

Hazardous Materials Commission

Draft Minutes

Planning and Policy Development Committee

January 19, 2022

Members and Alternates:

Present:, Don Bristol, Ken Carlson, Mark Hughes, George Smith, Edi Bursan (alternate), Ed Morales (alternate), Amy McTigue (alternate)

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

Staff: Michael Kent, Matt Kaufmann,

Public: Jan Warren

1) Call to Order, Announcements:

Commissioner Hughes called the meeting to order at 4:04

Michael Kent announced:

- The next full Commission meeting will be on January 27th at 4:00 by Zoom
- There will be an all-day forum on PFAS in San Francisco Bay on February 4th via Zoom
- He will be co-leading a tour of the Blair landfill in Richmond for the Homeless Programs outreach team to show them areas near the landfill that have radiological concerns

Commissioner Hughes announced that the Industrial Association will be hosting a webinar on Chevron's energy strategy sometime in the 1st quarter.

Commissioner Smith announced that the East Bay Leadership Council Eastbay USA Tomorrow forum will be January 20th at Noon. Loretta Lynch, the former AG under President Obama will be the speaker. Also, in April the EBLC is planning a forum with Allison Kendall from UC Davis to talk about Lithium-ion car battery recycling. He noted that he recently read that Georgia is going to have the first Lithium-ion car battery recycling facility in the US.

2) Public Comments: None

3) Approval of Minutes:

The minutes from the November 17, 2021 meeting were moved by Commissioner Carlson, seconded by Commissioner Bristol and approved 5-0. Commissioner Bursan did not vote due to staff malfunction.

4) Old Business:

a) Update on DTSC proposed regulation of metal shredders

Michael Kent provided the committee with the findings of the research he did on this issue:

- On October 25, 2021 Emergency regulations were adopted that clarified that metal shredder aggregate is not a solid waste and thus metal shredders are subject to hazardous waste law.
- On December 10, 2021 separate emergency regulations were adopted that conditionally excluded chemically-treated metal shredder residue from hazardous waste laws, enabling it to continue to be sent to Class III solid waste landfills as long as certain conditions and record-keeping requirements are met.
- The analysis done by DTSC of metal shredder facilities did not assess the costs to the facilities of complying with hazardous waste regulations.

Commissioner Bursan asked if they discussed any issues related to radioactive materials in the metal shredder waste. Mr. Kent said that he did not see that issue addressed in the DTSC report.

b) Discuss potential hazardous of marijuana processing waste

Michael Kent said he spoke with Nick Crain from the Riverside County CUPA who told him that after AB 318 failed, which would have provided an exemption from hazardous waste laws for marijuana plant waste, the CUPAs have not tried to introduce new legislation and are in a holding pattern.

Commissioner Carlson said that part of the fear around the plant waste is that it could get into the leachate at compost facilities and affect the waste water systems. There is a Byron composting facility that could impact the delta if marijuana plant waste was going to it. Commissioner Bursan thought that maybe other states like Oregon and Colorado may have data on this issue.

5) New Business:

a) Elect committee Chair and Vice-chair

This item was postponed to the next meeting because the current chair was not in attendance.

6) Reports from Commissioners on matters of Commission interest:

Commissioner Bristol announced that he will be taking a new out of state position at Phillips 66 in the next several months that will require him to step down from his seat at that time.

7) Plan Next Agenda: The committee will elect a new chair and vice chair, and address any new business

8) Adjournment – The meeting was adjourned at 5:03.