

Hazardous Materials Commission

Draft Minutes **Operations Committee**

March 12, 2021

Members and Alternates

Present: Marielle Boortz, Fred Glueck, Sara Gurdian, Steve Linsley, Gabe Quinto, Madiline Kronenburg (alternate), Heather Youngs (alternate), Tim Bancroft (alternate)

Absent: Rick Alcaraz, Audrey Comeaux (represented by alternate)

Staff: Michael Kent, Karine Abramians, Cho Nai Cheung

Members of the Public: None

- 1) **Call to order, announcements:** Commissioner Glueck called the meeting to order at 10:05 am.

Michael Kent announced:

- The Transportation, Water and Infrastructure committee of the Board of Supervisors will be considering the Commission's recommendations about addressing Sea Level Rise at their April 12th committee meeting starting at 9:00 am.

Commissioner Kronenburg announced that the League of Women Voters newsletter, the Bay Area Monitor, is going all on-line in June. Also, the Weekly Monitor Notes will be on-line.

- 2) **Approval of Minutes:**

The minutes of the February 12, 2021 meeting were moved by Commissioner Boortz, seconded by Commissioner Linsley, and approved with corrections by a vote of 4 – 0 – 1, with Commissioner Quinto abstaining and Commissioner Bancroft arriving after the vote was taken.

- 3) **Public Comments:** None

- 4) **Old Business:** None

- 5) **New Business:**

- a) **Discuss and consider recommendations concerning proposed treated wood waste rules**

Karine Abramians from the Hazardous Materials Program began the discussion by explaining that on January 1, 2021 Treated Wood Waste (TWW) became a hazardous waste because previous law providing alternate management standards were sunset. She thinks the Governor allowed the previous law to sunset because he believed the previous rules for ensuring the system was working were not being followed, and the cost of the program was high.

TWW now has to go to a landfill permitted to accept hazardous waste (a class 1 land fill), and has to be stored and transported as a hazardous waste. The Department of Toxic Substances Control (DTSC), the regulating agency, said they would begin issuing temporary variances to transporters and landfills to manage TWW under specific conditions. In Contra Costa County, only the Keller Canyon landfill had been approved for a variance so far, but they don't accept waste from the public, only commercial haulers. Since Household Hazardous Waste facilities aren't accepting TWW from the public, she is anticipating illegal dumping from the public because of a lack of convenient and affordable disposal options.

Commissioner Glueck expressed his concern that landfills will be hesitant to apply for a temporary variance because when the variance ends, they may have to dispose of the TWW they accepted elsewhere.

Ms. Abramians added that the landfills are not happy about this situation. A couple of bills have been introduced in the legislature to fix the problem, but nobody knows what will happen if none of them pass. Also, it is not cheap to apply for the temporary variances, so there is no certainty that many landfills and transporter will apply.

Commissioner Boortz asked if there have been less-toxic alternatives to treated wood developed. Ms. Abramians said she didn't know.

Commissioner Glueck asked what the County's plan is for when TWW accumulates. Ms. Abramians said that at this point, Hazmat has space at their facility to store abandoned TWW they collect from public property, and they plan to send it to a hazardous waste landfill.

Commissioner Glueck also asked if TWW can be burned. Ms. Abramians said that she didn't think there are any facilities that are accepting TWW to be burned.

Commissioner Quinto asked Ms. Abramians if he should ask the lobbyist for the League of California Cities to lobby for one of the pieces of legislation being proposed to fix the problem. Ms. Abramians said that she would appreciate that action.

Commissioner Quinto then asked her if she had a preference of the bills that have been proposed. Ms. Abramians said that she did not, and she wasn't sure if any of them address the funding issue.

Commissioner Glueck added that large, old, torn-down structures could become fire hazards while they are being stored for disposal.

The committee decided that some follow-up research was needed to determine if any of the bills address the funding issue and what the alternatives are to treated wood. The committee recommended that the full Commission take up this issue at their meeting on March 25th, and in the meantime, that staff should create a draft letter to the Board of Supervisors that the Commission can consider at that meeting.

b) Review the status of the Lithium-Ion Car Battery Recycling Advisory Group

Commissioner Glueck began the discussion by explaining that he helped initiate the lead acid battery recycling protocols. From that experience, he learned that there either has to be a managed system for used batteries or the result will be illegal dumping. He said if there is no end use for the waste batteries, with a functioning market, then none of the rest will matter. He would like to know what the final market for these batteries will be.

Commissioner Quinto observed that looking at the example of a lead acid batter facility clean-up site in southern California, the Excide Battery Co., it is clear that there needs to be a market for recycling the batteries. He would like to hear more about this issue. Staff said he would contact the staff for the Northern Waterfront Economic Development Initiative to see if this is a type of industry they would be interested in attracting.

Commissioner Boortz said she is also interested in learning about reuse options as well. Lithium-ion batteries are being looked at for long-term storage uses.

Commissioner Bancroft said that the International Fire Code committee is proposing to ban the reuse of lithium-ion batteries by 2024. They also want to make recycling illegal, and want to make buildings that house four or more cars classified as a hazardous occupancy. He felt this would effectively drive the recycling market off-shore. So there needs to be a look at fees to offset the costs of this.

Commissioner Glueck noted that cars are not going to be the only source of these batteries; golf carts and bikes are increasingly using them as well.

Commissioner Bancroft noted that another obstacle to recycling is that cobalt is being taken out of the batteries to respond to political considerations of the mining of it in the Congo, and recovering the cobalt is what makes the recycling of these batteries cost-effective.

Commissioner Quinto noted that there are still other alternatives to lithium-ion batteries being considered. SB 18 being introduced by Senator Skinner would provide funding for Green Hydrogen as an alternative fuel. Also, hydrogen is being looked at for long-haul trucking, and is used in other countries for trucks and trains.

The committee concluded by deciding that the full Commission should receive a presentation on this topic in April or May.

- 6) Plan Next Agenda:** No specific items were identified for the next meeting, but the committee did direct staff to set up their next annual Supervisor meeting with Supervisor Gioia.
- 7) Adjournment:** The meeting was adjourned at 12:00.