

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
September 23, 2021

Members and Alternates Present: Jonathan Bash, Fred Glueck, Mark Hughes, Steve Linsley, Mark Ross, Treston Shull, George Smith, Terry Baldwin (alternate), Tim Bancroft (alternate), Madeline Kronenberg (alternate), Ed Morales (alternate)

Absent: Don Bristol, Ken Carlson, Sara Gurdian, Jim Payne, Gabe Quinto, Marielle Boortz (represented by alternate)

Staff: Michael Kent; Matt Kaufmann, Heather Tiernan, OES/CWS

Members of the Public: Howard Adams

1. Call to Order: Commissioner Glueck called the meeting to order at 4:10 p.m.

Announcements and Introductions:

Michael Kent announced:

- The annual Commission meeting with a Supervisor Anderson is on September 28th at 12:00.
- The next meeting of the Sustainability committee of the Board of Supervisors is on September 27th at 1:00.

2. Approval of the Minutes:

A motion was made by Commissioner Hughes and seconded by Commissioner Glueck to approve the minutes for the August 26, 2021 meeting with corrections. The motion passed 7-0-1 with Commissioner Shull abstaining and Commissioner Smith arriving after the vote was taken.

3. Public Comments:

Howard Adams commented that the Crockett Fire Department held a meeting with the NuStar company that was arranged by Tony Semenza at CAER to discuss the October, 2019 fire at their facility. Five representatives from the Fire Department and 2 representatives from NuStar were in attendance. Some of the issues the Fire Department brought up to discuss were the lack of firefighting foam, water pressure on the site, berm capacity and the lack of a building permit. The Fire Department asked for another meeting to discuss these issues further and is still waiting for that meeting to be scheduled.

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

- Update on Two (2) Incidents of Interest:
 - a) Chevron Refinery Oil Spill (February 9, 2021) - At the direction of Supervisors Gioia and Glover at the Industrial Safety Ordinance Ad Hoc Committee, the County will hire a third-party incident investigator to review the incident investigation conducted by Chevron Richmond Refinery for this incident. Should any gaps or questions arise from this review of Chevron's investigation that cannot be resolved, the County can always conduct its own incident investigation. A contractor has been selected to review the Chevron Incident Investigation – AcuTech. The County has signed a contract with AcuTech. We are awaiting the final Incident Investigation Report from Chevron, which is anticipated to arrive tomorrow (September 24, 2021). Once this report is received, AcuTech will commence their review.
 - b) Chevron Richmond Refinery Fire/Flaring Incident (May 14, 2021) - The County was notified through the Community Warning System (Level 1 Incident) of a flaring incident by the Chevron Richmond Refinery at 5:42 AM on the morning of May 14, 2021. A 30-day report is due today (September 23, 2021). As noted, the incident is still under investigation. Chevron is required to submit 30-day reports until the investigation is complete.

- As previously reported, they still have one (1) open Accidental Release Prevention Engineer position. They offered two (2) individuals the position; however, both candidates did not accept the position due to pay and County work from home policies. They reopened the job announcement and the application period closes today (September 23, 2021).
- As of September 10th, they now have four (4) open Hazardous Materials Specialist positions in their division. The application period closed on September 17th. They have twelve (12) candidates that meet the minimum qualifications. Interviews will be conducted shortly.
- With the departure of Cho Nai Cheung on August 31st, the County has opened applications for Supervising Accidental Release Prevention Engineer. The application period closes on October 8, 2021.
- As he has reported to the commission at previous meetings, they are going through a Certified Unified Program Agency evaluation by the California Environmental Protection Agency. CalEPA is in receipt of all the documents requested of their agency. They anticipate receiving the Preliminary Summary of Findings in October 2021.
- At the request of Supervisor Gioia, CCHSHMP presented and discussed the proposed Hazardous Materials Incident Notification Policy at the Industrial Safety Ordinance/Community Warning System Ad Hoc Committee meeting on August 30th.
- They received input from both Supervisors on the policy and will be making suggested revisions. One question that was raised by the Supervisors was community notification of a visible/audible incident (such as flaring) where there are not public protective actions issued (e.g., shelter in place, evacuation).

Commissioner Glueck asked how they will determine which tools to use for these level one events. Mr. Kaufmann noted that Supervisor Gioia didn't like the terminology of "no off-site consequences" as a descriptor of the health impacts when there are no physical off-site consequences because mental health impacts are real consequences too. Heather Tiernan commented that they don't want to issue CWS alerts for everything, and expanding the criteria could be a slippery slope towards doing that.

Commissioner Hughes said he was concerned that additional alerts could raise concern that there is more going on than there really is.

Mr. Kaufmann said the thought that at the next ISO/CWS Ad Hoc committee meeting the discussion will continue. Heather Tiernan wasn't able to attend the last meeting. He feels they need to find the right balance. There will potentially be lots of nuance and lots of judgement calls involved which will create a real challenge for the Hazardous Materials Program. If they don't set the criteria for when to use the CWS right, it could lead to lots of second guessing.

Ms. Tiernan thought that she was not sure this is the best way to go – it would depend on how many incidents it would add. She noted there are other ways to send information out to the public about these events.

Commissioner Glueck thought a public information campaign that explained the different CWS levels and what to do could help.

Mr. Kaufmann thought that Supervisor Gioia wants more than just information on a web page. He added that it is his understanding that some communities also want more information than other communities.

Mr. Kaufmann noted that the next IS/CWS committee meeting hasn't been scheduled yet.

5. Operations Committee Report:

The Operations Committee met on September 10 and 15, 2021. Commissioner Glueck reported that the committee interviewed candidates for the student intern seat and discussed the expiring Environmental Engineer seat. He noted that both items are on the agenda later in the meeting. He also reported that the deadline for applications for the General Public seat is September 27th.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee did not meet on September 15, 2021.

7. Old Business:

- a) Report on the outcome of the presentation of the Commission's recommendations addressing the potential impacts of sea level rise to the Transportation, Water and Infrastructure committee of the Board of Supervisors.**

Michael Kent reported that the TWIC committee received the report and seems most interested in the recommendation for the County to host a summit on sea level rise for county-wide stakeholders. They said they would discuss the Commission's recommendations at the next Board of Supervisors retreat. Mr. Kent said he felt the Commission's recommendations raised the TWIC committee members' awareness of the issue. The need to address sea level rise received support at the meeting from Jody London, the County's Sustainability Coordinator, and Dan Peddycord, the Public Health Director. Mr. Kent noted that the business survey the Commission had developed is going to be sent out next week.

8. New Business:

- a) Consider recommendations from the Operations committee on appointments to the Environmental Engineer seat and the Student Intern positions.**

The committee reported that they had an open application period for the Environmental Engineer seat that expires at the end of the year for 3 weeks and received 2 applications. The current seat holder and alternate, George Smith and Ron Chinn both reapplied for their seat. The committee voted unanimously to recommend to the Commission that it recommend to the Board of Supervisors that they re-appoint Commissioners Smith and Chinn to their respective seats.

The Commission voted 8- 0-1, with Commissioner Shull abstaining, to recommend to the Board of Supervisors that they re-appoint Commissioners Smith and Chinn to their respective seats.

The committee then reported that they interviewed four candidates for the student intern seat. They stressed that all four candidates would have made excellent interns but voted unanimously to recommend that the Commission appoint Iliana Treyger and Angelic Cox to the Intern positions for the 2021/2002 school year.

The Commission voted 8-0-1, with Commissioner Shull abstaining, to appoint Iliana Treyger and Angelic Cox to the Intern positions for the 2021/2002 school year.

- b) Set Commission priorities for 2022**

The Commission discussed the format for setting its priorities for 2022 and decided that it did not want to hold an in-person retreat, and did not want to do one for the whole Commission in

person. They decided that each committee should discuss priorities at their next meeting and then discuss the committee findings at the next full Commission meeting.

9. Reports from Commissioners on Matters of Commission Interest:

None

10. Plan Next Agenda:

Commissioner Glueck referred proposed amendments to the County's Emergency Notification policy to the Operations committee for consideration before bringing it back to the full Commission for discussion at the next meeting. Phillips66 will also give a presentation on their plans to switch to biofuels.

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