

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
April 22, 2021

Members and Alternates Present: Jonathan Bash, Marielle Boortz, Don Bristol, Ken Carlson, Audrey Comeaux, Fred Glueck, Mark Hughes, Steve Linsley, Jim Payne, George Smith, Heather Youngs (alternate), Tim Bancroft (alternate), Amy McTigue (alternate), Erika Hernandez (student intern), Kevin Hernandez (student intern)

Absent: Rick Alcaraz, Gabe Quinto, Mark Ross, Sara Gurdian (represented by alternate),

Staff: Michael Kent; Matt Kaufmann, Ellen Dempsey, Susan Psara, Cho Nai Cheung, Hazardous Materials Program

Members of the Public: Howard Adams, Greg Bosworth, Zoe Siegel

1. Call to Order: Commissioner Glueck called the meeting to order at 4:02

Announcements and Introductions:

Michael Kent announced:

- The Commission annual meeting with Supervisor Burgis went well. She had concerns about oil and gas exploration in East County, and made a referral to Phillips 66 about researchers at Lawrence Livermore Labs interested in carbon sequestration.
- On April 26th the Board of Supervisors Sustainability committee will meet at 1:00 and the Sustainability Commission will meet 6:30.
- AB 332 pertaining to reinstating the alternative management standards for Treated Wood Waste is on the consent calendar in the Assembly.

Commissioner Hughes announced that the Industrial Association's Mayors Forum will be on May 27th from 10:30 to 12:00, and their golf tournament will be on June 14th at the Oakhurst club in Clayton.

2. Approval of the Minutes:

A motion was made by Commissioner Hughes and seconded by Commissioner Smith to approve the minutes for the March 25, 2021 meeting with corrections. The motion passed 6-0-3 with Commissioners Carlson, Payne and Bash abstaining. Commissioners Bristol and Youngs arrived after the vote was taken.

3. Public Comments:

None

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

- Update on Four (4) Incidents of Interest:
 - a) Kinder Morgan Pipeline Release in Walnut Creek (November 2020). The SF RWQCB continues to oversee this release. The Acalanes School District granted Kinder Morgan access to Las Lomas High School to assess campus's storm drains – and ensure an imminent health hazard didn't exist. That assessment was conducted, and no imminent health hazard exists at the high school campus.
 - b) Chevron Refinery Oil Spill (February 9, 2021). As most of you are aware, 536-757 gallons of diesel fuel and flush water mix was released in the SF Bay from a pipeline on the Chevron Long Wharf on February 9, 2021. The Board of Supervisors Industrial Safety Ordinance Ad Hoc Committee (co-chaired by Supervisors John Gioia and Federal Glover) directed staff to proceed forward with an independent third-party review of the investigation for this incident. We have a finalized scope of work for that review and are assembling the Oversight Committee. The investigation will focus on reviewing Chevron's investigation of the incident – versus conducting an independent, separate investigation of the incident. Should issues be noted, Chevron will be given the opportunity to respond to/modify their investigation – or a separate, independent investigation will be commissioned. At the February 2021 HMC Meeting, the Commission voted unanimously to nominate Fred Glueck to the Oversight Committee (which will include 2 other community members, a City of Richmond Representative, Chevron Rep, Labor Rep, and CCHSHMP).
 - c) NuStar Tank Fire Investigation Status (October 15, 2019). At the February 23, 2021 Industrial Safety Ordinance/Community Warning System Ad Hoc Committee Meeting, Contra Costa County Fire Protection District provided a status update regarding the finalization of this report. At that time, the Fire Chief stated he anticipates the report being finalized in the next 6-8 weeks. Based on that – we are anticipating the final report any day now.
 - d) Suspected Hazardous Materials Release in Richmond (March 31, 2021). We are actively working with the California Department of Fish and Wildlife – Office of Spill Prevention and Response and the United States Coast Guard to investigate this suspected release of a red substance in Parr Canal – Richmond. The release was first found of March 31, 2021 by the City of Richmond in the Parr Canal (nearest cross street is Wright Avenue). Unfortunately, because this is an active investigation, I do not have a lot to share with the commission currently. I will keep the commission apprised of any future findings/developments.
- County Incident Notification Policy - As I've reported to the Commission of the previous several months, we are revising the County's Hazardous Materials Notification Policy. The policy defines the County's expectation in terms of compliance with the statutory requirement to notify the Local Unified Program Agency (CCHS) of a release or threatened release of a hazardous material (Chapter 6.95 of HSC). We met with the three (3) active refineries to discuss their flaring equipment and operations. Based on these conversations, we have revised the Notification Policy – the definition of “flaring”

specifically. There is a Community Awareness and Emergency Response Notification Committee meeting next Tuesday (April 27th) to discuss the latest revisions.

- Hiring an Accidental Release Prevention Engineer - We are processing the paperwork now through our Human Resources division to hire one Accidental Release Prevention Engineer (likely be opened within the next month). We anticipate this position opening any day now.
- Hiring one Hazardous Materials Specialist I - As reported at the last commission meeting, Maria Duazo (Hazardous Materials Specialist II) retired on March 30th after 29.5 years of service. We have requested freeze approval to fill this position. We anticipate opening this position in the next 4-6 weeks.
- 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). We received approval to have a project employee assigned to our division for the sole purpose of conducting the fee study. We have chosen Amelia Yu – University of California Santa Cruz student studying biology to assist us in this project. She will begin shortly. c. Our current fee report can be found online at: <https://cchealth.org/hazmat/fees.php>. When we have recommended revised fee numbers, we 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.
- California Environmental Protection Agency (CalEPA) Evaluation - As I've reported to the commission at previous meetings, we were expecting our three (3) year CalEPA Evaluation to take place in May 2021. To date, we have not received official notice from CalEPA. Therefore, this evaluation will most likely not commence in May. I will keep the commission updated on the status and findings from this evaluation.
- Contra Costa County General Plan Update, HazMat Division Involvement - As the Commission is aware, we have been providing comments to the County's Department of Conservation and Development regarding the ongoing revisions to the County General Plan. DCD is currently conducting an internal County review of the Administrative Draft General Plan and has requested feedback from County departments by 4/30/2021. HazMat staff are currently drafting comments for submittal, specifically on the following sections: Health & Safety Element (section g. Hazardous Materials), Land Use Element (Industrial Uses section and other related sections), Strong Communities Element (including Environmental Justice goals, policies and actions). HazMat staff will meet with DCD's Advance Planning Staff on 5/11/2021 to discuss our comments.

5. Operations Committee Report:

The Operations Committee did not meet in April.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee met on April 21st. They discussed how to develop specific recommendations to the Transportation, Water and Infrastructure committee on next steps the committee should take to address Sea Level Rise. They voted 6 – 0 to recommend to the full

Commission that the Commission should collect information from other stakeholder in the County to find out what they are doing to address SLR, what sort of funding sources they have or anticipate, and what interest they have in working with County on this issue.

7. Old Business:

a) Updated on the status of Treated Wood Waste legislation.

Michael Kent reported that AB 332 which would establish Alternative Management Standards for Treated Wood Waste is on the Consent Calendar of the State Assembly and is awaiting a vote. He also noted that a letter the Board of Supervisors signed on to supporting AB 332 is attached to the agenda.

8. New Business:

a) Presentation on the Lithium-ion Car Battery Recycling Advisory Group

Mohammed Omer from the Department of Toxic Substances Control gave a presentation on the work of the advisory group. (ppt attached). In his presentation he discussed battery science basics, electric vehicle adoption, the purpose of the AB 2832 advisory group, the challenges facing battery recycling, the concepts the advisory group is trying to achieve and how people can get involved in the activities of the advisory group. At the end of his presentation, Mr. Omer entertained questions.

Commissioner Smith noted that the Excide lead-acid battery recycling plant in Southern California became a notorious hazardous waste clean-up site, with airborne lead contaminating the area around it. He wanted to know how air emissions from Lithium-ion battery smelting would be controlled. Mr. Omer said that it all comes down to the permitting process. There are not any lithium-ion battery recycling plants currently in operation in California. But lithium and other metals can become airborne during recycling, so strict permitting will be required. Any facility permitted in California would need a permit from the local Air District.

Kevin Hernandez asked what is happening to lithium-ion batteries that are currently no longer usable. Mr. Omer said that not many batteries are currently being disposed of, and he is not aware of any statistics indicating their ultimate fate. Mr. Hernandez also asked what happens to the plastic in the batteries that are recycled through the pyro recycling process. Mr. Omer said that what is not burned off becomes part of the slag. He then asked what Mr. Omer thought about the possibility of there being a recycling facility in California. Mr. Omer thought this was possible, but the permitting process would have to start soon because recyclers need to be set up well ahead of time before the used batteries are available. This would need a company with deep pockets to finance this process.

Commissioner Glueck asked, from a weight perspective, what percent of lithium is recovered. Mr. Omer said he didn't have those number available, but it the percentages depend on the process used to recover the material. Mr. Glueck also asked if DTSC is considering alternative protocols from their current permitting process so as to not impede the process of establishing a recycling facility. Mr. Omer noted that lithium-ion batteries are considered a Universal Waste outside of California, but in California it is considered a hazardous waste. DTSC is currently trying to streamline their permitting process in general. When the Advisory Group completes its final report to the Legislature in 2022 it will contain recommendations. But in the meantime, DTSC doesn't have a position on potential changes to the permitting process.

Commissioner Youngs asked if all their effort is focused on post-consumer recycling activities, or are they also looking at the manufacturing process? Mr. Omer said that the Advisory Group is also trying to involve manufacturers in the process, and are discussing who should pay for what activities and how. They have considered the issue of including a fee on the sale of batteries. There is not a consensus yet on this issue yet, but on May 25th are reviewing the recommendations of the subcommittee addressing this issue.

Commissioner Boertz asked what other Countries are considering for this issue. Mr. Omer responded that the European Union has developed a battery directive. They are also looking at what is being done in China and Japan. India has already developed regulations. But what is happening in theses other countries may not apply in California.

Cho Nai Cheung asked if the Europeans are doing lifecycle analyses for battery recycling options. Mr. Omer said that he wasn't sure, but that he could find out. He pointed out that the Advisory Group is just making policy recommendations, ad he is not sure if they are looking at this issue or can require anyone to do this type of analysis.

Kevin Hernandez asked for clarification of the potential environmental impacts they expect from a recycling facility. Mr. Omer said there may be emissions from mining, manufacturing, recycling, and potentially disposal of hazardous waste in landfills. He also mentioned that the logistics committee is also very concerned about the risk of fires, and is looking at the Fire and Building Code requirements.

Mr. Omer concluded the session by reminding the Commission that the Advisory Group report should be done at the end of the year, and they will be making their recommendations to the Legislature in April of 2022.

b) Discuss process for developing recommended next step for the Transportation, Water and Infrastructure Committee of the Board of Supervisors to take to address Sea Level Rise

Michael Kent began the discuss by recapping that the Commission sent a letter to the Transportation, Water and Infrastructure committee (TWIC) of the Board of Supervisors

encouraging them to address Sea Level Rise (SLR). This letter was discussed at TWIC's April 12, 2021 meeting. At that meeting, TWIC directed the HMC to come back to them with a specific recommendation as to the next step TWIC should take concerning SLR. Then, at their April 21, 2021 meeting, the Planning and Policy Development committee of the HMC voted to recommend to the full Commission that it should collect information from other stakeholder in the County to find out what they are doing to address SLR, what sort of funding sources they have or anticipate, and what interest they have in working with County on this issue.

Zoe Siegel of the Greenbelt Alliance then explained that the Greenbelt Alliance was already interested in developing an awareness campaign with the public to develop a baseline understanding of how they see it impacting them. They would be interested in working with the Commission to collect this information.

Commissioner Glueck mentioned that the San Francisco Bay Regional Water Quality Control Board has already asked refineries to explain how they are going to address SLR. Howard Adams added that they also put out a report on the impacts that SLR may have on wastewater treatment plants, and that four in the County will be at risk soon. He also added that the impacts of SLR on groundwater intrusion and the resulting implications for corrosivity to infrastructure needs to be looked at.

Commissioner Boort stressed that the Commission shouldn't duplicate efforts of others when collecting this information. Commissioner Bristol offered that maybe the Commission isn't in the best position to be collecting this type of information. Even the County's General Plan is limited to the unincorporated county, and maybe the County's perspective is too small to capture the big picture.

Commissioner Youngs thought the Commission needs to find out what the Sustainability Commission is doing to collect this type of information.

The Commission voted 11 – 0 to approve the Planning and Policy Development committee's recommendation to collect information from other stakeholder in the County to find out what they are doing to address SLR, what sort of funding sources they have or anticipate, and what interest they have in working with County on this issue.

9. Reports from Commissioners on Matters of Commission Interest:

Commission intern Kevin Hernandez had an article written about his activities on environmental issues in Diablo magazine. He said he would send a copy to the Commission.

10. Plan Next Agenda:

The Commission will hear presentations from the two interns on their research topics and continue the discussion of seeking stakeholder input on SLR.

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