

**2Contra Costa County
HAZARDOUS MATERIALS COMMISSON**

Draft Minutes
April 28, 2022

Members and Alternates Present: Tim Bancroft, Marielle Boortz, Don Bristol, Ken Carlson, Fred Glueck, Mark Hughes, Steve Linsley, Gabe Quinto, Mark Ross, Treston Shull, George Smith, Ed Morales (alternate), Heather Youngs (alternate), Iliana Treyger (intern)

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

Staff: Michael Kent; Matt Kaufmann, Adam Springer, Will Nelson, Nicole Heath, Maureen Toms, Carrie Ricci, Cindy Shehorn, Daniel Barrios, Shannon Ladner-Beasley, Kim Balmorez,

Members of the Public: Tanya Sundberg, Howard Adams, Bob Brown, Sue Chiang,

1. Call to Order: Commissioner Glueck called the meeting to order at 4:05 p.m.

Announcements and Introductions:

Commissioner Hughes announced that the Industrial Association's Mayors Forum will be held on May 17th from 11:30 to 1:30.

2. Approval of the Minutes:

A motion was made by Commissioner Hughes and seconded by Commissioner Smith to approve the minutes for the February 24, 2022 meeting with corrections. The motion passed 10-0-3 with Commissioners Quinto, Ross and Youngs abstaining.

A motion was made by Commissioner Quinto and seconded by Commissioner Boortz to approve the minutes for the March 24, 2022 meeting with corrections. The motion passed 11-0-1 with Commissioner Youngs abstaining and Commissioner Ross absent.

3. Public Comments:

Howard Adams asked if Commissioner Bristol knew his departure date yet. Commissioner Bristol said it would be at least a couple more months.

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

- Update on Four (4) Incidents of Interest:
 - NuStar Tank Fire Incident (October 15, 2019) - A joint meeting of the Hazardous Materials Commission and the Board of Supervisors Ad Hoc Committee on the Industrial Safety Ordinance/Community Warning System has been set for

Monday, May 16th at 2:00 PM. Staff recommendations regarding the NuStar incident will be presented to Supervisors Gioia and Glover at that time.

- Chevron Richmond Refinery Oil Spill (February 9, 2021) – They will continue to work with County Counsel and Chevron Counsel to prepare an agreement that will allow the full incident investigation report prepared by Chevron to be shared with AcuTech (contractor to the County).
- Chevron Richmond Refinery Flaring Incident (March 21, 2022) - At approximately 7:45 AM on Monday, March 21st, Chevron had a flaring incident. This occurred shortly after workers from the United Steels Workers union took labor action (strike). They requested a 72-hour report for this incident. Chevron submitted a 30-day report for this incident on April 20, 2022.
- Benicia Wharf Fire - At approximately 2:20 pm on April 9, 2022, a fire began on a conveyor belt system that transports petroleum coke from the Valero Refinery onto a ship at the Benicia Pier. The fire then spread to the large timber-built pier. Smoke from this fire entered Contra Costa County and Hazmat personnel were dispatched to assess the extent of the smoke impacts to the county. A public health advisory due to smoke was coordinated at approximately 4:30 pm for Contra Cosa County. The most impacted areas were North Concord, Clyde, and Pittsburg. On April 10, 2022, at 8:00am the smoke advisory was lifted, and the fire was completely extinguished at approximately 12:30pm.
- Interviews have been conducted for the hiring of one Hazardous Materials Technician. The candidate selected to fill this position will now go through the onboarding process over the next month or so.
- They will be hiring a Pollution Prevention Specialist to work primarily in the Green Business Program. This recruitment will be opened any day now.
- They currently have three open Hazardous Materials Specialist positions. The recruitment for this position was posted on April 26, 2022. The final date for applications is May 10, 2022.
- They continue to work with CCHS Personnel and County HR to create a new job classification of Supervising Hazardous Materials Specialist. They are looking to add three positions within the agency in this new job class. The main responsibilities for this new job class will be to provide oversight and direction to their 20 Hazardous Materials Specialists and 1 Hazardous Materials Technician. They will also lead the more complicated inspections and respond to incidents on their incident response team.
- 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. They received an update from CalEPA on April 22nd stating that the Final Summary of Findings would be send to their agency between May 6th and 13th. Upon receipt, he will present the findings to the Commission.
- The Contra Costa County Planning Commission approved the land use permit and California Environmental Quality Impact Report for the Marathon Refinery’s project to transition the petroleum refinery to renewable fuels on March 23, 2022. An appeal of this decision will be heard by the Board of Supervisors on Tuesday, May 3rd.
- The Contra Costa County Planning Commission approved the land use permit and California Environmental Quality Impact Report for the Phillips 66 Rodeo Renewed

Project to transition the petroleum refinery to renewable fuels on March 30, 2022. An appeal of this decision will be heard by the Board of Supervisors on Tuesday, May 3rd.

- The Safety Culture Assessments for three facilities (Chevron Richmond Refinery, P66 Refinery, and Martinez Refining Company) will be presented to the joint Hazardous Materials Commission and the Board of Supervisors Ad Hoc Committee on the Industrial Safety Ordinance/Community Warning System on Monday, May 16th at 2:00 PM.
- They are planning to present the ISO Annual Report to the HazMat Commission after the Safety Culture Assessments have been presented. We will be working with Michael Kent to put this on the Commission's agenda for the May, 2022 meeting.

5. Operations Committee Report:

The Operations committee met on April 8, 2022. They received an update on the recruitment process for the open Environmental Justice seat and the General Public Alternate seat. They also discussed what approach to take for developing a purchasing policy for treated wood products and/or their alternatives. They also reviewed and commented on portions of the Health and Safety Element of the draft update to the County's General Plan.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee met on April 20, 2002. They reviewed the draft Health and Safety Element of the draft update to the County's General Plan. They also reviewed again proposed legislation related to household lithium battery recycling and PFAS content in consumer products and directed staff to continue to track their progression through the legislature.

7. Old Business: None

8. New Business:

a) Presentation on PFAS in disposable food ware

Iliana Treyger, Commission intern, presented her findings on the use of disposable foodware containing potentially containing PFAS at several County Departments (ppt attached). She recommended that the Commission recommend that the update to the County's Environmentally Preferable Purchasing policy include a section that states:

3.6.11 Contra Costa County should prohibit the purchase of disposable food ware products that contain PFAS. This includes but is not limited to products such as takeout containers, silverware, plates, and bowls. All compostables must be certified by third-party verification organizations.

Commissioner Glueck raised concern about how to define whether something contains PFAS because the level of detection is so low that it may not be able to be consistently determined. He also asked about other types of items such as candy bar wrappers and other packaging. Ms.

Treyger said that AB 1200 which passed last year already limits PFAS in packaging to 100 parts per million.

Commissioner Hughes asked if there actually PFAS-free alternatives for food ware and wanted to know what the cost comparison is. Mr. Treyger said that her research revealed that there are PFAS-free alternatives on the market but that she didn't know what the cost comparisons were.

Commissioner Boortz observed that available products and who is offering 3rd party verification services for PFAS will change over time, so how can the County know which 3rd party verification service they should require departments to use when purchasing food ware products. Ms. Treyger said that she was intentionally non-specific in her recommendation to account for this uncertainty.

Commissioner Shull asked if a vendor, for example, Sysco, offers the option of purchasing products with PFAS and/or products that are PFAS-free. Ms. Treyger said she thought they are only offering PFAS-free options, and that most vendors are moving in that direction.

Commissioner Quinto mentioned that El Cerrito passed a foodware Ordinance in 2021.

Commissioner Glueck thanked her for what he thought was an excellent presentation.

b) Comparison of the policies and recommendations in the Health and Safety Element of the proposed update to the County's General Plan with the recommendations previously made by the Commission

The Commission reviewed the comments of the Operations and the Planning and Policy committee on the Policies and Actions in the Health and Safety Element that corresponded to the recommendations they had previously made in February and March of 2021. Will Nelson, the lead planner with the Department of Conservation and Development for the update to the General Plan, responded to the Commission's comments. The Commission's comments and Mr. Nelson's responses were recorded in a separate document (attached).

The Commission decided they would review Mr. Nelson's responses to their comments and would provide any additional comments on the Policies and Actions in the Health and Safety Element at their next meeting.

9. Reports from Commissioners on Matters of Commission Interest: None

10. Plan Next Agenda:

The Commission will receive a presentation the annual ISO report from the Hazardous Materials Program, will review the Health and Safety Element of the General Plan again, and will consider recommendations on the County's Environmentally Preferable Purchasing Policy.

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