sea Level Rise. They also discussed their priorities for the year.

7. Old Business:

- a) Consider additional recommendations from the Operations Committee to the Board of Supervisors on Environmental Justice goals, policies and actions to be considered for the update to the County's General Plan**

The Commission reviewed and edited the new and modified proposed policies and actions recommended by the Operations committee. The Commission voted 9 – 0 (Commissioner Smith did not vote) to support the recommendations as amended, and to send them to the Board of Supervisors and the Department of Conservation and Development in a letter from the Chair (letter attached).

8. New Business:

- a) Consider a recommendation from the Planning and Policy Development committee to the Transportation, Water and Infrastructure committee of the Board of Supervisors to continue to address the potential impacts of Sea Level Rise.**

The Commission reviewed and edited a draft letter prepared by the Planning and Policy Development committee. The Commission voted 10 – 0 to support the letter being sent to the Transportation, Water and Infrastructure committee of the Board of Supervisors (letter attached).

- b) Receive a report from the Hazardous Materials Program on proposed changes to the County's Hazardous Materials Incident Notification Policy.**

Matt Kaufmann, Hazardous Materials Program Director, gave the presentation on the proposed changes to the Incident Notification Policy that were provided in the agenda packet for the meeting. He began by explaining that the policy describes how notifications take place in the County to report hazardous materials releases. It was approved in 1991 by the Board of Supervisors, and revised and approved by them again in 2016. This round of proposed modifications to the policy have been developed over the last year through the Emergency Notification committee of the Contra Costa CAER group.

One of the key proposed changes is to eliminate the Level 0 notification. Initially, the Level 0 notification was used to report start-ups and shut-downs to the County. When the policy was established, most incidents happened during start-up and shut-down activities, leading to Level 2 or Level 3 notifications, so making the County aware of when these activities were happening made sense. But more recently, the Hazardous Materials Program has not seen start-ups and shut-downs leading to Level 2 or Level 3 notifications. But Public Records Act requests of notifications, including Level 0 notifications, were routinely being requested to the Hazardous Materials Program. These requests were often coming from entities that were making predictions about energy markets, so including the Level 0s made these predictions inaccurate.

The second key reason for changing the notification policy is to address the issue of flaring. The current policy uses the word, “excessive” but there have been different interpretations of the meaning of this word, and a resulting disparity in how this policy has been implemented. Some facilities have made many more notifications than others. Therefore, they are attempting to better define what type of flaring events need to be reported. They are proposing to require that all flaring from a process unit be reported, but not from auxiliary units.

Industry would prefer a flow rate amount to determine when to report. The Hazardous Materials Program has asked the 3 operating refineries (Chevron, Phillips 66 and the Martinez Refining Co) what this would mean for them.

Commissioner Bristol said that he is glad they are reaching out to the refineries to find a workable solution. He is concerned that changing the definition may cause more Level 1s than in the past. He wondered how they could baseline the current level of reporting, because a sudden rise in the number of reported Level 1s due to a change in reporting criteria might be misleading. Mr. Kaufmann said in response that he has had conversations with the CAER Emergency Notification group about this issue. He is working with the Office of Emergency Services, who runs the system, about the wording of the messages to show a change in criteria.

Shawn Lee commented that he appreciates that the County is working with the facilities on a definition of flaring based on flow rate or measurement. He asked if it is envisioned that there may be times when flairs don't need to be reported. Mr. Kaufmann responded that incidental releases that come in drips and dribbles is more of an OSHA issue and not a public issue. He doesn't think this is applied to flaring. But he added that the Health and Safety Code requires no de-minimus about of flaring. It would be difficult to make a policy that is inconsistent with the requirement. They have looked at the Air District definitions, but they are regulatory in nature, and not helpful for accessing the impacts to health in the short-term.

Commissioner Hughes noted that an important issue is public perception. It can be difficult to educate the public about the threat from flaring, so it would be useful to train 911 operators to be able to explain what health impacts are expected from a Level 1 release.

Mr. Kaufmann thanked the Commission for their feedback and said he would provide an update on the progress of the proposed changes at future meetings.

c) Receive a report from the Hazardous Materials Program on efforts to conduct a Root Cause Analysis for the February 9, 2021 Chevron oil spill

Matt Kaufmann and Michael Dossey from the Hazardous Materials Program gave a power point presentation describing the events surround the spill and the response. (attached).

Commissioner Smith asked what resources were deployed to do air monitoring during the event. Mr. Kaufmann explained that for Level 2 and Level 3 events they typically have an on-call team

of 6 Hazardous Waste Specialists, an Accident Prevention Engineer and a manager who can do air monitoring, but depending on the event, they can deploy up to 15 staff.

Mr. Kaufmann then explained that the Board of Supervisors Ad Hoc committee on the Industrial Safety Ordinance met on February 23rd and directed them to conduct a root cause analysis of this incident and to form an oversight committee which would include a representative of the Hazardous Materials Commission. He said they want to get the process started right away, so asked if anyone would be interested in being on the oversight committee. Commissioner Glueck indicated that he would be interested.

Commissioner Hughes made a motion to nominate Commissioner Glueck to represent the Commission on the oversight committee. Commissioner Smith seconded the motion. The motion passed with 9 – 0 – 1 with Commissioner Boortz abstaining.

9. Reports from Commissioners on Matters of Commission Interest

Howard Adams reported that Chevron has 5 or 6 air monitoring detectors around the refinery which can help detect leaks. Also, he noted that one of the root causes of the pipeline leak at Chevron could be sea bird excrement, which apparently, is very corrosive.

10. Plan Next Agenda:

The Commission will receive a presentation from the Hazardous Materials Program on the annual report for the Industrial Safety Ordinance.

11. Adjournment: The meeting adjourned at 6:00 pm.