

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
March 25, 2021

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

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

Staff: Michael Kent; Matt Kaufmann, Ellen Dempsey, Karine Abramians, Devra Lewis, Steve Morioka, Susan Psara, Cho Nai Cheung, Michael Dempsey, Hazardous Materials Program

Members of the Public: Howard Adams, Peter Cloven, Peter McGaw, Vincent Colvis, Susan Harl

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

Announcements and Introductions:

Michael Kent announced:

- The Transportation, Water and Infrastructure committee will discuss the letter the Commission sent them concerning sea level rise at their April 12, 2021 9:00 am meeting.

2. Approval of the Minutes:

A motion was made by Commissioner Hughes and seconded by Commissioner Quinto to approve the minutes for the February 25, 2021 meeting with corrections. The motion passed 11-0.

3. Public Comments:

Howard Adams commended the Health Department on their response to the COVID pandemic.

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

- There is nothing significant new to report concerning the Kinder Morgan pipeline spill in Walnut Creek. The San Francisco Bay Regional Water Quality Control Board is now the lead agency for the long-term cleanup.
- The Chevron pipeline spill on February 9, 2021 release approximately 500- 700 gallons of a water/diesel mix. The Industrial Safety Ordinance ad hoc committee of the Board of

Supervisors directed that a root cause investigation be conducted. The scope of work for the root cause investigation will go back to the ISO ad hoc committee for approval.

- In the afternoon on Tuesday, February 23, 2021, Phillips 66 Refinery in Rodeo reported flaring due to a unit upset. (This may have been a result of the plant upset at Air Liquide reported earlier that day.) Later in the evening that same day, Phillips 66 reported natural gas odor complaints by nearby residents. Phillips 66 reported that there was an upset to a vapor recovery system resulting in vapors being released. Later the next morning (February 24th), we learned that odors were also detected in Vallejo. As a result of learning this additional information, CCHSHMP requested a 72 Hour Report from P66. The report was posted to our website: cchealth.org/hazmat. The 30 Day Report (which provides additional details regarding the incident investigation when it's complete) is due today. Upon receipt, the report will be posted to our website.
- At the last meeting, he reported that the NuStar root cause analysis would be release in 6 – 8 weeks. So it has not been released yet.
- They are still working on the update to the County's Incident Notification policy. They are in the process right now of receiving information from the three (3) operating refineries in our County to better understanding flaring incidents and specifics related to flaring (including size, intensity of light, flowrates, etc.). Once they receive all input from the refineries, they will possibly be making revisions to the flaring definition in the draft policy.
- They are processing the paperwork now through our Human Resources division to hire one Accidental Release Prevention Engineer (likely be opened within the next month).
- They are embarking on a fee Study for Certified Unified Program Agency Permit Fees. The most recent fee study and update to permit fees was last conducted May 2012 (approximately 9 years ago). They received approval to have a project employee assigned to our division for the sole purpose of conducting the fee study. Their current fee report can be found online at: <https://cchealth.org/hazmat/fees.php>. When they have recommended revised fee numbers, they will be holding a public meeting to receive public comments. Communication will be made to all permitted facilities in Contra Costa County prior to that meeting. CUPA Permit Fees are the primary source of funding for staff and operations at the Hazardous materials programs.
- Lastly, I will end on a bittersweet note. Maria Duazo (Hazardous Materials Specialist II) will be retiring from CCHS on March 31st with 29.5 years of service. Many of you may know her from her significant contributions to our hazmat incident response team – you've probably seen her on the news or heard her voice on the radio. Maria is the current HazMat Incident Response Team Lead in our agency and often serves as the Public Information Officer during hazmat incidents. She is a trailblazer in the hazmat response world. Maria has taught our CCHS responders (as well as many of the hazmat responders in the state) their initial training, as well as continuing education classes at conferences and the like. There are not words to describe just how thankful we are for all of Maria's contributions to our agency. Maria will be greatly missed – and we wish her all the best in her future adventures.

5. Operations Committee Report:

The Operations Committee met on March 12th and developed recommendations for the Commission to consider about the treated wood waste issue, and discussed the Lithium-ion battery recycling issue.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee met on March 17th and reviewed and developed next steps for the Transportation, Water and Infrastructure committee of the Board of Supervisors to consider concerning Sea Level Rise.

7. Old Business: None

8. New Business:

a) Approve a letter to the Board of Supervisors concerning the management of Treated Wood Waste

The Commission reviewed a draft letter prepared by staff, based on the discussion held at the Operations committee meeting.

Karine Abramians reported that the CUPA forum supported either AB 332 or AB 684 as a means of addressing this issue. She said the Hazardous Materials Program hasn't seen many calls or cases of dumping. But the material is very heavy and so will be very expensive to take to a hazardous waste landfill, so they expect it will be illegally dumped.

Commissioner Morales commented that there are no options for homeowners to dispose of TWW because the HHW facilities aren't taking it.

Vince Colvis from Contra Costa Waste Services said they run a transfer station and construction demolition facility in Pittsburg. He said they see lots of TWW in customer loads. They have been approved for accepting TWW. He said they would support AB 332. When TWW had to be managed as a hazardous waste it was a burden for everyone.

Peter McGaw expressed his concern that something needs to be done because managing TWW as a hazardous waste is impossible. He supports the Commission recommending the Board support one of the pieces of legislation put forward to fix the problem.

Commissioner Hughes made a motion to approve the letter as amended. The motion was seconded by Commissioner Morales and passed 10 – 0.

b) Receive presentation on the Industrial Safety Ordinance Annual Report ...Cho Nai Cheung, Hazardous Materials Program

Ms. Cheung gave an overview of the program (ppt attached) and review the annual report. She then opened the floor to questions.

Commissioner Hughes ask if now that the Program 4 requirements in CalARP are as stringent as the ISO, is the ISO still needed? Also, are the reports for the two programs provided separately by the facilities? Ms. Cheung responded that although the audits for the two programs are done at the same time, the requirements for the two programs are slightly different. For example, both programs have a human factors element, but the requirements for each are different. For that reason, the facilities file separate reports for each program.

Commissioner Glueck noted that obviously the safety record at facilities has improved. But he wanted to know if the safety culture assessments weighed equally in that success with the technical requirements. Ms. Cheung said she felt the Safety Culture Assessments work with the other components of the program together to make the program successful. One builds on the other, it is not one or the other.

Commissioner Boortz asked if the County has guidance on how to do the Safety Culture Assessments. Ms. Cheung said that they have guidance for the ISO, but not yet for the CalARP program 4.

c) Discuss presentation of the letter on Sea Level Rise to the April 12, 2021 Transportation, Water and Infrastructure committee of the Board of Supervisors

The Commission reviewed the ideas that were developed in the Planning and Policy committee meeting concerning possible next steps for the Board of Supervisors to take.

Commissioner Glueck said he would like to see more input from stakeholders.

Michael Kent said he would the list of ideas for the Commission to comment on by April 2nd, and then prepare a staff report for the TWIC meeting.

9. Reports from Commissioners on Matters of Commission Interest

Commissioner Smith announced that the East Bay Leadership Council Water and Environment committee will be hosing a presentation by Steve Townsy from the Army Corp of Engineers talking about their dredging program at their April 20th meeting at 8:00 am.

10. Plan Next Agenda:

The Commission will receive a presentation on the Lithium-ion car battery recycling group.

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