

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
January 28, 2021

Members and Alternates Present: Marielle Boortz, Don Bristol, Audrey Comeaux, Fred Glueck, Mark Hughes, Steve Linsley, Gabe Quinto, George Smith, Ed Morales (alternate), Tracy Scott (alternate), Heather Youngs (alternate), Madeline Kronenberg (alternate), Tim Bancroft (alternate), Erika Hernandez (student intern),

Absent: Rick Alcaraz, Mark Ross, Jonathan Bash (represented by alternate), Sara Gurdian (represented by alternate), Jim Payne (represented by alternate), Mayors Conference seat (vacant)

Staff: Michael Kent; Matt Kaufmann, Ellen Dempsey, Karine Abramians, Devra Lewis, Steve Morioka, Hazardous Materials Program

Members of the Public: Roger Smith, Howard Adams

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

Announcements and Introductions:

Michael Kent announced:

- The Board of Supervisors adopted their Legislative Platform on January 19th.
- The 2020 annual report for the Commission was submitted to the Board of Supervisors in December and was included in the agenda packet for this meeting.

Commissioner Hughes announced that the Industrial Association will be holding a forum with Jack Broadbent, the Executive Officer of the Bay Area Air Quality Management District, on February 4th at 10:30.

Commissioner Smith announced that the Department of Conservation and Development will be holding a series of public meetings in February on the Environmental Justice requirements for the update of the County General Plan, and the meeting on February 17th will include a discussion of the hazardous materials goals.

2. Approval of the Minutes:

A motion was made by Commissioner Hughes and seconded by Commissioner Quinto to approve the minutes for the December 3, 2020 meeting with corrections. The motion passed 11-0.

3. Public Comments: None

4. Hazardous Materials Program Director Report

Matt Kaufmann opened his report by asking Devra Lewis to provide an update on the Kinder Morgan pipeline spill.

- Ms. Lewis summarized the event: The pipeline lost pressure on 11/20/20 and KM detected a leak. The leak was repaired on 11/26/20. On 12/3 an odor was detected about 1.3 miles downstream (north) of the leak in the Walnut Creek Flood Control Channel. On 12/8/20 the connection between the leak and the downstream odors was made and it was determined that the spilled product, mostly gasoline, had travelled through gravel bedding of a sewer line to the point where it surfaced. On 12/9/20 the pipeline was put back in service with a 20% reduction in pressure. The Federal EPA and the California Department of Fish and Wildlife Oil Spill Prevention and Response unit form a joint command to clean up the spill. It was determined that approximately 42,000 gallons of product had spilled. The Hazardous Materials Program has been conducting air monitoring around the site of the spill and the cleanup. As of January 26, 2021, approximately 19,000 gallons of product had been recovered. Soil samples were being taken to determine the extent of the spread of the product, The Regional Water Quality Control Board will soon take over to lead the long-term cleanup of the site. Two community meetings were held on December 22, 2020 and January 6, 2021. There had been noise and odor complaints from residents living next to the cleanup site. The air monitoring showed there was no threat to public health.

Commissioner Morales asked if product had gotten into the sewer line itself. Ms. Lewis explained that they had only detected product in the gravel beneath the sewer line.

Mr. Kaufmann continued with his report:

- The Hazardous Materials Program will be receiving an audit by CalEPA in March or April. They are drafting a policy for doing virtual inspections to prepare for the audit.
- The root cause investigation for the NuStar fire is still undergoing legal review and no date has been set for its release.
- Phillips 66 is undergoing a conversion to process renewable fuels and in August made a permit application to the County but did not score high enough in the ISO scoring criteria to require a land use permit. The Marathon refinery permit was incomplete and they need to resubmit their application. They still had open action items for their Process Hazardous Analysis requirements under their old permit.
- The program is still in the process of hiring 3 new Supervising Hazardous Materials Specialists.
- Health Services has a new Equity Officer, Gilbert Salinas. The equity issues the program will be focusing on are Environmental Justice, sea level rise and community engagement. They work with the Contra Costa CAER group on community engagement issues.
- They are also working with CAER to revise the Hazardous Materials Incident Notification Policy. The final draft is out for review and they will bring it to the Hazardous Materials Program for comment.
- The Commission interns were given a tour of their facility.

5. Operations Committee Report:

The Operations Committee met on January 8th and reviewed and developed recommendations about the Placeworks memo concerning draft goals, policies and actions on Environmental Justice for the update to the County General Plan. They also developed a recommendation for the Commission about the AIA grant proposal for a pipeline safety information center website.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee met on January 20th and reviewed and developed recommendations about the Placeworks memo concerning draft goals, policies and actions on Environmental Justice for the update to the County General Plan.

8. New Business: (Taken out of Order)

a) Elect Commission Chair and Vice-Chair

George Smith announced that he would like to step down as Chairperson after serving in that capacity since February of 2009. The Commission thanked him for his service.

Commissioner Hughes nominated Commission Glueck for Chair, Commissioner Quinto seconded the nomination. The motion passed 11 – 0.

Commissioner Morales nominated Commissioner Hughes for Vice-chair. Commissioner Quinto seconded the nomination. The motion passed 11 – 0.

Commissioner Glueck took over chairing the meeting.

7. Old Business:

a) Consider a recommendation from the Operations Committee to ask the Board of Supervisors to write a letter of support for the Alamo Improvement Association's grant application to the Department of Transportation to study the need for a pipeline safety information center website.

Michael Kent summarized that on December 3, 2020, Roger Smith from the Alamo Improvement Association gave a presentation to the Commission on a proposal to apply for a grant from the Pipeline and Hazardous Materials Safety Administration to develop a Pipeline Safety Information Center Website, and asked for the Commission's support. The Operations committee considered this request at their January 8, 2021 meeting. At that meeting, staff reported that Mr. Smith had modified his proposal to conduct a needs assessment for a pipeline information center website, and based on that assessment, would develop a template for what such a website might look like. If there was sufficient interest by a local entity to maintain such a website, he would then apply for a second grant to develop the site. The committee voted

unanimously to recommend that the full Commission as the Board of Supervisors write a letter of support for this grant application.

The Commission voted 11-0 in support of asking the Board of Supervisors to write a letter of support, and directed staff to make this request to the Transportation, Water and Infrastructure committee of the Board of Supervisors at their February 8, 2021 meeting.

b) Develop recommendations to the Board of Supervisors on Environmental Justice goals, policies and actions to be considered for the update to the County's General Plan

The Commission reviewed the recommendations that the Operations Committee and the Planning and Policy committee made, combined them as appropriate, and edited them to end up with the following recommendations:

- Proposed Amendment to Goal K, Policy 1 – Discourage construction of new large-scale facilities that treat, store or dispose of hazardous waste from other sources that negatively impact Disadvantaged Communities.
- Proposed Amendment to Goal K, Policy 2 – Advocate for and coordinate with local and regional agencies in efforts to and remediate or treat contaminated surface water, groundwater, or soils, at brownfields or active remedial sites in or affecting disadvantaged communities, and in efforts to communicate with and educate the public about these sites, and to support the public's ability to advocate their concerns about these sites.
- Proposed new Action Item for Goal K - Improve and expand the ease of access to information about, and the status of, contaminated sites in Contra Costa County.
- Proposed new Policy for Goal F - The County should encourage that the safest transportation method be employed for hazardous materials and hazardous wastes transported in Contra Costa County, taking into consideration the potential impacts of Sea Level Rise, and should particularly encourage reducing the transportation of hazardous materials and hazardous wastes in Disadvantaged Communities.
- Proposed new Action Item for Goal F - The County should consider the findings from the Adapting to Rising Tides studies for Contra Costa County prepared by the Bay Conservation and Development Commission, the 2019 Hazardous Materials Commodity Flow study prepared for the Hazardous Materials Programs, the Adaptation Atlas from SFEI and SPUR, and any new information as it becomes available, in future planning and transportation improvements, and in Sea Level Rise and flooding mitigation measures, specifically in areas already having risks, or found to have potential future risks, from Sea Level Rise and flooding.
- Proposed new Policy for Goal K - The County should have established setbacks for projects handling hazardous materials from healthcare facilities, schools, residences,

senior and childcare facilities and other sensitive receptors, and should have established setbacks for proposed new sensitive receptors from industrial facilities and other projects using hazardous materials.

- Proposed new Action Item for Goal K - The County should establish criteria for developing setbacks, or mitigation measures in lieu of setbacks, for projects involving hazardous materials being proposed near sensitive receptors, or for sensitive receptors projects being proposed near facilities using hazardous materials.
- Proposed new Policy for Goal K - The County should only allow the development of former contaminated sites intended for use by a sensitive receptor if the deed restrictions for the site are compatible with sensitive receptor use.
- Proposed new Policy for Goal K - The County should not allow new development of a former contaminated site certified as cleaned-up unless any deficiencies found after the most recent 5-year review of that site have been corrected or if any other deficiencies of their compliance plan have been identified.
- Proposed new Policy for Goal K - The County should not allow development of any former contaminated site, previously certified as cleaned-up, in violation of any existing land use covenants or deed restrictions or imposed on that site by either the California Department of Toxic Substances Control or a Regional Water Quality Control Board.
- Proposed New Policy for Goal K - 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.
- Proposed New Action item for Goal K - Develop department-wide procedures and training for reporting observed environmental justice issues, and address issues pertinent to the Hazardous Materials Programs.
- Proposed New Policy for Goal K - The Hazardous Materials Program should engage with the Contra Costa County Department of Conservation and Development (DCD) regarding hazardous materials and waste considerations during the planning of new business operations in the County. The Hazardous Materials Program should engage with DCD in their efforts to solicit input at an early stage from disadvantaged communities on proposed projects involving hazardous materials and waste that may create a disproportionate impact on the community.
- Proposed New Action Item for Goal K - Establish a comprehensive outreach strategy to provide hazardous material program policy information to disadvantaged communities, including considerations related to hazardous materials and hazardous waste storage, permitting, and inspections, environmental monitoring, hazardous materials incident response, industrial safety ordinance and pollution prevention. Identify and leverage established community and industry groups and other synergistic agency programs to disperse outreach and education materials.

- Proposed New Action Item for Goal K - Identify and designate a communications liaison to ensure that hazardous materials and waste topics are presented to disadvantaged communities in a manner that is easily and clearly comprehensible.
- Proposed New Action Item for Goal K - To the extent possible, invite community representatives to observe ‘hands-on’ emergency drills to increase public awareness of emergency response capabilities and understand protective actions the public may be required to take should a hazardous materials incident occur in their community (shelter-in-place and evacuation procedures). Ensure representatives from all populations, including disadvantaged communities, have the opportunity to observe drills, including the availability of language translation services.

The Commission voted 10 – 0 (Commissioner Quinto had left the meeting) to approve the recommendations as amended, and directed staff to send them to the Board of Supervisors and the Department of Conservation and Development.

9. Reports from Commissioners on Matters of Commission Interest

None

10. Plan Next Agenda:

The Commission will hear a report from the Hazardous Materials Program on the Industrial Safety Ordinance.

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