

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
December 8, 2022

Members and Alternates Present: Tim Bancroft, Jonathan Bash, Marielle Boortz, Maureen Brennan, Ken Carlson, Fred Glueck, Steve Linsley, Mark Ross, George Smith, Amy McTigue (alternate), Jack Bean (alternate), Madeline Kronenberg (alternate), Rohan Tyagi (intern), Isabella Polonsky (intern)

Absent: Don Bristol, Jim Payne, Gabe Quinto, Treston Shull, Mark Hughes (represented by alternate)

Staff: Michael Kent, Matt Kaufmann, Adam Springer, Nicole Heath. Susan Psara, Emily Warming, Alyson Greenlee

Members of the Public: Drew Graham, Philips 66, Shosana Wechsler, Alysia Gadde, Howard Adams, Rebecca Barrett, Cathy ?,

1. Call to Order: Commissioner Glueck called the meeting to order at 4:08 p.m.

Announcements and Introductions:

Michael Kent announced:

- The recent annual Commission meeting with Supervisor Burgis went extremely well and she is interested in a number of the issues the Commission is addressing this year including brownfield redevelopment and sea level rise.
- The Operations and Planning & Policy committees are cancelled in December.

Commissioner Smith announced that the Industrial Association is holding their annual meeting with the County Board of Supervisors in January, but he didn't have the details.

2. Approval of the Minutes:

A motion was made by Commissioner Bash and seconded by Commissioner Smith to approve the minutes for the October 27, 2022 meeting with corrections. The motion passed 9-0-1 with Commissioner Boortz abstaining.

3. Public Comments:

None

4. Hazardous Materials Program Director Report

Matt Kaufmann, the Health Department Deputy Director, introduced the new Acting Hazardous Materials Program Director, Nicole Heath.

Ms. Heath reported:

- Update on Five (5) Incidents of Interest:
 - NuStar Tank Fire Incident (October 15, 2019) – a working group was formed to review and discuss detailed proposed language for the Industrial Safety Ordinance. They have had 3 meetings so far. The next meeting is scheduled for December 13, 2022. The Working Group continues to evaluate the proposed language. They've reviewed approximately two thirds of the proposed prevention programs thus far.
 - Chevron Richmond Refinery Oil Spill (February 9, 2021) - The 3rd Party consultant has received the Root Cause Analysis report and has started the review. The next Oversight Committee Meeting will be held early December. AcuTech has made data requests from Chevron and is receiving information back for their review. They anticipate the draft consultant report being available by the end of the year (2022). The Oversight Committee will then review the consultant's draft report and ask questions as necessary. Once the final consultant report is available, it will be presented to the public at a meeting of the ISO/CWS Ad Hoc Committee.
 - 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. The incident remains under investigation by P66.
 - Martinez Refining Company (MRC) Spent Catalyst Release (November 24, 2022) - The evening of November 24, 2022 spent catalyst was released from the refinery into the community. Areas of Martinez and Pacheco were affected. November 21, 2022, the refinery had an upset which resulted in intermittent flaring. According to MRC this flaring is not related to the release of spent catalyst. CCH was not notified of the release. Upon learning of the release via social media, the CCH Hazmat team went into the community and performed sampling. CCH posted information about the release upon notification on social media. MRC provided a 72-hour report on November 29, 2022. Sample results showed elevated levels of Nickel and Vanadium. CCH participated in the December 7, 2022, Martinez City Council Meeting. CCH is still investigating this incident to determine violations of regulatory standards. CCH will continue to provide updates on this investigation and any resulting actions. CCH is working with City of Martinez to schedule a town hall on this incident.
 - Corteva railcar derailment - December 6, 2022, CCH was notified that 6 railcars had been derailed at the Corteva Facility. Railcars contained: Hydrochloric Acid (36%), Sodium Hydroxide, Aromatics and Potassium Hydroxide. CCH responded on December 6, 2022, and again on December 7, 2022, to observe the uprighting operations.

- Hiring Hazardous Materials Specialists - The recruitment for Hazardous Materials Specialist opened on September 8, 2022. They are working with Personnel now to get a list of qualified candidates to conduct interviews.
- Supervising Hazardous Materials Specialists - They continue to work with CCH Personnel, County HR and the County Administrator's Office to create a new job classification of Supervising Hazardous Materials Specialist.

Commissioner Bean asked if the Bay Area Air Quality Management District will participate in the upcoming Town Hall meeting about the MRC catalyst release. Ms. Heath said she didn't know for sure, but she thought they probably would.

Commissioner Ross asked when the community meeting will take place and when the investigation will be over. Ms. Heath said that they are waiting for information from MRC on how much material was released, and they anticipate they will receive that information next week. After that, they can determine if they can pursue an independent investigation of the incident. Also, then they will be able to figure out what long-term impact the release may have. However, they don't have to wait for those studies to be complete to hold a community meeting. The lack of immediate notification from the facility to the Health Department will be addressed in the root cause analysis.

Commissioner Brennan asked what is spent catalyst and if it should have been replaced in the process before the incident occurred. Ms. Heath said she didn't know the answer to that. She said the last audit of the refinery was in 2020 when it was owned by Shell. She will find out if there were any significant concerns raised in that audit.

Commissioner Bash said that people in Martinez are really upset about the incident. He wondered if there are patterns of concealment by the refinery about releases. He was also concerned about the cost of soil testing. He asked if there were smaller events at the refinery that went unreported. He asked how the County can ensure that releases are reported. Ms. Heath said that accident trends could be looked at in the root cause analysis.

Alysia Gadde introduced herself as a resident of downtown Martinez. She noted that at the Martinez City Council briefing it was noted that infants and young children are at more risk from the metals that were released because of their physiology and greater ingestion potential. She wanted to know how residents could remove the materials from their yards, and if the County would be providing personal protective equipment to do so. Ms. Heath said a Frequently Asked Questions guide will be prepared and posted to address these types of questions.

Howard Adams said that drawing on his experience with the catacarb release from the Unical refinery in Rodeo (now Phillips 66) what is important is the concentration of the material released. The wind direction is important and soil up to ½ mile away might need to be tested. The concentrations of the metals found need to be compared to background levels before conclusions can be drawn. Ms. Heath said that they will do this and that she is working with other agencies to look at the chemicals found in the storm drains as well.

In a separate comment, Mr. Adams said he wanted to complement the Hazardous Materials Program and Ms. Heath on their progress in the workgroup looking at amendments in the ISO to address bulk fuel storage. He is still concerned about berm capacity. He said the adequacy of the berms at these facilities are currently self-certified by the facility. Also, current law only requires that the capacity of the largest tank in a bermed area has to be contained, even if there are more than one tank contained by a single berm. He said that both Phillips 66 and Nustar currently have multiple tanks contained by one berm.

Shoshana Wechsler noted that the MRC facility has fought through a lawsuit the regulation requiring FCC units to use wet scrubbers to remove particulate from their stacks rather than electrostatic precipitation. Going forward, she hopes to see more cooperation from MRC.

5. Operations Committee Report:

The Operations committee met on November 11, 2022 and received a presentation on community engagement at contaminated sites from Healthy Contra Costa, debriefed on the intern hiring process, and considered changes to the expiration dates of selected Commission seats.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee did not meet in November.

7. Old Business:

None

8. New Business:

a) Presentation on the Northern Waterfront Economic Development Initiative

Alyson Greenlee, the County's Economic Development Manager in the Department of Conservation and Development gave the presentation on the current status of the Initiative. (ppt attached). She started by explaining that her department is her and George Carter who had previously worked for the Workforce Development Board. She said a recent highlight was a bus tour she did in November, 2022 with the Supervisors and various government agencies at all levels. They met with 6 of the 7 cities that are within the Initiative area and looked at potential sites for new businesses. They are now in the process of updating their 2019 plan and are ready to move forward. They are interested in applying for grants to help clean up contaminated sites within the Initiative area.

Commissioner Smith asked if they consider either solar or wind power technology manufacturing as target industries for the Initiative. Ms. Greenlee said that they would be as part of the clean technology category. He also mentioned that in a recent Commission meeting with Supervisor Burgis, the topic of lithium-ion car battery recycling came up and asked if this would be a target category as well. Ms. Greenlee said she wasn't sure. Lastly, he asked about heat pump

manufacturing. She said they would be open to pursuing this type of manufacturing as there are lots of Federal incentives right now for heat pump technology.

Commissioner Brennan asked if medical device manufacturing would be considered in the advanced manufacturing category, and to give other examples in this category. Ms. Greenlee said an example would be a company she met with recently that manufactured a machine used in the semi-conductor industry. She would also like to target life science and bio-tech industries. She noted a lot has changed since the last plan was developed in 2019 and they need to recalibrate their needs.

Commissioner Glueck asked if the General Plan is providing for enough housing for the workers for the new jobs they hope to attract. Ms. Greenlee said that having local talent is a big asset, but that she isn't focused on housing numbers. She is more focused on job growth locally. Commissioner Glueck then asked if the Board of Supervisors is providing guidance on the type of jobs they want to attract. Ms. Greenlee said that they will have a meeting of the Ad Hoc committee overseeing the Initiative in early 2023 and will seek guidance on this issue from them.

Commissioner Brennan said that there is a biomed technology High School in East County which likes to place students in apprenticeships which would be a great place to partner with for workforce development. Ms. Greenlee took note of this and said the Workforce Development Board is a key partner with them for things like this.

Michael Kent asked how the Commission could support her efforts. Ms. Greenlee said that she is very interested in brownfield redevelopment clean-up grants and she would appreciate the Commission's support with grants and that she would like to learn more about the grants that the cities have already received.

Commissioner Glueck thanked Ms. Greenlee for her presentation and said that the Commission looked forward to working with her in the future.

b) Comparison of Commission recommendations for the County's updated Environmentally Preferred Purchasing Policy to the proposed policy

Michael Kent reviewed the recommendations the Commission made to the Board of Supervisors on June 24, 2022 concerning the update to the County's Environmentally Preferred Purchasing Policy to the language that was in the policy presented to the Board's Sustainability committee on November 28, 2022 by the Public Works Department. He said that the Public Works Department had adopted most of the recommendations the Commission made concerning removing PFAS from disposable food ware and finding alternatives to treated wood, but not entirely. He noted that the Sustainability committee asked the Public Works staff to come back with more stringent language to require the least-toxic alternatives if they were available, and not just if they were feasible or practicable.

Commissioner Boortz noted for the benefit of the new interns that the recommendations about PFAS came from the research that the last intern did.

c) Comparison of Commission proposed changes to the County's State Legislation Platform to the proposed new platform

Michael Kent reported that the Board's Legislation committee review the County's State Legislative platform at their meeting on November 21, 2022 and in their review considered the recommendations the Commission made concerning the State Platform on November 1, 2022. He said that the committee adopted most of the Commission's recommendations, except for the recommendation to discuss reducing criteria air pollutants in a separate section on air quality and to eliminate the policy on treated wood standards because it was moot. Instead, the committee adopted the Commission's language on the discussion of criteria air pollutants but left it in the section on Climate Change within an existing policy and left the policy on treated wood intact.

d) Consider Operations Committee recommended changes to Commission terms

The Commission considered the recommendation from the Operations committee to move the expiration of the term of the Environmental Justice seat from the end of 2024 to the end of 2025. The committee said the reason for the proposed change was due to recent changes to the composition of the Commission which resulted in them having 5 seats expiring at the end of 2024 and only 2 seats expiring at the end of 2025. Of the 5 seats that expire in 2024, the committee felt the EJ seat was the best to move to 2025 because the expiration date was then staggered with the two Environmental seats and it didn't disrupt the already existing staggering of the other categories of seats.

The Commission voted 8-0 to approve the recommendation from the committee. Commissioners Linsley and Ross had left the meeting at the time of the vote.

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

10. Plan Next Agenda:

The Commission will receive a presentation about Brownfield redevelopment from the Center for Creative Land Recycling.

11. Adjournment: The meeting adjourned at 6:05 pm.