CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION

Thursday, July 25, 2019
4:00 p.m. – 6:00 p.m.

The County Connection
2477 Arnold Industrial Way, Board Room
Concord CA 94520

COMMISSION ACTION MAY BE TAKEN ON ANY ISSUE IDENTIFIED IN THIS AGENDA

The Contra Costa County Hazardous Materials Commission will provide reasonable accommodations for persons with disabilities planning to attend the Hazardous Materials Commission meetings who contact Michael Kent, Hazardous Materials Commission Executive Assistant, at least 24 hours before the meetings, at (925) 313-6587

AGENDA

1. CALL TO ORDER, ANNOUNCEMENTS AND INTRODUCTIONS
2. APPROVAL OF MINUTES: June 27, 2019
3. PUBLIC COMMENT
4. HAZARDOUS MATERIALS PROGRAMS REPORT ................................................................. Randy Sawyer
5. OPERATIONS COMMITTEE REPORT ........................................................................... Committee Chair
6. PLANNING AND POLICY DEVELOPMENT COMMITTEE REPORT ........................................... Committee Chair
7. OLD BUSINESS:
   a) Presentation on SB 673 - Addressing cumulative impacts and community vulnerabilities at Treatment, Storage and Disposal facilities... Ingrid Brostrom, Center on Race, Poverty & the Environment
8. NEW BUSINESS:
   a) Presentation on the Carbon Tax... Marti Roach,
9. REPORTS FROM COMMISSIONERS ON MATTERS OF COMMISSION INTEREST ........................................... Members
10. PLAN NEXT AGENDA
11. ADJOURNMENT

Attachments

Questions: Call Michael Kent (925) 313-6587

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by Contra Costa Health Services to a majority of members of the Hazardous Materials Commission less than 72 hours prior to that meeting are available for public inspection at 597 Center Avenue in Martinez.
# CONTRA COSTA COUNTY
## HAZARDOUS MATERIALS COMMISSION
597 Center Avenue, Suite 200
Martinez CA 94553

## 2019 MEMBERSHIP ROSTER

<table>
<thead>
<tr>
<th>REPRESENTATIVES</th>
<th>MEMBERS (ALTERNATES)</th>
<th>EXPIRATION</th>
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<tbody>
<tr>
<td><strong>Business Seat #1</strong></td>
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<tr>
<td>* West County Council of Industries</td>
<td>Fred Glueck</td>
<td>December 31, 2022</td>
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<td>* Veolia North America</td>
<td>Aaron Winer (A)</td>
<td>December 31, 2022</td>
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<td><strong>Business Seat #2</strong></td>
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<tr>
<td>* Industrial Association</td>
<td>Mark Hughes</td>
<td>December 31, 2021</td>
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<td>* Marathon Oil Refinery</td>
<td>Peter Dahling (A)</td>
<td>December 31, 2021</td>
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<td><strong>Business Seat #3</strong></td>
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<td>* Contra Costa Taxpayers Association</td>
<td>Don Bristol</td>
<td>December 31, 2020</td>
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<td>* Contra Costa Taxpayers Association</td>
<td>Marj Leeds (A)</td>
<td>December 31, 2020</td>
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<td><strong>City Seat #1</strong></td>
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<td>* City of El Cerrito</td>
<td>Gabe Quinto</td>
<td>December 31, 2022</td>
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<td>* City of San Ramon</td>
<td>Dave Hudson (A)</td>
<td>December 31, 2022</td>
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<td><strong>City Seat #2</strong></td>
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<td>* City of Martinez</td>
<td>Mark Ross</td>
<td>December 31, 2019</td>
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<td>* City of San Pablo</td>
<td>Rich Kinney (A)</td>
<td>December 31, 2019</td>
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<td><strong>Environmental Engineering Seat</strong></td>
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<td>* GBR Smith Group</td>
<td>George Smith – Chair</td>
<td>December 31, 2021</td>
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<td>* Innovex Environmental Management</td>
<td>Ron Chinn (A)</td>
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<td><strong>Environmental Organization Seat #1</strong></td>
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<td>* Communities for a Safe Environment</td>
<td>Ralph Sattler</td>
<td>December 31, 2021</td>
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<td>* Sierra Club</td>
<td>Lisa Park (A)</td>
<td>December 31, 2021</td>
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<td><strong>Environmental Organization Seat #2</strong></td>
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<td>* Richmond South Shoreline Area Community Advisory Group</td>
<td>Steven Linsley</td>
<td>December 31, 2020</td>
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<td>* John Muir Land Trust</td>
<td>Linus Eukel (A)</td>
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<td><strong>Environmental Organization Seat #3</strong></td>
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<td>* Sierra Club</td>
<td>Jonathan Bash</td>
<td>December 31, 2019</td>
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<td>* Sustainable Contra Costa</td>
<td>Vacant (A)</td>
<td>December 31, 2019</td>
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<td><strong>General Public Seat</strong></td>
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<td>Frank Gordon</td>
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<td>Tim Bancroft (A)</td>
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<td><strong>Labor Seat #1</strong></td>
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<td>* Central Labor Council</td>
<td>Rick Alcaraz</td>
<td>December 31, 2020</td>
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<td>Vacant (A)</td>
<td>December 31, 2020</td>
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<td><strong>Labor Seat #2</strong></td>
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<td>* United Steelworkers - Local 5</td>
<td>Jim Payne</td>
<td>December 31, 2019</td>
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<td>* United Steelworkers - Local 5</td>
<td>Tracy Scott (A)</td>
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<td><strong>League of Women Voters Seat</strong></td>
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<td>Leslie Stewart</td>
<td>December 31, 2020</td>
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<td>Rita Xavier (A)</td>
<td>December 31, 2020</td>
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*For identification purposes only*
CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION

2019 MEETING CALENDAR

HAZARDOUS MATERIALS COMMISSION

The County Connection - 2477 Arnold Industrial Way, Board Room
Concord CA 94520

4th Thursday of Each Month, 4:00 p.m. – 6:00 p.m. (except Nov/Dec)

January 24
February 28
March 28
April 25
May 23
June 27

July 25
August 22
September 26
October 24
December 5

OPERATIONS COMMITTEE

North Richmond Center for Health - 1501 Fred Jackson Way
Richmond CA 94801

2nd Friday of Each Month, 10:00 a.m. – 12:00 noon

January 11
February 8
March 8 - cancelled
April 12
May 10
June 14

July 12
August 9
September 13
October 11
November 8
December 13

PLANNING & POLICY DEVELOPMENT COMMITTEE

United Steelworkers Local 5 (PACE) - 1333 Pine Street, Suite C -1
Martinez CA 94553

3rd Wednesday of Each Month, 4:00 p.m. – 5:30 p.m.

January 16
February 20 - cancelled
March 20
April 17 - cancelled
May 15
June 19 - cancelled

July 17
August 21
September 18
October 16
November 20
December 18

597 Center Avenue, Suite 200, Martinez CA 94553 (925) 313-6712 Fax (925) 313-6721
Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
June 27, 2019

Members and Alternates Present: Jonathan Bash, Fred Glueck, Frank Gordon, Mark Hughes, Steve Linsley, Jim Payne, George Smith, Leslie Stewart, Lisa Park (alternate), Rich Kinney (alternate)
Absent: Rick Alcaraz, Don Bristol, Gabe Quinto, Mark Ross (represented by alternate), Ralph Sattler (represented by alternate),
Staff: Michael Kent, Randy Sawyer
Members of the Public: Dawn Koepke; McHugh, Koepke and Associates

1. Call to Order: Commissioner Smith called the meeting to order at 4:10

Announcements and Introductions:

Michael Kent announced:

- Environmental Seat #2 Alternate, Peter Dragovich, has resigned due to him moving to Oregon. His seat will be declared vacant and a process will be started to advertise for his replacement.
- The letter the Commission developed concerning pipeline safety recommendations has been completed and is being sent to the Supervisors.
- The flyer for the Cybersecurity workshop on September 17th is complete and will be sent out soon.

2. Approval of the Minutes:

A motion was made by Commissioner Hughes and seconded by Commissioner Bash to approve the minutes for the May 23, 2019 meeting. The motion passed 8-0-2 with Commissioners Payne and Kinney abstaining.

3. Public Comments: None

4. Hazardous Materials Programs Report:

Randy Sawyer reported that the County’s Integrated Pest Management Coordinator, Tanya Drlik, has retired and he has initiated a hiring process for the position. They have 10 candidates for the position. Ms. Drlik has been retained on a part-time interim basis until they fill the position.

The Director of Environmental Health, Marilyn Underwood, has accepted a position as the Director of Environmental Health for Santa Cruz County, and will be leaving at the end of the month.
There was a fire at an asphalt plant off of Highway 4 in Pittsburg last week that resulted in heavy, black smoke. There was miscommunication between the Fire Department and Hazmat and as a result, Hazmat was not notified of the incident. No health advisory was issued.

Contra Costa Health Services, including the Hazardous Materials Program, is currently undergoing an effort to look at the long-term health needs of the County, and how Health Services should best be structured to address those needs. A report on this effort should be completed by the end of the year.

The Shell oil refinery in Martinez is being sold to PVF Energy. They are an independent petroleum refiner with five other refineries in the country. They say they want to leave everything as is at the refinery, but PVF doesn’t have a corporate culture to support activities at the refinery. The company was started by Bill O’Malley, who also helped start TOSCO, which owned the Marathon refinery in Martinez in 1998 when there was an explosion and fire that killed four workers and injured one other.

5. Operations Committee Report:

The Operations Committee reported that they reviewed the flyer for the cybersecurity workshop on September 17th and heard a speaker about the creation of a Youth Seat for the Commission.

6. Planning and Policy Development Committee Report:

The Planning and Policy Committee did not meet in June.

7. Old Business:

a) Presentation on SB 673 implementation by Dawn Koepke

Dawn Koepke, of the Government Relations firm McHugh, Koepke and Associations gave a presentation (attached) about implementation of SB 673. She is representing a number of industries and industry groups in this matter. She began her presentation by explaining what the law required and how the Department of Toxic Substances Control (DTSC) was developing rules to implement the law. She then described the framework that DTSC is considering to address cumulative impacts and community vulnerabilities. She then discussed the concerns of industry about this framework.

One concern she stressed is choosing a pathway for compliance before doing a review of the permit components in case the pathway is different based on the analysis. Another was concerns about regulatory redundancy, for example, looking at water quality issues as part of the cumulative impacts analysis, because these issues generally fall under the jurisdictions of other agencies. They were also concerned whether air monitoring and mitigations could overlap with the authority of the Bay Area Air Quality Management District. Another concern she mentioned was about whether there would be a nexus between the impacts of the facilities and the mitigations proposed to address community impacts.
She finished by explaining that DTSC is planning to hold more workshops and meetings this fall, and then hopes to publish some proposed regulations later in the year.

Commissioner Glueck asked what would be the interim status of facilities while this process was being implemented. She responded that DTSC is trying to expedite the process and will try to start 2 years early, before a facility’s permit expires, so they can move to a new permit as soon as possible. Also, they are looking at ways to speed up the permitting process. Permits currently under review will probably try to incorporate track 1 requirements, but probably not track 2 requirements because it will be a while before those regulations will be complete.

Commissioner Glueck then asked how they plan on identifying a cumulative impact. She responded that first they will look at CalEnviroScreen to see the score of the census tract that the facility is in, and then they will look at other data as well. But it is unclear as to the exact methodology they will use. She said there have been many conversations about this.

Commissioner Smith asked that in terms of coordination with AB 617 implementation, where is the communication between agencies. She said this issue has been brought up.

Commissioner Glueck asked if DTSC is collaborating with the Air District and the California Air Resources Board. She said that she doesn’t feel that they are, and she is concerned with overlapping regulations.

Commissioner Stewart asked how much overlap is there really between SB 673 and AB 617. She said that the Air District has been participating in the SB 673 process because they may be able to use the assessment tool that the SB 673 process develops for the AB 617 process.

8. New Business:

a) Consider recommendations from the Operations committee to add a Youth seat to the Commission.

The Committee reported that at their last meeting they heard from Shannon Ladner-Beasley from the Career Pathways program at the CCHS. She described the range of programs at community colleges, State Schools and Universities that she could access to help identify students that may want to fill a student seat on the Commission. The committee voted 3 – 0 to recommend that the Commission create a student seat that would run for a 9 month term, September through May, for a student to participate on the Commission as a non-voting member.

Commissioner Kinney recommended we call it a Student seat so that it is open to all potential candidates. Also, that the Commission consider reporting out to teachers on what the Commission is doing.

The Commission voted 10 – 0 to support the Operations committee’s recommendation.
9. **Reports From Commissioners On Matters of Commission Interest:**

None

10. **Plan Next Agenda:**

The Commission asked to receive a presentation on SB 673 from someone in the Environmental Justice community.

11. **Adjournment:** The meeting adjourned at 6:00 pm.
Cumulative Impacts, Community Vulnerability & Implementing SB 673

Dawn Koepke
McHugh Koepke & Associates
SB 673 (Lara, 2015)

- Revised DSTC’s permitting process & public participation for TSDFs...
  
  - Required DTSC, by 7/1/18, to adopt criteria for use in determining whether to issue a new, modified or renewal of a hazardous waste facilities permit and to develop and implement programmatic reforms to improve the protectiveness, timeliness, legal defensibility, and enforceability of its permitting program.
  
  - Required DTSC to consider vulnerable communities in permit decisions using available assessment tools, local and regional health risk assessments, the region's federal Clean Air Act attainment status, and other indicators of community vulnerability, cumulative impact, and potential risks to health/well-being.
  
  - Required DTSC to consider minimum setback distances from sensitive receptors, such as schools, child care facilities, residences, hospitals, elder care facilities, and other sensitive locations when making permit decisions.
  
  - Required DTSC to establish criteria of the completion of a health risk assessment associated with facility permit reviews.
DTSC Track 1 Regulations

- Effective 1/1/2019
- Violation Scoring Procedure
  - 10 Year Scope – Evaluates, Scores Facility’s Violations
  - Assignment of Compliance Tier (3) for Permitting Decision
  - Acceptable
  - Conditionally Acceptable – 3rd Party Audit & Correct Compliance Problems
  - Unacceptable – Process to Deny, Suspend or Revoke TSDF Permit Pending More Detailed Review, Additional Requirements on Permitted Activities
- Financial Assurance Mechanisms
  - Net Worth Increase for Financial Test & Corporate Guarantee
  - Minimum Corporate Credit Rating
  - Asset Reliance 1x Only
  - Insurance Company must be Licensed in California
- Training of Facility Personnel
- Community Involvement Profile – Demographics, Community Interest, Locations of Sensitive Receptors, Nearby Tribal Lands, Off Site Sources of Potential Exposures
- Health Risk Assessment
- Community Involvement
DTSC Track 2 Framework

- Cumulative Impacts & Community Vulnerability
- Minimum Setback Distances from Sensitive Sites

- Action Pathways
  I. Mitigation, Monitoring & Public Engagement
  II. Mitigation OR Monitoring, Public Engagement
  III. Public Outreach
DTSC Track 2 Framework

• Key Steps:
  – Recommend a Facility Action Pathway
    • Size of Facility, Toxic Materials, Activities, Mobile Emissions, Permits, Releases, Compliance History
  – Share DTSC’s “Initial Pathway Recommendation,” Public Review & Comment
  – During Permit Application Process, Review Pathway & Invite Public Comment
  – Determine Outreach Requirements
  – Determine Facility Actions to Reduce Vulnerability, Impacts
  – Finalize Permit & Track Progress
Cumulative Impacts

- Combined Impacts of Environmental Pollution in a Community
  - Smog, Particle Pollution, Air Toxics
  - Haz Waste Facilities, Generators, Cleanup Sites
  - Freight Traffic
  - Water Quality & Discharges

- Tools – CalEnviroScreen (Primary)
  - Environmental Justice Screening Method
  - Health Places Index
  - Air / Water Monitoring
  - Risk from Diesel Truck Routes
  - Haz Waste Facility Risk Assessment
  - Toxic Hot Spots Assessment
  - Designation as AB 617 Impacted Community
Mitigation Options

- Reduced Truck Traffic Emissions, Replacement with Clean Trucks, Rerouting
- Safer Chemical Processes
- Community Investments in Improved Environmental Health
- Community Monitoring of Pollution
- Health Homes Assessments and Lead Abatement
- Facility Pollution Prevention Measures
Industry Concerns

- Fails to Address DTSC’s Responsibility to Deliver Safe, Effective Haz Waste Mgmt System in California
- Track I Regulations Already Addressed Vulnerability / Impacts
- Expectation Setting – What is Achievable?
- Confusing – How are other DTSC authorities/mandates addressed?
- AB 617 Contrast, Lack of Alignment
- Nexus?
- Inappropriately Comingles/Confuses Cumulative Impacts, Community Vulnerability, Cumulative Pollution Burden
- Lack of Transparency/Consistency in Decisions and Criteria
- Uncertain Science / Causal Relationship
- Screening Tools Problematic
Engagement, Timeline & Next Steps

- NGO / EJ / Communities
- Business Working Group
- Local Government

- Matrix of Feedback (thru 4/30)
- Fall 2019 – More Workshops, Workgroup Meetings, Combined Stakeholder Meetings
- Summer 2019 Revised Framework w/ Language – “Closer to Regulatory Language”
Questions?