

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
January 27, 2022

Members and Alternates Present: Jonathan Bash, Marielle Boortz, Don Bristol, Ken Carlson, Fred Glueck, Mark Hughes, Sara Gurdian, Steve Linsley, Gabe Quinto, Treston Shull, George Smith, Tim Bancroft (alternate), Edi Bursan (alternate), Madeline Kronenburg (alternate), Ed Morales (alternate), Amy McTigue (alternate), Angelica Cox (intern), Iliana Treyger (intern)

Absent: Jim Payne, Mark Ross, (represented by alternate),

Staff: Michael Kent; Matt Kaufmann, Susan Psara,

Members of the Public: Howard Adams, Jan Warren, Leslie Stewart, Walter Pyle, Brian Hubinger, Sadie Wilson, Katrinka Ruk, Jamie McKeever, JuliAnne Thomas, Matt Murdock, Bielle Moore

1. Call to Order: Commissioner Glueck called the meeting to order at 4:01 p.m.

Announcements and Introductions:

Michael Kent announced:

- The Commission interns are in the process of interviewing Commissioners, and so Commissioners are encouraged to submit short bios for the interns to review to help them determine who they might want to interview.
- There will be a forum on PFAS in San Francisco Bay on February 4th.
- CAER will be holding their next Safety Summit on February 17th starting at 9:00 am. One of the topics will be the recently updated Emergency Notification policy.
- One of the Commission interns from last year, Kevin Hernandez, was recently appointed to the first ever BAAQMD's Community Advisory Board.

2. Approval of the Minutes:

A motion was made by Commissioner Shull and seconded by Commissioner Boortz to approve the minutes for the December 2, 2021 meeting with corrections. The motion passed 9-0-4 with Commissioners Hughes, Smith Carlson and Quinto abstaining.

3. Public Comments:

Howard Adams asked if Mr. Kaufmann will be talking about the NuStar tank farm Task Force during his Hazardous Materials Director report. Mr. Adams said that Rodeo Fire Department has established communications with NuStar and is doing inspections. The CAER Petrochemical Mutual Aid Group is also going to do inspections of the facility. NuStar's plans to replace the two tanks destroyed in the fire are on hold, and no permits have been issued by the County yet.

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

Update on Three (3) Incidents of Interest:

* Chevron Refinery Oil Spill (February 9, 2021) - As a reminder, Chevron submitted their final 30-day report on October 27, 2021. The report details the findings from their incident investigation. CCHSHMP has provided comments on a draft agreement with Chevron that will allow for the transfer of the detailed root cause analysis incident investigation to AcuTech. They are awaiting a response from Chevron on this draft.

* 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 final 30-day report was received on November 15, 2021. The root causes identified from the incident investigation can be found in the final 30-day report.

* 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. This incident resulted in visible flaring and odors in West Contra Costa County. Chevron submitted a final 30-day report on January 14, 2022. The root causes identified from the incident investigation can be found in the final 30-day report.

Update on the NuStar Working Group - The Fire Marshal for Contra Costa County Fire Protection District is leading a working group consisting of several agencies to review the regulatory structure and oversight of terminals/storage tank terminals. CCHSHMP is participating on that working group – and detailed updates will be provided to the Board of Supervisors Industrial Safety Ordinance/Community Warning System Ad Hoc Committee.

Hiring - They are still in the onboarding process of one (1) Accidental Release Prevention Engineer. They anticipate the person will start next week on Monday, January 31st. His name is Miguel Zepeda and he come to us from the Bay Area Air Quality Management District. As he announced during the last meeting, they are onboarding four (4) Hazardous Materials Specialist I. Fahlon Zappelli (former Hazardous Materials Technician) has started in her new position – the remaining three (3) candidates are anticipated to start in the next two (2) weeks. With the promotion of Fahlon Zappelli to Hazardous Materials Specialist, they will be opening a recruitment for Hazardous Materials Technician in the next two (2) weeks. He previously reported that they would be hiring a Pollution Prevention Specialist to work primarily in the Green Business Program. Susan Psara (Hazardous Waste Reduction Manager) is looking at this to determine the best pathway forward in terms of completing work within the Green Business Program. More to come in future meetings. With the retirement announcement from Steve Morioka, they are hiring one (1) Assistant Director of Hazardous Materials Programs. Interviews will be occurring next week (January 31 – February 4, 2022). He anticipates announcing their new Assistant Director by the next HazMat Commission Meeting.

California Environmental Protection Agency (CalEPA) Evaluation - 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 received the Preliminary Summary of findings from CalEPA on November 2nd. CCHSHMP is prepared responses to some of the items noted in this report. They anticipate receiving the final report next week (January 31 – February 4, 2022).

Hazardous Materials Fee Study and Potential Revisions - CCHSHMP has begun working with their contractor (NBS Government Finance Group) to perform a comprehensive fee study for the Hazardous Materials Division. They are still in the early stages of this work. As a reminder, any proposed revisions to the fee structure will be presented to the regulated community for input/comment. The final fee proposal and associated report will be presented to the Board of Supervisors for approval prior to implementation. As they go through this process, he will be sure to keep the Commission apprised of any updates and public meetings.

County Hazardous Materials Incident Notification Policy Revisions - As many of you know, CCHSHMP has been engaging stakeholders over the past two years in the revision of the Hazardous Materials Incident Notification Policy. This included outreach to the regulated committee, this commission and the Board of Supervisors Ad Hoc committee on the Industrial Safety Ordinance and Community Warning System. The revisions were approved by the Board of Supervisors on January 11, 2022 on the consent calendar (Item C.116). As per the Board Order, the new policy will go into effect 60 days from approval (this was determined to be Saturday, March 12th). Therefore, the policy will go into effect the next business day (Monday, March 14th). The HazMat Division is working closely with the Sheriff's Office of Emergency Service – Community Warning System Manager (Heather Tiernan) to conduct an educational campaign regarding the revised policy. Outreach will include: 1. Facilities (via Safety Summit #67 coordinated by the Community Awareness and Emergency Response organization). This is scheduled for February 17th. 2. Public Safety Answering Points (Dispatch Centers) 3. Other government agencies (e.g., Bay Area Air Quality Management District) 4. Staff within the Hazardous Materials Divisions 5. Staff within the Sheriff's Office of Emergency Services 6. County/City Emergency Planners (via the Multiagency Coordination Meeting).

5. Operations Committee Report:

The Operations Committee met on January 14, 2022. Commissioner Glueck reported that the committee re-elected Commissioner Glueck as chairperson and Commissioner Boortz as vice-chairperson. The committee also heard a presentation from Sam Drigger, the County's Economic Development manager about how lithium-ion car battery recycling could fit into the Northern Waterfront Economic Development Initiative. The committee also provided feedback to Roger Smith of the Alamo Improvement Association on the draft survey he is developing around a pipeline safety website. Finally, the committee endorsed the idea of providing feedback to the County's Public Works Department as they update the County's Environmentally Preferred Purchasing policy, specifically for finding alternative to products containing PFAS chemicals and treated wood.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee meet on January 19, 2022. Michael Kent reported that the committee heard an update on the proposed regulations of metal shredders and discussed the county's policy for managing marijuana plant waste. They deferred the election of Chair and Vice-chair until their next meeting.

7. Old Business:

a) Develop recommendation to the Transportation, Water and Infrastructure committee of the Board of Supervisors for the results of the survey of Contra Costa businesses concerning sea level rise.

Commissioner Glueck began the discussion by observing that given the low response rate, the seeming lack of concern for the issue could be used as the framing of a response to the Board of Supervisors: If the County is going to pursue sea level rise issues, they may need to conduct an education process to get businesses to focus on this issue, because it doesn't seem to be a pressing issue currently.

Commissioner Boertz felt it was hard to draw conclusions from the low response rate. She agreed that it doesn't seem to be businesses focus and that they have many other concerns. She agreed that more education may be needed, and this could be folded into the outreach that will be done for the implementation of the General Plan. Commissioner Bristol agreed that it is hard to base any conclusions on the low response rate.

Commissioner Bursan thought the Board of Supervisors would be critical of the low response rate, and that maybe the Commission could use their interns to follow-up with the businesses that didn't take the survey to boost the response rate. Michael Kent said that while this is a possibility, the internship curriculum promised the interns didn't include this type of activity. He said he could do this type of follow-up work himself, but it would be very time consuming, and would leave him little time to do any other work for the Commission.

Sadie Wilson thought it might be useful to go back to TWIC, but the low response to the survey shows a survey might not be the best approach to solicit business input. The results of the survey show that businesses aren't doing much to address sea level rise and they are not interested in the topic very much. She was not sure that more survey results would be useful.

Chairperson Glueck determined that the issue needed more discussion in committee and so directed it back to the Operations committee for more discussion at their February 11th committee meeting.

8. New Business:

a) Election of Commission Chair and Vice Chair

Commissioner **Boertz** made a motion, seconded by Commissioner **Linsley**, to nominate Commissioner Glueck as chairperson and Commissioner Hughes as Vice Chair and were approved by a vote of 13 -0.

b) Consider recommendation from the Operations Committee to nominate Tim Bancroft for the open General Public seat and advertise for an open General Public Seat Alternate

The Commission heard the recommendation from the Operations committee, and not needing a second, voted 13-0 to recommend to the Board of Supervisors that they appoint Tim Bancroft to the open General Public seat, and vacate the alternate seat currently held by Mr. Bancroft so that the Commission could start advertising for it.

c) Presentation by Raven SR about their waste to hydrogen project in Richmond

Matt Murdock of Raven SR gave the presentation on their proposal to build a hydrogen manufacturing facility at the Republic Landfill in Richmond (ppt attached). The facility would convert organic waste to hydrogen gas in a non-combustion, non-incineration process. The facility will be about 1 ½ acre in size and process up to 70 tons of green waste per day and produce 5000 kg of Hydrogen gas per day. They have purchased a fabrication facility in Benicia to make the equipment that will be used at the facility. They hope to generate 85% of their electricity on site via the solar farm at Chevron. They are currently working on getting their permits from the Bay Area Air Quality Management District and the City of Richmond. They have 2 consulting firms working on the CEQA process. They would like to be operational in September or October, but don't have a firm date yet for when the draft EIR will be published for public comment. He didn't know if the project would be subject to the requirements of the Richmond ISO.

Commissioner Quinto noted that there is a lack of hydrogen fuel stations, so having a local site to purchase hydrogen would be good. He asked what Raven needs from elected officials to support their project. Mr. Murdock said they need more support to encourage making hydrogen from biomass rather than through electrolysis.

Commissioner Glueck asked what percentage of solid waste is generated by the process. Mr. Murdock said that approximately 10 – 20% biosolids would result, and this could be reused as soil amendment if clean. Mr. Glueck also asked if the facility could process biosolids from a wastewater treatment plant as well as organic waste. Mr. Murdock said this is possible, but it would need to be dried from 70% moisture content down to 30% before it could be used.

Commissioner Boortz asked if the process used steam to heat up the organic matter. Mr. Murdock said that the process uses the water that is already in the organic matter and that there is no water discharge from the process. She also asked if the facility could be permitted to use medical waste as a fuel. Mr. Murdock said that the process can use medical waste, and they have data that shows it destroys pathogens, but that in Richmond they are proposing only to use green waste.

Howard Adams asked where on the landfill property the facility will be located, and if the public can tour it. Mr. Murdock said that the facility will be located on the west side of the landfill and the public will be able to tour it.

Commissioner Shull asked about the hiring process for the construction of the facility. Mr. Murdock said that they have contracted with a consultant called Stellar J to do the hiring for the construction. They will hire 4 – 7 people to operate the facility. The loading and unloading of hydrogen will be done by the purchasers. (he noted later in the meeting that he had been in contact with the Building Trades President, and that no discussion had happened yet with Stellar J).

Commissioner Bursan noted that grass fires are common now in Contra Costa County, and wanted to know if this will be a concern for this facility. Mr. Murdock said that the facility would also have a fire suppression system.

Commissioner Boortz asked if this will be the first facility of its kind in the U.S and Mr. Murdock confirmed that it would be.

Angelic Cox asked how the process destroys pathogens. Mr. Murdock said that the heat generated in the 1st stage reformer was hot enough to destroy pathogens. But he reiterated that they are not planning to process medical waste at this facility.

Michael Kent asked if the Republic Transfer station will still be composting organic waste at the site once the hydrogen facility starts using it for their process. Mr. Murdock said that the facility processes 250 tons a day of organic material, and their facility will only be using 70 tons per day, and so the rest will still be composted. He added that new state laws encouraging the composing of organic waste will mean the supplies of organic wastes will be going up.

Walter Pyle said he was surprised at the purity of the hydrogen and carbon monoxide being produced by the process. He wanted to know how the carbon monoxide produced by the process will be used. Mr. Murdock said that the carbon monoxide will be converted to carbon dioxide, captured and sold.

Brian Hubinger said that Chevron is excited about their partnership with Raven and that hydrogen fuel cells are great for use in applications that are hard to electrify.

9. Reports from Commissioners on Matters of Commission Interest:

None

10. Plan Next Agenda:

The Commission will have either an update on PFAS in the environment or the business perspective on siting a battery recycling facility.

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