

Hazardous Materials Commission

Draft Minutes

Planning and Policy Development Committee

May 19, 2021

Members and Alternates:

Present:, Ken Carlson, Mark Hughes, Jim Payne, George Smith, Fred Glueck, Ed Morales (alternate), Madeline Kronenberg (alternate), Amy McTigue (alternate),

Absent: Don Bristol, Mark Ross, Jonathan Bash (represented by alternate)

Staff: Michael Kent, Ellen Dempsey, Matt Kaufmann, Steve Morioka, Adam Springer

Members of the Public: Jan Warren, Sadie Wilson, Greg Bosworth

1) Announcements:

Michael Kent announced the next annual Commission meeting with a County Supervisor will be with Supervisor Gioia on June 16th at 2:00 pm.

Commissioner Hughes announced that the Industrial Association's Mayors Forum will be on May 27th from 10:30 to 12:00, and their golf tournament will be on June 14th at the Oakhurst club in Clayton.

2) Public Comments: None

3) Approval of Minutes:

The minutes from the April 21, 2021 meeting were moved by Commissioner Hughes, seconded by Commissioner Carlson and approved 5 - 0 with corrections (Carlson, Hughes, Payne, Smith Morales).

4) Old Business:

a) Develop outreach strategy to the business community, agencies and jurisdictions concerning Sea Level Rise issues.

The committee began by looking at a draft survey the Operations committee had developed at their last meeting on May 14th for the public and community-based organizations.

Ellen Dempsey cautioned that when surveying businesses about their activities related to materials transportation for the Commodity Flow study she worked on, they were hesitant to share information about what alternatives they had put in place or what they were concerned about. She thought it might be because of liability concerns.

After deliberation, the committee came up with three questions specific to businesses, cities and governmental entities, and borrowed the last two questions from the draft survey the Operations committee developed.

The 5 questions they decided on were:

1) How significant do you think the impacts of sea level rise will be on your operation and assets?

On a scale from 1 – 5 with 1 being no impact at all and 5 being significant impact

2) Have you considered the impacts of sea level rise in your strategic planning efforts?

On a scale from 1 – 5 with 1 being no consideration at all and 5 being significant consideration

3) Has your business already taken active measures to address the impacts of sea level rise?

On a scale from 1 – 5 with 1 being no measures at all and 5 being significant measures

4) Who do you think should be responsible for addressing the impacts of sea level rise?

Chose as many as apply - Individuals, businesses, Local government, regional government, state government, federal government, all of these

5) Would your organization be interested in engaging with the County Government to address the impacts of sea level rise?

On a scale from 1 – 5 with 1 being not at all interested and 5 being very interested

The committee then brainstormed a list of organizations to send the survey to when complete:

East Bay Leadership Council

Industrial Association

West County Council of Businesses and Industry

Chambers of Commerce

Community Awareness and Emergency Response Group (CAER)

Wastewater Treatment Plants

Water providers (CCWD, EBMUD, ect)

Solid Waste Authorities and Landfills

Railroads

East Bay Regional Parks

19 Cities

Special Districts

5) New Business:

a) Review proposed changes to the County's Hazardous Materials Incident Notification Policy

Matt Kaufmann, Director of the Hazardous Materials Program, began by giving a presentation that included an overview of the purpose and history of the policy, the changes they were proposing to the policy, the impact of the changes and the outreach they had done to solicit input on the proposed changes (ppt attached).

Commissioner Hughes relayed a concern that some of the members of the Industrial Association had expressed that the policy was still too vague in regards to flaring. He wanted to know if the policy changes will result in a significant increase in notifications. He thought it is still confusing about determining the level of flaring that needs to be reported. He wondered if there should be a threshold level for reporting. Matt Kaufmann responded that the Health and Safety Code says that all flaring needs to be reported. So that is why the policy was revised to not include a threshold level of reporting. He pointed out that even a very low flow rate from a flare may not mean a clean burn.

Commissioner Glueck asked what would happen if one refinery reports based on one criteria, and another refinery reports based on a different criteria? Mr. Kaufmann responded that if the changes to the policy are approved any refinery not notifying the County about every flaring event that released a hazardous material would be in violation of the policy.

Michael Kent made a suggestion, which he said he had made previously directly to Mr. Kaufmann, that in the definition of flaring they should move the first criteria for flaring conditions that should be considered when determining applicability for reporting, which is that it involves the release, or threatened release, of a hazardous material, to the body of the text.

Commissioner Smith asked if the new definition would even require a small puff of smoke from the flare to be reported. Mr. Kaufmann said that it would.

Commissioner Smith then asked about flaring from hydrogen plants, and if they had been contacted about the proposed changes to the policy. Mr. Kaufmann said that most hydrogen plants are not connected to refineries. At refineries, the hydrogen plants often use the refinery flares and can affect the quality of the flaring. Usually, if there is a problem at one of these units, the other has a problem as well.

Commissioner Hughes suggested that in the past possibly many small flaring events were not reported. Therefore, there will probably be more notifications if the proposed changes are approved. Mr. Kaufman observed that in the past every refinery had a different standard for what flaring events they reported, but they didn't keep track of the flaring events they didn't report, so there is no real way of knowing if the number will go up or not.

Commissioner Morales cautioned to keep in mind community concern. He said that when people see flaring they think it is bad. Notification is needed for any flaring event so Hazmat can

respond to inquiries from the public. Commissioner Smith added that flares are actually safety mechanisms, not necessarily something bad. Commissioner Morales responded that while this is true, it does mean that something was out of control. Mr. Kaufmann added that they constantly need to do education during an incident, so maybe they should be doing more outreach before or between incidents to educate the public about flaring.

Commissioner Glueck asked if as a result of the new definition of flaring and possible increase in notifications will the Air District's reporting requirements change. Mr. Kaufmann said he wasn't aware that this might cause any change to Air District requirements, but that some messaging about the change will have to happen. Fees could also increase if there is an increase in major chemical releases.

Jan Warren asked how much time a facility has to report an incident, and who has to report it. Mr. Kaufmann said that the law says they have to report an incident immediately upon discovery. Who at the facility does the reporting depends upon the staff structure at the facility.

Mr. Kaufmann concluded the presentation by thanking the committee for their input.

- 6) **Items of Interest:** None
- 7) **Plan Next Agenda:** The committee will continue the discussion about sea level rise.
- 8) **Adjournment** – The meeting was adjourned at 5:30.