

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
December 3, 2020

Members and Alternates Present: Jonathan Bash, Don Bristol, Audrey Comeaux, Fred Glueck, Mark Hughes, Steve Linsley, Gabe Quinto, George Smith, Leslie Stewart, Tracy Scott (alternate), Kevin Hernandez (student intern), Erika Hernandez (student intern),

Absent: Rick Alcaraz, Mark Ross, Jim Payne (represented by alternate), Environmental Justice Seat (vacant), Mayors Conference seat (vacant),

Staff: Michael Kent; Matt Kaufmann, Ellen Dempsey, Karine Abramians, Cho Nai Cheung, Devra Lewis, Hazardous Materials Program; Will Nelson, Daniel Barrios, Department of Conservation and Development

Members of the Public: Madeline Kronenberg, Roger Smith, Marielle Boortz, Brandon Matson, Joanna Jansen, Health Youngs, Sara Gurdian, Brian Hubinger, Jan Warren, Tanya Sundberg, Aimee Henry, Adrienne Ursino, Bob Brown,

1. Call to Order: Commissioner Smith called the meeting to order at 4:03

Announcements and Introductions:

Commissioner Hughes announced that the Industrial Association will be hosting a webinar on AB 685 on December 9th at 10:30.

2. Approval of the Minutes:

A motion was made by Commissioner Glueck and seconded by Commissioner Quinto to approve the minutes for the October 22, 2020 meeting with corrections. The motion passed 10-0.

3. Public Comments: None

4. Hazardous Materials Program Director Report

Matt Kaufmann reported:

- The Hazardous Materials Program is continuing their inspections and audits based on risk, and with safety measures in place. They are in the process of drafting a policy for doing virtual inspections.
- They Hazardous Materials Program will be receiving an audit by CalEPA in April.
- On October 24, 2020 a tanker carrying gasoline caught fire on Interstate 80 near Hilltop Mall. 3900 gallons of gas was either burned or spilled. Richmond Fire, Contra Costa Fire, Philips 66, Chevron and El Cerrito Fire all responded. Hazmat off-loaded the remaining 2300 gallons after the fire was put out.
- Chevron had three power interruptions on November 2nd, November 8th and November 25th that resulted in flaring activity.

- There was a spill from a Kinder Morgan liquid product pipeline today that they are doing air monitoring for in the surrounding area. The pipeline has been isolated and they are investigation the cause and the extent of the spill. They have not confirmed what has happened with Kinder Morgan yet.
- The investigation into the root cause of the NuStar fire in Rodeo last year has not been completed yet.
- The Hazardous Materials Program is adding 3 Supervising Hazardous Materials Specialists in the near future. In the meantime, they are creating two temporary Assistant Director positions for Devra Lewis and Karine Abramians.
- Both Philips 66 and Marathon refineries are converting their production to refine biodiesel fuel. They are just starting the permit process. But Marathon is already removing some materials and making some changes in preparation for the shift.
- The Integrated Pest Management advisory committee is making its annual report to the Transportation, Water and Infrastructure committee of the Board of Supervisors on December 14th.
- He and his staff have been studying the recommendations in Adapting to Rising Tides study completed by the Bay Conservation and Development Commission and would like to discuss how to implement those recommendations with the Commission.

Finally, Mr. Kaufmann offered an invitation to the two student interns to connect with the Hazardous Materials Program to learn about what they do.

5. Operations Committee Report:

The Operations Committee met on November 13th and reviewed and developed questions about the Placeworks memo concerning draft goals, policies and actions on Environmental Justice for the update to the County General Plan.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee met on November 18th and reviewed and developed questions about the Placeworks memo concerning draft goals, policies and actions on Environmental Justice for the update to the County General Plan.

7. Old Business: None

8. New Business:

a) Presentation on the update to the County General Plan with a focus on the Environmental Justice element

Joanna Jansen from Placeworks, the County's consultant for the update to the General Plan gave an overview presentation of the update process (attached). She stressed that the policies in the draft memo on Environmental Justice are evolving. She also reminded the Commission that the Housing Element will be updated at a later date than the rest of the update.

Commissioner Smith asked what outreach was done to the business committee. Will Nelson said that there had been a presentation to the Workforce Development Board and the Industrial Association (Editor's Note – Mr. Nelson later amended this answer on December 9th with the following information: *Presentations were made to the Industrial Association of Contra Costa County, East Bay Economic Development Alliance, EC²: The Collaborative, and the Workforce Development Board of Contra Costa County*). Commissioner Hughes responded that the presentation made to the Industrial Association was about the overall General Plan update. That focus was on fossil fuels. Did they reach out to the refineries? Ms. Jansen said they relied on the County to inform them as to whom to reach out to. Mr. Nelson said they have talked to the Phillips 66 refinery about land use issues, but not about Environmental Justice issues. They do intend to reach out to more people.

Commissioner Glueck noted that the definition of Environmental Justice is expanded in SB 1000 to include social justice issues. Ms. Jansen confirmed that SB 1000 does outline specific topics that are broader than the original scope of Environmental Justice.

Commissioner Bristol commented that it doesn't look like there was consideration of providing a health economy or much discussion in the Placeworks document about the economy. They need to reach out to all forms of businesses and economic development groups. Commissioner Hughes added that they need to look at the consequences of phasing out refineries. Ms. Jansen responded that one of the four overall themes of the update is economic development. And they have met with some business groups. Some of the goals of Goal D are about job development. Mr. Nelson added that they are only about half-way through the process of developing these Environmental Justice goals, policies and actions, so additions and changes can still happen. They have heard from the community, now they want to transition to hear from different types of industries. Bob Brown from the Western States Petroleum Association said he would be happy to be a conduit to industry and the jobs arena.

Commissioner Scott said there should be an acknowledgement of the need for a Just Transition to other jobs. Commissioner Smith noted that alternative energy doesn't provide lots of jobs. Mr. Nelson said that one of the reasons to update the General Plan is because it is outdated, and they want to make it easier to facilitate other types of economic development.

Commissioner Glueck asked if economic impact can be considered in the EIR process for a proposed project. Mr. Nelson responded that it is not really possible to look at the social and economic impact of proposed project, only the environmental impact of the economic development. Ms. Jansen said that they are doing a fiscal impacts analysis of the update to the General Plan. But the impacts would be part of a Just Transition Plan. Michael Kent suggested they could look at the memo prepared about 8 years ago by then Attorney General Harris on incorporating Environmental Justice into CEQA.

Heather Youngs said she felt a transition plan is important, and wanted to know the timeline for this. Mr. Nelson said there isn't a timeline developed yet. The General Plan is gives general

guidelines for development, not specific timelines, but there will be a to-do list coming out of it with timelines.

Commissioner Bristol asked about the status of updating Cal EnviroScreen, that was used in identifying Disadvantaged Communities. Mr. Nelson said that it was last updated in June of 2018. Commissioner Bristol added that it doesn't seem like community enterprises or organized labor has been engaged in the process yet. He thought that Just Transition should come first before the update of the General Plan. Mr. Nelson responded that it is time to update the General Plan, and that considering Environmental Justice concerns is only part of it.

Commissioner Hughes asked about the definition of the term adverse impacts that is used to describe projects. He wanted to know if the business community would be part of the workgroup addressing this. Mr. Nelson responded that they haven't specifically define what constitutes an adverse impact yet. He can't say if the business community will be part of the workgroup. But he added that the purpose of SB 1000 is to give the community a seat at the table in developing the General Plan. Mr. Brown asked if the workgroup would include the Building Trades. Mr. Nelson said this would have to be decided by the Board of Supervisors.

Staff then asked Ms. Jansen to respond to some of the questions Commissioners had raised during previous committee meetings:

- If other types of industries besides the fossil fuel industry were going to be recommend for being phased out. Ms. Jansen said that the direction for the phase out of the fossil fuel industry came from the Board of Supervisors emergency resolution on climate change.
- The Planning and Policy committee raised a question about Goal A, Policy 6 concerning prioritizing clean-up of illegal dumping in disadvantaged communities. Their questions was if "prioritizing" is enough to ensure that equity is achieved, or do quantifiable endpoints need to be established to ensure equity? Ms. Jansen responded that the County needs to look at appropriate metrics. Prioritizing them helps make the County accountable, but eventually, they will need better metrics.
- The Planning and Policy committee raised a question about Action #2 for Goal A addressing the development of criteria for evaluating projects that would potentially impact a disadvantaged community. They asked if Health Impact Assessments could be used as well as Environmental Impact Statements. Ms. Jansen responded that other types of evaluation criteria besides EIRs could be used.
- The Operations committee proposed adding a new policy to Goal C, which addresses equitable access to safer and sanitary homes. They wanted to know if a policy could be added that said: Homes potentially impacted by chemical fires or releases that may need to shelter-in-place need to be able to do so safely, with adequate infiltration rates and

protection from heat. These concepts can also be incorporated into Policies C-4 and C-5. Ms. Jansen responded that this may be something that could be added.

- The Operations committee proposed a new policy for Goal C: Support continued public education to make sure all residents are provided adequate education about less toxic alternatives to household hazardous products, including pesticides, and education about the safe handling, storage and disposal of Household hazardous Waste, including pharmaceuticals. Ensure there are adequate options for HHW disposal for residents that don't drive. Ms. Jansen said this is possible, and even though the focus of SB 1000 is on disadvantaged communities, policies could address other areas of the County as well.
- The Operations committee proposed a new policy for Goal K, which calls for communities that are safe and resilient from hazardous materials. They wanted to add a new policy that would call for buffer zones between facilities that use hazardous materials and sensitive receptors such as homes, schools and Senior Centers. Ms. Jansen responded that this is possible, but hard to do.

Chairperson Smith noted that the time was up for this item, and thanked Ms. Jansen for her presentation. He said the committees would continue to review the Placeworks proposed Environmental Justice goals, policies and actions, and would develop recommendations at their January meeting.

b) Request from the Alamo Improvement Association to support a grant application for a Pipeline Safety Website

Roger Smith from the Alamo Improvement Association gave a power point presentation on a proposal to apply for a grant from the Pipeline and Hazardous Materials Safety Administration to develop a Pipeline Safety Information Center Website. The application is due in March and he would like the Hazardous Materials Commission to consider co-sponsoring the project. The goal, after development of the website, would be for the County to maintain the website, but he had not yet gotten a commitment from any County Department to do this.

Mr. Smith explained that in Chester County, Pennsylvania the Pipeline Safety Coalition (a non-profit public safety coalition) first did a survey to understand the needs of the community, and then a report was given to County officials. Once the County saw the report, they voted to take on responsibility for maintenance of the site. There was about a three month transition period to transfer the site to the County Planning Department.

Commissioner Hughes thought it was premature to ask for the Commission's support without knowing exactly who would be taking on responsibility for the maintenance of the site.

Commissioner Glueck asked how much would the work of the grant be based on work that had already been done? Mr. Smith said that work done in the previous two reports in Contra Costa County would be the starting point for the project.

Chairperson Smith referred the matter to the Operations committee for further consideration.

9. Reports from Commissioners on Matters of Commission Interest

None

10. Plan Next Agenda:

The Commission will develop recommendations to the Board of Supervisors about the Environmental Justice considerations in the update to the County General Plan.

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