

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
October 28, 2021

Members and Alternates Present: Marielle Boortz (late), Don Bristol, Fred Glueck, Sara Gurdian Steve Linsley, Gabe Quinto, Mark Ross, Madeline Kronenberg (alternate), Ed Morales (alternate), Amy McTigue (alternate),

Absent: Ken Carlson, Jim Payne, Treston Shull, George Smith, Jonathan Bash (represented by alternate), Mark Hughes (represented by alternate), General Public seat - vacant

Staff: Michael Kent; Matt Kaufmann, Nicole Heath, Michael Dossey, Hazardous Materials Program; Heather Tiernan, OES/CWS

Members of the Public: Howard Adams, Adrienne Ursino, Nikolas Weinberg-Lynn, Aimee Henry, Phillips 66

1. Call to Order: Commissioner Glueck called the meeting to order at 4:03 p.m.

Announcements and Introductions:

Michael Kent announced:

- The annual Commission meeting with a Supervisor Mitchoff is on December 8th at 2:30.
- The next meeting of the ISO/CWS Ad Hoc committee of the Board of Supervisors is on November 10th at 8:30.
- The last Commission meeting of the year will be on the special date of December 2nd from 4:00 – 6:00 pm.

2. Approval of the Minutes:

A motion was made by Commissioner Morales and seconded by Commissioner Bristol to approve the minutes for the September 23, 2021 meeting with corrections. The motion passed 5-0-3 with Commissioners Quinto, Ross and McTigue abstaining and Commissioner Boortz arriving 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:
 - 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. They are working with counsel to get the full incident investigation report to AcuTech. Chevron submitted their final 30-day report yesterday (Wed., October 27, 2021). The report details the findings from their incident investigation. The report states that the internally cement-lined pipe in question experienced corrosion from inside the pipe. There are 5 root causes detailed in the report that led to the internal corrosion including:

1. Piping inspection techniques were inadequate for detecting corrosion in cement-lined pipe.
2. Loss/Near Loss Reports for prior incidents had not been consistently generated.
3. The leak detection and passive containment at the Richmond Long Wharf requires further review.

Contra Costa Health Services issued a statement yesterday regarding the receipt of this report. The detailed incident investigation report will be provided to the County's third-party contractor to review. Any decision regarding potential enforcement action(s) will be determined by CCHSHMP once the third-party report is issued.

- 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. The most recent 30-day report was received on September 28, 2021. As noted, the incident is still under investigation. Chevron is required to submit 30-day reports until the investigation is complete.
- Chevron Richmond Refinery Flaring/Fire Incident (October 24, 2021). At approximately 8:25 AM on Sunday (October 24, 2021), Chevron Richmond Refinery experienced a loss of power and steam from an on-site plant resulting in the shutdown of multiple process units. In addition, a fire also occurred at a process unit. That fire was extinguished within approximately ten (10) minutes from discovery. There was visible flaring from the refinery on Sunday, Monday and into Tuesday evening. Chevron reported that flaring had ceased at approximately 8:00 PM on Tuesday night. There were odors throughout the western part of Contra Costa County on Sunday and Monday. In addition, several schools in the West County Unified School District were closed on Monday due to odors. CCHSHMP conducted air monitoring on Sunday and Monday. There were no readings of concern detected in the community. Commissioner Gurdian mentioned she has relatives at Ford Elementary School and they evacuated on

Monday. Mr. Kaufmann said his staff went to the school after it was closed and did air monitoring and found no readings of concern. He thought that the Chevron flaring event was probably the cause of the odors.

Howard Adams asked if the personnel that that went to the site could smell an odor. Mr. Kaufmann said that they could smell something, but that the chemicals in question, sulfur compounds, have very low odor thresholds. But the levels were not high enough for them to be of concern.

- Evacuation of Richmond High School (October 28, 2021). They were advised at approximately 9:00 AM this morning (Thursday, October 28, 2021) that Richmond High School had been evacuated due to a “gas-like” odor. CCHSHMP responded with Richmond Fire Department to conduct air monitoring inside and around the perimeter of the school. No readings of concern were noted. The source of the odor could not be determined.
- They are hiring One (1) Accidental Release Prevention Engineer. They interviewed four (4) candidates for the position the week of October 18, 2021. The position was offered to someone, and they have accepted. They anticipate the person will start with the County in the month of December 2021.
- They are hiring Four (4) Hazardous Materials Specialist I staff. As of September 10th, they now have four (4) open Hazardous Materials Specialist positions in their division. Oral Board interviews have been completed. They anticipate receiving a list of candidates to interview for a 2nd round of interviews shortly.
- They are hiring One (1) Pollution Prevention Specialist. They have submitted paperwork to the Human Resources Division to recruit one (1) Pollution Prevention Specialist. They anticipate the opening of this position within the next month.
- They are hiring One (1) Supervising Accidental Release Prevention Engineer. Interviews were conducted this week. They anticipate making a decision by early next week. He looks forward to announcing their selection at the next Hazardous Materials Commission meeting.
- As he reported to the commission at previous meetings, They are going through a Certified Unified Program Agency evaluation by the California Environmental Protection Agency. CCHSHMP and CalEPA will meet on November 2nd to discuss the Preliminary Summary of Findings. They anticipate receiving our final Summary of Findings in February 2022.
- Contra Costa Fire District is coordinating a group of agencies to do a gap analysis of the regulations governing oil storage tanks as a follow-up to the NuStar fire root-cause analysis. The purpose of the analysis is to understand the agencies’ authority. If they are going to propose any new requirements, they want to make sure it is for a gap in the regulations. He said he understands this analysis will take 3 – 6 months to complete. Michael Kent added that understands from the Department of Conservation and

Development that, contrary to what he previously reported, they are going to require NuStar to obtain a Building Permit utilizing current building standards.

5. Operations Committee Report:

The Operations Committee met on October 8, 2021. Commissioner Glueck reported that the committee postponed their interviews with 2 candidates for the General Public Seat till the November meeting. The committee also discussed the proposed changes to the Emergency Notification Policy.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee meet on October 20, 2021. The committee discussed the proposed changes to the Emergency Notification Policy and their priorities for 2022.

7. Old Business:

a) Update on the proposed changes to the County's Hazardous Materials Emergency Notification policy

Matt Kaufmann, Hazardous Materials Program Director, reported that he presented the proposed changes to the 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 made suggested revisions including timeliness of notification, revisions to Attachment A-1 and the definition of flaring. On Tuesday, October 26th at 9:30 AM, the ISO/CWS Ad Hoc Committee met to review the suggested changes. Clarifications and minor revisions were discussed. Staff was directed by Supervisors Gioia and Glover to return with a suggested framework for Notifications to the Community for smoke that lasts longer a specified amount of time, any visible/audible impact to the community that lasts longer than a specified amount of time, and any presence of odors.

Mr. Kaufmann said that his office will be working with the Community Warning System Manager in the Office of Emergency Services in the Office of the Sheriff to come up with a framework as requested. The next ISO/CWS Ad Hoc Committee meeting was set for Wednesday, November 10th at 8:30 AM. The suggested Community Notification framework will be discussed at that time.

Commissioner Boortz asked if they have any data on the number of people complaining about Level 1 incidents. Mr. Kaufmann said that they have no specific information on this because most people call 911 when they see an incident. The dispatch center notifies hazmat when they get lots of calls about hazmat incidents. He thought it would be hard to compile this data from the various dispatch centers. Michael Kent added that residents also call cities and facilities themselves when they see or smell a release.

Commissioner Quinto thought data would help determine what Level 1 incidents to do more communication for. He felt that community residents aren't sure who to call when they see or smell something in the air, and there are times when people smell things and don't know if it safe. He felt protecting residents is a priority.

Commissioner Ross mentioned that the Bay Area Air Quality Management District has an odor complaint line that people can call – 1-800 334-6367.

Commissioner Gurdian said she had seen flaring near her community and didn't know how toxic it was. She wanted to know who she should call to find out the toxicity of the emission. Mr. Kaufmann said that if she feels there is an imminent threat to her health she should call 911. If she sees something that is released periodically, she can call the Health Department or the Air District as a nuisance.

Commissioner Gurdian also said that North Richmond is highly Spanish-speaking. She wanted to know if the County works with any groups serving the Spanish-speaking community to educate them about the Community Warning System. Mr. Kaufmann said that the County has worked with community partners on the COVID-19 issue. Also, the Community Warning System also puts information out in Spanish. Mr. Kaufmann also mentioned that he program is partnering with a group serving the Laotian community to provide information about the CWS. He added that he is making a presentation on the Shelter-in-place program at the Board of Supervisors next Tuesday.

Commissioner Ross felt that it is time for the outreach efforts for the CWS to be refreshed. He said the Air District's dispatch center is supposed to be notifying the County at the same time as they are notifying their own staff about incidents. He felt this needs to be done for wood smoke as well, which can sometimes be more toxic than industrial releases.

Commissioner Boertz said she understands the dilemma, but she wouldn't want notifying people of certain Level 1 incidents doesn't create fear for people. It is important that people understand the difference between being provided information as education about the status of the situation and being provided information that is encouraging action. Matt Kaufmann said that the Office of the CWS has done research on best practices and over-alerting, and the key is finding the right balance. Commissioner Bristol echoed what Commissioner Boertz said and agreed that the right balance needs to be found. He wouldn't want to see the system overused and have people disregard it. Also, he felt people should call the facilities' community help lines and that the facilities will respond pretty quickly.

Commissioner Glueck said he understood from CAER that the system was there as a communication tool. He thought that maybe the County CWS program could convene the cities every couple of years to brief them on the system and to let them know who to contact if they have questions. Mr. Kaufmann said the County's Office of Emergency Services has periodic

meetings that the cities attend, and he will see if they could use those meetings to talk about communicating with the CWS system.

b) Set Commission Priorities for 2022

The Commissioners reviewed the list of proposed priorities that the committees had developed.

Commissioner Glueck thought that looking at the new regulations for metal shredders should be a priority. Commissioner Morales agreed and also thought that the Commission should look at the issue of PFAS and marijuana disposal in the county. Commissioner McTigue noted that the Regional Water Quality Control Board recently issued the refineries an order to provide data concerning PFAS use and are issuing orders to other industries as well. She also felt the Commission should continue to track the issue of Lithium-ion batteries and metal shredding. Commissioner Boortz also thought the Commission should continue to track the issue of lithium-ion battery storage and recycling.

The Commission decided that the Operations committee would follow-up on the issue of lithium-ion batteries and the Planning and Policy committee would follow-up on the issues of auto shredding regulations and marijuana disposal. They wanted to get a speaker on the renewable fuels project at Chevron in January and a speaker on the PFAS issues in February.

8. New Business:

a) Presentation by Phillips 66 on their planned renewable fuels project at the Rodeo refinery.

Nikolas Weinberg-Lynn from Phillips 66 gave a presentation on their renewable fuels project (ppt attached). He covered the history of the facility, why they are doing this new project in Rodeo, the changes they are going to make to the refinery, the type of product they will be producing and the environmental benefits of the conversion. He ended by saying they had submitted a permit application to the County on August 12, 2021 and a permit application to the Bay Area Air Quality Management District; they have completed a draft Environmental Impact Report and the public comment period on it runs from October 18 – December 17, 2021; and if approved by the Board of Supervisors they will immediately begin construction and hope to have the project on-line in the first quarter of 2024. He then made himself available for questions.

Commissioner Quinto asked about the water usage of the proposed project and if the water is being reused for anything else. Mr. Weinberg-Lynn said that the proposed project will be bringing in less fresh water that they are currently using, and that water is a by-product of the refining process will be reused.

Howard Adams asked if they will be recovering methane as part of the proposed new process. Mr. Weinberg-Lynn said that they will reusing all of the gases created as part of the process.

Commissioner Glueck asked if there is a reduction in coke formation in the new proposed process. Mr. Weinberg-Lynn said that they will no longer be producing coke as a by-product of the refining process so they will be shutting down the coke plant on Franklin Ave.

Commissioner Ross asked about the market competition for the new feedstock. Mr. Weinberg-Lynn said they estimate there is a 3 – 5 million barrel per day availability of the type of vegetable oils they need for their feedstock so there should be lots of supply since they only plan to use about 50,000 barrels per day. They can bring in feedstock from overseas and use new or used oil. Commissioner Ross also asked about the shipping profile. Mr. Weinberg-Lynn said that the vessel traffic to the facility won't increase.

Commissioner Quinto mentioned that the State of California is promoting hydrogen as an alternative fuel. But he said there is a lack of hydrogen manufacturing facilities in the state. He wanted to know if Phillips 66 was planning to manufacture hydrogen as a fuel for cars. Mr. Weinberg-Lynn said that it is not part of the current project they will consider it.

Commissioner Boortz asked how the proposed project compared to the current operation in terms of the amount of product they produce daily. Mr. Weinberg-Lynn said they were about the same. They currently produce around 100,000 barrels per day of gas and diesel and the proposed new project will produce 67,000 barrels per day.

Michael Kent asked how they are prepared to meet the management of change steps they will have to take as part of the Industrial Safety Ordinance. Mr. Weinberg-Lynn said they will work with the Hazardous Materials Program to comply with these requirements. Mat Kaufmann, Hazardous Materials Program manager, added that his staff has been in discussion with Phillips about the change, and he doesn't anticipate needing additional staff to handle overseeing the changes.

Commissioner Morales asked if they will use the existing workforce to run the facility once it is converted. Mr. Weinberg-Lynn said that they will use the existing employees as much as possible.

9. Reports from Commissioners on Matters of Commission Interest:

None

10. Plan Next Agenda:

The Commission will have a presentation by the Marathon refinery on their proposed renewable fuels project and a presentation by Roger Smith of the Alamo Improvement Association on the pipeline safety grant his organization received from the Federal Department of Transportation.

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