

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
March 24, 2022

Members and Alternates Present: Tim Bancroft, Marielle Boortz, Fred Glueck, Mark Hughes, Steve Linsley, Gabe Quinto, Madeline Kronenberg (alternate), Iliana Treyger (intern)

Absent: Jonathan Bash, Don Bristol, Jim Payne, Treston Shull, George Smith, Mark Ross, Ken Carlson, EJ seat (vacant)

Staff: Michael Kent; Matt Kaufmann, Nicole Heath, Adam Springer, Susan Psara, George Carter (DCD)

Members of the Public: Howard Adams, Leslie Stewart

1. Call to Order: Commissioner Glueck called the meeting to order at 4:07 p.m.

Announcements and Introductions:

Michael Kent announced:

- The General Public Alternate seat and the Environmental Justice seat are now both vacant and the Operations committee has developed flyers for the seats.
- On March 28th the Sustainability committee of the Board of Supervisors will be meeting to review the County's Climate Action Plan.
- On March 31st the Hazardous Materials Program is holding a virtual community meeting to review the results of the Industrial Safety Ordinance audits
- On April 13th the Planning Commission will be reviewing the Health and Safety Element of the draft update to the County's General Plan
- He will be on vacation from April 7th to April 15th and will have limited access to the internet, but will be conducting the Operations committee meeting on April 8th.

Commissioner Quinto announced that over the weekend he attend a meeting of CivicWell (formerly the Local Government Commission) where he met with Bloom Energy that is working on developing hydrogen gas production for fuel.

2. Approval of the Minutes:

The minutes for February 24, 2022 were not reviewed or approved.

3. Public Comments:

None

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

- Update on Four (4) Incidents of Interest:
 - NuStar Tank Fire Incident (October 15, 2019) - Randy Sawyer (staff to the BOS's Ad Hoc Committee on ISO/CWS) is planning to have a meeting in April to update the community on progress made on several topics – including the NuStar Fire Regulatory Working Group that is being chaired by the Contra Costa County Fire Protection District's Fire Marshal and Assistant Chief – Chris Bachman.

Howard Adams commented that the NuStar facility is going to be inspected. He is concerned because the tanks at the site were built without inspections. NuStar is applying for permits to rebuild, and the County is requiring building permits for existing tanks. The Local Fire Department is meeting with Nustar to go over safety practices.

- Chevron Richmond Refinery Oil Spill (February 9, 2021). As a reminder, Chevron submitted their final 30-day report on October 27, 2021. The report details the findings from their incident investigation. They are still working with County Counsel to prepare an agreement between the County and Chevron to allow the full incident investigation report prepared by Chevron to be shared with AcuTech (contractor to the County).
 - Chevron Richmond Refinery Flaring Incident (March 21, 2022). As many of you may know, the United Steel Workers Union (Local 5) began a labor strike at the Chevron Richmond Refinery on Monday, March 21st at 12 AM. Hazmat reviewed the Management of Organizational Change process that Chevron went through in preparation for potential work action approximately one month ago. The process was done in compliance with their local Industrial Safety Ordinance (ISO). At approximately 7:45 AM on Monday, March 21st, Chevron had a flaring incident as a result of a pumps malfunction at a process unit. Hazmat requested a 72-hour report for this incident. Chevron will now be required to submit 30-day reports until a final report is issued containing the incident investigation findings including the root causes of the incident.
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- They are recruiting for one Hazardous Materials Technician. This position primarily supports the Incident Response Team through the acquiring and maintaining of all the various equipment needed to respond to an incident. They are scheduling interviews with candidates that met the minimum qualifications.
 - As he previously reported, they will be hiring a Pollution Prevention Specialist to work primarily in the Green Business Program. Susan Psara (Hazardous Waste Reduction Manager) continues to work on opening this recruitment.

- They currently have three open Hazardous Materials Specialist positions. They are working with Personnel now to open this recruitment – most likely early to mid-April
- They are working with CCHS Personnel and County HR to create a new job classification of Supervising Hazardous Materials Specialist. We are looking to add three positions within the agency in this new job class. The main responsibilities for this new job class will be to provide oversight and direction to our 20 Hazardous Materials Specialists and 1 Hazardous Materials Technician. They will also lead our more complicated inspection and respond to incidents on our incident response team.
- As he reported to the commission at previous meetings, they are going through a Certified Unified Program Agency evaluation by the California Environmental Protection Agency. They expect to receive the Final Summary of Findings any day now. Upon receipt, he will share the report's findings with the Commission.
- As per the Board of Supervisors Board Order, the new County Hazardous Materials Incident Notification Policy Revisions went into effect on Monday, March 14th at 8:00 AM. Since the new policy has gone into effect, they have received five (5) notifications for flaring. Four (4) of these flaring incidents have met the threshold for community notification to their website.
- The Contra Costa County Planning Commission approved the land use permit and Environmental Impact Report for the Marathon Refinery's project to transition the petroleum refinery to renewable fuels yesterday (Wednesday, March 23, 2022).
- Nicole Heath reported there are two (2) facilities that have updates related to Safety Culture Assessment. They are working to have a joint HMC and ISO/CWS Ad Hoc Committee Meeting in April for these presentations.
- They are planning to present the ISO Annual Report to the HazMat Commission after the Safety Culture Assessments have been presented. This will likely be at the May, 2022 meeting.

5. Operations Committee Report:

The Operations committee met on March 11, 2022. They developed the flyer for the open Environmental Justice seat and decided that the next Commission annual meeting with a Supervisor should be with Supervisor Burgis.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee met on March 16, 2022. They elected Jim Payne and Mark Hughes as committee chair and vice-chair respectively. They also reviewed the draft Stronger Communities Element of the draft update to the County's General Plan but did not feel any of the policies or actions needed further review. They also reviewed proposed legislation related to household lithium battery recycling and PFAS content in consumer products and raised several questions for staff to investigate.

7. Old Business:

a) Report on the discussion of the Commission's survey of Contra Costa businesses concerning sea level rise at the Transportation, Water and Infrastructure committee of the Board of Supervisors.

Staff reported that he shared the February 24, 2022 letter the Commission wrote to the TWIC committee concerning the business survey on March 14, 2022. He said the Supervisors were very receptive to the issue and the report facilitated extended discussion on the issue. He said he thought the Supervisors did not seem troubled by the low return on the survey.

He reported that Supervisor Andersen said she would like to see the General Plan completed before taking action on this issue because she wants the work to occur in one central place; John Kopchick, the Director of the Department of Conservation and Development, said that Measure X gave his Department funding to coordinate efforts to address sea level rise, and he was willing to incorporate concerns raised by the Commission into their workplan; and Jody London, the County's Sustainability Coordinator, mentioned that the Sustainability Commission is writing a letter to the Board encouraging them to implement the recommendations by the Goldman School at UC Berkeley which included a recommendation that the County convene stakeholders about the impacts of sea level rise.

Commissioner Glueck added that the West Contra Costa Wastewater District has received a grant to address sea level rise.

8. New Business:

a) Perspective on the issue of siting a lithium-ion car battery recycling facility

Todd Coy, of KBI Recycling, shared his perspective on the future of lithium-ion car battery recycling in California. He shared a power point presentation.

Mr. Coy explained that he was a member of the Lithium-ion Car Battery recycling Task Force facilitated by DTSC that was created by state legislation. He said he has been in the recycling business for 24 years.

He further explained that KBI Recycling has their support facility in Brea in Southern California. It is a fully permitted Treatment, Storage and Disposal facility regulated by DTSC, and they are on their third permit renewal. They only disassemble batteries there. They have two recycling facilities in Ohio and British Columbia that use the hydro-metallurgical recycling process.

Mr. Coy said that he feels batteries are going to be the future of energy supply for cars, but the challenge is how to set up recycling programs now, when the volumes are still relatively low. He explained that California has been the leader in electric vehicles since the late 1990s when the California Air Resources Board set standards for electric vehicle use, but there are currently no

car battery recycling facilities in California. But there are 15 bills in state legislatures around the Country addressing battery recycling.

He said that the DTSC Advisory committee's mandate was to look at what policies changes need to be made to support lithium car battery recycling. They had multiple stakeholders developing their policy recommendations. He said he was disappointed they didn't also have stated goals and objectives.

He said that one of the biggest issues that was discussed in the Task Force was the time it takes to get a TSDf permit in California. He explained that in California, used lithium-ion car batteries are considered a hazardous waste, meaning a recycling facility would need to get a TSDf permit from DTSC to operate, and this can take many years. There have been no new TSDf permits issued in California in the last 10 years. At the Federal level, it is not as clear that used lithium-ion batteries would be considered a hazardous waste. Not only would getting a TSDf permit take a long time, and thus be very expensive, but getting insurance would be hard too. He said that to help with the permitting problem, the Task Force recommended lower fees for delays in reviewing the permits, firm cost estimates, and lower requirements for recycling vs. treatment.

Commissioner Glueck asked for clarification between repurposing vs. recycling. He also wanted to know what volume of batteries would be necessary to make it profitable, and would the recovered materials have to go back into batteries? Mr. Coy said that they have a 4600 ton capacity, but he doesn't worry that the volume will eventually be at this level. He felt the public wants to see the recycled materials go back into batteries. He said it is not known what will be more economical in the future between reused batteries vs new ones because the costs of each are still too unknown.

Commissioner Quinto said that there are two placeholder bills in the Legislature right now to support lithium extraction at the Salton Sea, but he wasn't clear on the sources of cobalt for batteries in California. He said he was also concerned about the potential environmental impacts and sited the Exide Battery clean-up site in Southern California as an example of battery recycling causing a serious contamination problem. But he said he supports the storage and recycling of batteries in California and has met with a company that supplies batteries for storage capacity working with MCE. Mr. Coy explained that none of the cobalt used in battery manufacturing comes from California. He also said that the lead-acid batteries recycled at Exide are very different than Lithium-ion batteries and that the Exide case is a legacy problem. But he also said that there needs to be full transparency with the public when it comes to the protective regulations and measures that will be put in place.

Commissioner Boortz asked if it is correct that to develop a circular economy the source of the batteries would need to near the recycling/re-manufacturing of the batteries. Mr. Coy observed that the only car manufacturing facility in California is Tesla in Fremont, and right now the battery manufacturing facilities are in North Carolina, Georgia and Michigan. But he doubts that

companies will build in California because they want to build the recycling near the car manufacturing facilities.

He added that he thinks one of the recommendations of the Task Force that will go forward is to create a backstop for used batteries. That is, to create a requirement that car manufacturers have to take back batteries that need to be replaced before the end of the life of the vehicle. He also thought that the Task Force stopped short of making strong recommendations to mandate recycled content in batteries. He thought this would push manufactures to collaborate more.

Commissioner Quinto said he thinks the legislature is well aware of the problems. He was at a meeting recently where staff from the Governor's office were also there, and they seemed to be aware of the problems as well. But he said that one issue that he is still concerned about is the risk of fires, and that we need to be prepared for this. Mr. Coy said he thinks there has been good outreach and training to Fire Departments about this now, but sited a case where the lack of knowledge about the difference between lithium-ion batteries and lithium metal batteries caused the Fire Department to fight the fire incorrectly. But he acknowledged that fires can happen. Matt Kaufmann, Hazmat Director, said that they have discussed the issue of lithium-ion fires with the local Fire Departments, and it is the Fire Departments that respond to these types of fires. But he added that in Contra Costa County, the numbers of these fires have been low.

Commissioner Glueck thanked Mr. Coy for his presentation and his perspective, and said he thought it was very valuable.

9. Reports from Commissioners on Matters of Commission Interest:

None

10. Plan Next Agenda:

The Commission will have a presentation the draft update to the County's General Plan and a presentation by the Commission intern.

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