

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
June 23, 2022

Members and Alternates Present: Tim Bancroft, Marielle Boortz, Don Bristol, Fred Glueck, George Smith, Steve Linsley, Madeline Cronenberg (alternate), Peter Cloven (Alternate), Dave Hudson (alternate), Amy McTigue (alternate)

Absent: Jonathan Bash, Jim Payne, Treston Shull, EJ seat – vacant, Ken Carlson (represented by alternate), Mark Hughes (represented by alternate), Mark Ross (represented by alternate), Gabe Quinto (represented by alternate),

Staff: Michael Kent; Matt Kaufmann, Adam Springer, Madison Foley, Aidan Donovan (intern)

Members of the Public: Maureen Brennan, Elizabeth Ramirez, Charles Davidson,

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

Announcements and Introductions:

Michael Kent announced:

- The Sustainability Committee of the Board of Supervisors (Gioia and Glover) will meet on July 11th at 1:00 via Zoom.
- The Commission annual meeting with Supervisor Gioia on June 20th went very well. He was very engaged and asked lots of questions.

2. Approval of the Minutes:

A motion was made by Commissioner Bancroft and seconded by Commissioner Glueck to approve the minutes for the May 26, 2022 meeting with corrections. The motion passed 4-0-4 with Commissioners Boortz, Cloven, Linsley and McTigue abstaining. Commissioner Bristol arrived after the vote.

3. Public Comments: None

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

1. Update on Six (6) Incidents of Interest:

- a. NuStar Tank Fire Incident (October 15, 2019) - Staff continues to work on suggested language revisions to the Industrial Safety Ordinance to propose to the ISO Ad Hoc Committee.
- b. Chevron Richmond Refinery Oil Spill (February 9, 2021) - The County is continuing discussions with Chevron and the Oversight Committee on a path forward for a transparent investigation process for the February 9th oil spill. A meeting of the

Oversight Committee occurred on June 13th. The Oversight Committee is in the process now of reviewing a draft scope of work to have an independent third party conduct a full incident investigation of the oil spill.

- c. Petroleum-like Substance Discovered in a Residential Area in Concord (May 17, 2022) - On May 17, 2022, Hazmat was notified of a petroleum-like substance that was discovered during the replacement of a residential natural gas pipeline at 4418 Striped Maple Court, Concord, CA 94521. Sampling of the material revealed to be consistent with Heavy Fuel Oil. The San Francisco Regional Water Quality Control Board will be the lead regulatory agency overseeing and approving any clean-up activities. SFRWQCB received a proposed work plan from PG&E on June 10th and is currently in review.
 - d. Structure Fire at Chevron Richmond Refinery (May 21, 2022) - On May 21, 2022, a structure fire occurred at the Chevron Richmond Refinery in an unoccupied warehouse located near Castro Street. No hazardous materials were involved in the fire and refinery operations were not affected. The County has not yet received information on the cause of the fire. A Community Warning System siren (R03) was damaged in this fire. A contingency plan was drafted by Contra Costa Health Services, the City of Richmond and Sheriff's Office for alerting of residents within the affected area. Specific outreach was conducted to sensitive receptors identified within the area. Contra Costa Health Services worked with the City of Richmond and Contra Costa County Community Awareness and Emergency Response (CAER) and several non-profit organizations to conduct outreach to the homeless encampment at Castro and Hensley. As of June 16th, a temporary siren has been installed on Chevron property. The estimated timeframe for a permanent siren replacement is approximately 2 months from today.
 - e. Phillips 66 Rodeo Refinery Diesel-Range Material Leak from a Pipeline (May 25, 2022) - On May 25, 2022, at 4:12 PM, CCHS received from Phillips 66 Rodeo Refinery a Level 1 notification of hydrocarbon release to San Pablo Bay. As noted in the 72-hour report, approximately 7 gallons of a diesel-range material was released. There were no observed sheen or impacts to wildlife.
 - f. Phillips 66 Rodeo Refinery Diesel Leak from a Pipeline (June 20, 2022) - On June 20, 2022, at 7:13 PM, CCHS received from Phillips 66 Rodeo Refinery a Level 1 notification of diesel pipe leak into the bay. Phillips 66 reported that approximately 2.3 gallons of diesel leaked into the bay from a pipeline. CCHS has requested a 72-hour report. The report is due to CCHS by morning of June 24th.
2. They are happy to report Madison Foley – Hazardous Materials Technician – started with the County on Wednesday, June 22nd. Madison attended UC Santa Cruz and received a degree in biochemistry. She will be working primarily in their hazardous materials incident response program.
 3. They are still in the process of opening a recruitment for Pollution Prevention Specialist to work primarily in the Green Business Program. The job announcement should be posted as soon as this week.
 4. They currently have three (3) open Hazardous Materials Specialist positions. Interviews are being conducted this week and next.
 5. The HazMat Division has hired one (1) student intern – Aidan Donovan-Stauder to work in the HazMat Division for the summer. He is studying chemistry at St. Mary's College in Moraga and will be working on special projects within the division.

6. They continue to work with CCHS Personnel and County HR to create a new job classification of Supervising Hazardous Materials Specialist.
7. The ISO Annual Report was accepted by the Board of Supervisors on consent calendar on Tuesday, June 21st.
8. As he has reported to the commission at previous meetings, CCHSHMP recent went through a Certified Unified Program Agency evaluation by the California Environmental Protection Agency. They received the Final Summary of Findings on June 6th.
 - i. CalEPA's overall rating of Contra Costa County is "satisfactory with improvements needed". As you will see by looking at the website noted above, most hazmat programs are rated at this level.
 - ii. The Contra Costa County report notes nine (9) deficiencies; four (4) of these deficiencies were corrected during the evaluation process. The HazMat Division will be working to correct the five (5) outstanding deficiencies noted. We will be submitting progress reports quarterly to CalEPA noting our progress until all deficiencies are corrected.
 - iii. The report contains four (4) incidental findings. These are observations that do not rise to the level of a deficiency; the HazMat Division will be following up on these items in quarterly progress reports.
 - iv. The report notes ten (10) areas of outstanding program implementation.

Throughout the pandemic, the hazmat division has always prioritized inspections and audits of their highest risk facilities to ensure the safety of our community. He thinks the results of this evaluation are impressive given that approximately 95% of the hazmat program staff were assigned to disaster service worker (DSW) roles for approximately 4 months in 2020. Many remained engaged in DSW roles into 2021.

9. With the retirement of Randy Sawyer, Matt Kaufmann has been promoted to Deputy Director of Health Services. He will now be overseeing Hazardous Materials, Environmental Health, Emergency Medical Services and Climate Health and Policy. In the interim, Matt will continue to serve as the Director of Hazardous Materials. The recruitment will take place over the next several months.

5. Operations Committee Report:

The Operations committee met on June 10, 2022. They reviewed and edited the PFAS and Treated Wood recommendations to the update to the County's Environmentally Preferred Purchasing policy.

They also reviewed the latest draft of the Sea Level Rise section of the Health and Safety element of the draft update to the County's General Plan to compare it against previous Commission recommendations. They did not identify any new recommended language for the General Plan resulting from this review.

They interviewed two candidates for the General Public Alternate seat and one candidate for the the Environmental Justice seat. Another candidate scheduled for an interview for the Environmental Justice seat, Elizabeth Ramirez, did not attend and did not notify the Commission

that she was going to miss the interview or needed to reschedule. They voted unanimously to recommend Jack Bean for the General Public Alternate seat and Maureen Brennan for the Environmental Justice seat.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee meeting on June 15, 2022 was cancelled.

7. Old Business:

- a) **Consider recommendations from the Operations Committee to amend the County's Environmentally Preferable Purchasing Policy concerning products containing PFAS and treated wood products.**

Before voting on Operations Committee's recommendation, Commissioner Hudson said that he would like to have the recommendation be prioritized that said:

If no practicable alternatives to treated wood are available for an intended use, Contra Costa County shall purchase the least-toxic treated wood that that meets the specifications of the intended use, based on criteria developed by the County.

Maureen Brennan not that toxic burden can best be reduced by reducing exposure.

The Commission voted to approve the recommendations from the Operations committee 8-0.

8. New Business:

- a) **Consider recommendations from the Operations Committee for nominations for the General Public Alternate seat and the Environmental Justice seat.**

The Commission voted 8 - 0 to accept the recommendation of the Operations Committee to nominate Jack Bean to the Board of Supervisors for the General Public Alternate seat.

Before voting on the recommendation for the Environmental Justice seat, Elizabeth Ramirez spoke and said she is still interested in interviewing for the seat even though she missed her interview. Commissioner Boortz asked if she has an appointment to interview scheduled that she missed. Michael Kent said that she did, and she didn't notify him beforehand that she would be missing the interview.

Maureen Brennan addressed the Commission and said that she has 45 years of experience in the medical field, lives on the fence line of the Phillips Refinery in Rodeo and is very interested in serving on the Commission.

Commissioner Bristol noted that the Commission always struggles to fill seats, and so it would be nice if we could interview Ms. Ramirez but realizes that it is a timing issue.

Commissioner Boortz asked if Commissioner Youngs is committed to staying in her Environmental Justice Alternate seat, and Michael Kent said that she was.

Commissioner Hudson said that he has done many interviews and the rule of thumb is that if someone doesn't show up for their interview then they aren't considered.

Commission Bristol made a motion to reschedule the interview with Ms. Ramirez for the Environmental Justice seat. There was no second for the motion and the motion failed.

The Commission then voted 8 – 0 to accept the recommendation of the Operations Committee to nominate Maureen Brennan to the Board of Supervisors for the Environmental Justice seat.

b) Review changes in the draft update to the County's General Plan in comparison to the recommendations made by the Commission to the Transportation, Water and Infrastructure committee of the Board of Supervisors considering Sea Level Rise

The Commission reviewed the changes and heard from the Operations Committee that they did not have any additional recommendations. No other action was taken.

c) Develop strategic planning schedule for the upcoming year.

Michael Kent proposed that the Commission use the Operations, Planning and Policy and full Commission meetings in the month of July to discuss what issues the Commission wants to address in the next 12 – 18 months. Since he is going to be on vacation from August 10th – 20th, he further recommended the Commission take the month of August off, and start fresh in September.

The Commission members agreed with this strategy.

d) Discuss continuation of Zoom meetings.

The Commission reviewed the memo from County Counsel concerning the options of meeting in person or by Zoom. The Commission decided to continue to meet by Zoom.

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

11. Plan Next Agenda:

The Commission will discuss its priorities for the next 12 – 18 months.

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