

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
May 26, 2022

Members and Alternates Present: Tim Bancroft, Jonathan Bash, Ken Carlson, Fred Glueck, Gabe Quinto, George Smith, Edi Bursan (alternate), Madeline Kronenberg (alternate) Ed Morales (alternate),

Absent: Jim Payne, Don Bristol, Mark Hughes, Steve Linsley, Treston Shull, EJ seat – vacant, Marielle Boortz (represented by alternate), Mark Ross (represented by alternate)

Staff: Michael Kent; Matt Kaufmann, Adam Springer, Nicole Heath,

Members of the Public: Tanya Sundberg, Howard Adams, Bob Brown, Sue Chiang,

1. Call to Order: Commissioner Glueck called the meeting to order at 4:04 p.m.

Announcements and Introductions:

Michael Kent announced:

- The Operations committee will be conducting interviews for the Environmental Justice seat at their meeting on June 10th from 10:00 – 12:00.
- The Commission annual meeting with Supervisor Burgis went very well. She was very engaged and asked lots of questions.

2. Approval of the Minutes:

A motion was made by Commissioner Smith and seconded by Commissioner Carlson to approve the minutes for the April 28, 2022 meeting with corrections. The motion passed 7-0-1 with Commissioner Kronenberg abstaining.

3. Public Comments: None

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

- Update on Five (5) Incidents of Interest:
 - NuStar Tank Fire Incident (October 15, 2019) - A joint meeting of the Hazardous Materials Commission and the Board of Supervisors Ad Hoc Committee on the Industrial Safety Ordinance/Community Warning System was held on May 16th at 2:00 PM. At the direction of Supervisors Gioia and Glover, staff will be working with County Counsel to prepare a redline/strike out version of the Industrial Safety Ordinance to include bulk storage facilities.
 - Chevron Richmond Refinery Oil Spill (February 9, 2021) - The County has put on hold the preparation of an agreement with Chevron to allow the full incident

investigation report prepared by Chevron to be shared with AcuTech (contractor to the County). A meeting with the Oversight Committee (including Commission Gleuck) will be scheduled for the next few weeks.

- Petroleum-like Substance Discovered in a Residential Area in Concord - On May 17, 2022, Hazmat was notified of a petroleum-like substance that was discovered during the replacement of a residential natural gas pipeline at 4418 Striped Maple Court, Concord, CA 94521. The property is in the Walnut Country: The Crossings residential subdivision. PG&E hired a ground penetrating radar consultant to scan the subsurface to help identify any possible pipe or underground tank that may have been hit. Preliminary investigation found that there is unknown object in the subsurface that may stretch the length of the subject property (similar to a pipeline); however, that is unconfirmed at this time. Sampling of the material revealed to be consistent with Heavy Fuel Oil. The San Francisco Regional Water Quality Control Board will be the lead regulatory agency overseeing and approving any clean-up activities.
- Structure Fire at Chevron Richmond Refinery - On May 21, 2022, a structure fire occurred at the Chevron Richmond Refinery in an unoccupied warehouse located near Castro Street. No hazardous materials were involved in the fire and refinery operations were not affected. The County has not yet received information on the cause of the fire.

On May 23, 2022, the County's Community Warning System Manager was notified by an At-Hoc staff member (Community Warning System vendor) that siren R03 was damaged by the fire and was no longer operational. Approximately 11,682 residents are covered by this siren in the City of Richmond. County staff is working expeditiously with Chevron Richmond Refinery personnel and the Community Warning System vendor (Blackberry/At-Hoc) to repair/replace the damaged siren. A timeline for repair/replacement is unknown at this time. The Office of Emergency Services utilizes several mechanisms in addition to sirens to alert the community in the event of a hazardous materials incident that requires community protective actions (shelter-in-place or evacuation).

- Those mechanisms include:
- National Emergency Alert System
- National Wireless Emergency Alerts
- Landline phone calls
- Cell phone calls
- Registered cell phone text messages
- Registered email messages.

County residents are always encouraged to sign up for community warning system alerts at <https://cwsalerts.com/>. A written contingency plan for alerting residents in the area surrounding siren R03 has been prepared by County Health, City of Richmond and Office of the Sheriff.

- On May 25, 2022, at 4:12pm, Phillips 66 Rodeo Refinery Level 1 notification of Hydrocarbon release to Bay. Initial notification from the refinery indicated a 42 gal

release from a pipeline at their Marine Terminal. Once the release was discovered the pipeline flow was reduced at 4:15 pm and was fully shut off at 4:50 pm. Containment device was used to capture the release. The leak originated from a pin hole in the pipeline and a cap was being placed on the line to stop the release. Updated information at 5:22pm indicated the spill was limited to 27 gal of a Diesel range product and no visible sheen or odors in the area.

- He is happy to report a Hazardous Materials Technician candidate was selected and cleared to start with the County on June 20, 2022.
- They will be hiring a Pollution Prevention Specialist to work primarily in the Green Business Program. This recruitment will be opened by the end of next week.
- They currently have three open Hazardous Materials Specialist positions. They anticipate receiving the list of candidates over the next week and will begin conducting interviews.
- They continue to work with CCHS Personnel and County HR to create a new job classification of Supervising Hazardous Materials Specialist.
- As he has reported to the commission at previous meetings, they are going through a Certified Unified Program Agency evaluation by the California Environmental Protection Agency. They received an update from CalEPA on April 22nd stating that the Final Summary of Findings would be send to their agency between May 6th and 13th. To date, they have not received our final Evaluation Report.
- The Safety Culture Assessments for three facilities (Chevron Richmond Refinery, P66 Refinery, and Martinez Refining Company) were presented to the joint Hazardous Materials Commission/Board of Supervisors Ad Hoc Committee on the Industrial Safety Ordinance/Community Warning System on Monday, May 16th. Staff will be presenting the ISO Annual Report today at this Hazardous Materials Commission meeting.

5. Operations Committee Report:

The Operations committee met on may 13, 2022. They interviewed one candidate for the General Public Alternate seat and received an update on the recruitment process for the open Environmental Justice. They also developed recommendations for the full Commission to consider concerning the purchase of treated wood products and/or their alternatives and food ware containing PFAS for the County's purchasing policy.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee did not meet on May 18, 2022 due to a lack of a quorum.

7. Old Business:

- a) **Consider changes to recommendations previously made on the Health and Safety Element of the draft update to the County’s General Plan based on responses by the Department of Conservation and Development.**

The Commission discussed responses by Will Nelson, lead staff for the Department of Conservation and Development, made at the April 28, 2022 Commission meeting to comments made by the Commission in February and March, 2021 on the draft update to the County’s General Plan. The Commission made the following comments on the Policies and Actions they reviewed.

- **HS-P9.8 - Prioritize implementation of safety projects in hazardous material transportation corridors to address high-risk scenarios, including the effects of sea-level rise on rail transportation.**

The Commission recommended that this policy prioritize implementation of safety projects in hazardous materials transportation corridors that are in Impacted Communities.

- **HS-P9.10 - Oppose construction of new large-scale hazardous waste facilities.**

The Commission recommended that DCD adopt the original substitute language submitted by the Commission to replace this policy:

Discourage construction of new large-scale facilities that treat, store or dispose of hazardous waste from other sources that negatively impact Disadvantaged (Impacted) Communities.

- **HS-P9.11 Prohibit hazardous waste facilities in the following areas:**
 - (a) Watersheds of an existing or planned drinking water reservoir;
 - (b) Ecologically significant resource areas;
 - (c) Within 200 feet of an active or potentially active fault;
 - (d) Within a 100-year floodplain;
 - (e) Within 100 feet of a sensitive receptor; or
 - (f) Areas that would result in a concentration of similar facilities. (7-104, 7-106, 7-111, 7-113, 7-123, 7-125, 7-127, 7-128, 7-129, 7-131)

The Commission recommended that the term, “hazardous waste facilities” (underlined above) be replaced with, “facilities that are permitted to treat, store or dispose of hazardous waste”.

The Commission also recommended that this policy reference the requirements imposed by DTSC under SB 673 to mitigate the cumulative impacts and impacts on vulnerable communities by permitted treatment, storage and disposal facilities to determine the appropriate buffer for subsection (e), once implemented.

- **HS-P9.12 Require design and operation of new or expanded hazardous waste facilities to adhere to the following criteria:**

- (a) **Minimize risk to the surrounding area in the case of a DRAFT hazardous waste accident or spill. 9-18 Contra Costa County General Plan 2040 – Health and Safety Element – DRAFT Goals, Policies, and Actions (April 2022)**
- (b) **Ensure migration of waste will not occur near rivers, streams, creeks, lakes, or other bodies of water or environmentally sensitive resources by incorporating buffers as appropriate and/or using engineered structural design features (e.g., spill containment and monitoring devices).**
- (c) **Avoid known or suspected groundwater recharge areas or areas where residential uses rely on wells. If located in such areas, facilities must provide properly engineered spill containment features, inspection measures, and other environmental protection controls.**
- (d) **In areas with unstable soils, such as steep slopes and areas subject to liquefaction or subsidence, ensure structural stability through engineered design features.**
- (e) **Use access roads leading to major transportation routes that: • Do not traverse residential neighborhoods; • Minimize, buffer, or employ physical barriers to residential frontages; and • Demonstrate road network safety through road design, construction, accident rates, and traffic flow.**
- (f) **Minimize noise impacts on the surrounding area. (7-105, 7-108, 7-109, 7-110, 7-112, 7-113, 7-118, 7-121)**

The Commission recommended that the term, “hazardous waste facilities” (underlined above) be replaced with, “facilities that are permitted to treat, store or dispose of hazardous waste”.

The Commission also recommended that this policy reference the requirements imposed by DTSC under SB 673 to mitigate the cumulative impacts and impacts on vulnerable communities by permitted treatment, storage and disposal facilities, once implemented.

- **HS-P9.13 - Require hazardous waste facilities to prepare a cumulative risk assessment that analyzes, characterizes, and quantifies the combined risks to human health and the environment from the facility, in combination with other off-site hazardous materials risks. The assessment shall consider risks in the absence of actions to control or mitigate a potential release and determine whether buffers or other mitigation is necessary to protect residential uses, immobile populations (e.g., schools, hospitals, behavioral health facilities, convalescent homes, and prisons), other places where people gather, environmentally sensitive resources, and other sensitive areas from adverse emissions or contamination. Require that project applicants fund the needed technical review for the assessment. (7-114, 7-115, 7-117, 7-119, 7-129, 7-134)**

The Commission recommended that the term, “hazardous waste facilities” (underlined above) be replaced with, “facilities that are permitted to treat, store or dispose of hazardous waste”.

The Commission also recommended that this policy reference the requirements imposed by DTSC under SB 673 to mitigate the cumulative impacts and impacts on vulnerable communities

by permitted treatment, storage and disposal facilities, once implemented, to guide the cumulative risk assessment and determine what mitigations and buffers might be necessary.

- **P 10.2 Prohibit development of contaminated sites unless any deficiencies found after the most recent five-year review of the site have been corrected or if the site has been remediated pursuant to the County’s Brownfields and Contaminated Sites Cleanup Policy since the last review, and the site is otherwise not in violation of any land use covenants or deed restrictions imposed by the Department of Toxic Substances Control (DTSC) or Regional Water Quality Control Boards.**

The Commission recommended that the underlined words, “the County’s Brownfields and Contaminated Sites Cleanup Policy” be replaced with the words, “the requirements of the regulating agency” since as far as the Commission was aware, the County does not have a Brownfields and Contaminated Site Cleanup policy.

- **A10.2 (5/23/22 Sustainability Committee version) In consultation with local environmental justice organizations, update the County’s Brownfields and Contaminated Sites Cleanup Policy and prioritize implementation of clean-up efforts in Impacted Communities. (7-116) (EJ HS-A2.1)**

As far as the Commission is aware, the County does not have a Brownfields and Contaminated Sites Cleanup Policy, and it is not necessary since the County is not the lead agency for contaminated site clean-ups. Therefore, the Commission recommended deleting this action item.

- **HS-A12.9 - Partner with community-based organizations, homeowners associations, and neighborhood groups to make information available and conduct outreach to community members about human-caused, natural, and climate change-induced hazards, how to prepare for them, what to do when a shelter-in-place order is issued, and resources that can help. Make this information widely available in various formats and languages to all community members, with special effort aimed at reaching persons experiencing homelessness and persons with access and functional needs.**

The Commission recommended adding the underlined phrase above, “and conduct outreach”.

Finally, the Commission made a recommendation in a letter dated March 1, 2021 that was not addressed in the draft update to the General Plan. This recommendation stated:

- **Staff of the Hazardous Materials Program should be trained on environmental justice topics to increase their ability to recognize potential environmental justice or implicit bias issues.**

The Commission recommended that this recommendation be broadened to all county staff, and a policy be added to the Stronger Communities Element, Community Engagement section, that reads: *All County staff should be provided training on the topics of Environmental Justice and implicit bias to better enable them to engage with the public on these issues.*

Commissioner Carlson made a motion, seconded by Commission Smith to send these recommendations to Will Nelson at the Department of Conservation and Development. The motion passed 7-0 with Commissioner Quinto absent for the vote.

8. New Business:

a) Presentation on the Contra Costa Industrial Safety Ordinance annual report

Nicole Heath, Supervising Accidental Release Prevention Engineer at the Hazardous Materials Program, gave an overview of the program, and the results for the last year (ppt attached). She noted that normally they do many in-person outreach efforts about the results of the audits at local community events and meetings, but due to the pandemic their outreach this last year was limited to one Zoom meeting for all of the audits.

At the conclusion of her presentation, she opened the floor up to questions.

Commissioner Glueck asked if they are seeing better collaboration between management and the line-level workers at the refineries over time. Ms. Heath said that she has seen an improvement between management and workers. She thought that due to the requirement to do Safety Culture Assessments, there is more engagement between them, and it has improved relationships.

Commissioner Smith pointed out that the report LOPC chart still referred to the Martinez Refining Company as the Shell Oil Company. It was noted that the audit report for MRC was now out for public review.

Commissioner Glueck asked if Marathon still has to report hazardous materials releases even though they are not currently in operation. Mr. Heath said that even though there is limited activity at the facility (they are just using it as a storage facility), they are still subject to the requirement of the ISO, including reporting spills, until their status changes.

Michael Kent asked if Ms. Heath could give a summary of findings from the most recent audit at the Martinez Refining Company. Ms. Heath said that it was the 8th audit done at that facility and that they had 31 “ensure” action items they needed to address.

Commissioner Quinto asked if Air Liquide was still in operation and Ms. Heath confirmed that it was.

9. Reports from Commissioners on Matters of Commission Interest: None

10. Plan Next Agenda:

The Commission will consider recommendations on the County’s Environmentally Preferable Purchasing Policy that they were not able to address at this meeting due to time constraints and

will consider recommendations from the Operations Committee on nominations for the General Public Alternate seat and the Environmental Justice seat.

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