

**Contra Costa County**  
**HAZARDOUS MATERIALS COMMISSION**

**Draft Minutes**  
February 23, 2023

**Members and Alternates Present:** Jonathan Bash, Marielle Boortz, Maureen Brennan, Fred Glueck, Mark Hughes, Steve Linsley, George Smith, Edi Birsan (alternate), Madeline Kronenberg (alternate), Ed Morales (alternate), Amy McTigue (alternate), Rohan Tyagi (intern), Isabella Polonsky (intern)

**Absent:** Tim Bancroft, Jim Payne, Business Seat #3 (vacant), City Seat #1 (vacant), Vacant City Seat #3 (represented by alternate), Labor Seat #1(vacant), Mark Ross (represented by Alternate)

**Staff:** Michael Kent; Nicole Heath, Hazmat; Maureen Toms, DCD

**Members of the Public:** Anthony Tave, Drew Graham, Soheila Bana, Amanda McKay

**1. Call to Order:** Commissioner Glueck called the meeting to order at 4:04 p.m.

Announcements and Introductions:

Michael Kent announced:

- The annual meeting with Supervisor Andersen was on February 15<sup>th</sup> and went very well. The next annual meeting will be with Supervisor Gioia.
- The deadline for applying for the Environmental Justice Alternate seat is March 1<sup>st</sup>.
- The next meeting of the ISO/CWS Ad Hoc committee is March 30<sup>th</sup> at 9:00.

Commissioner Hughes announced that the Industrial Association is hosting their annual luncheon with the Board of Supervisors on March 28<sup>th</sup> at 11:30 at Zio Fraedo's in Pleasant Hill.

Commissioner Smith announced the East Bay Leadership Council had an excellent presentation last week on the future of the energy grid in the transition away from fossil fuels.

**2. Approval of the Minutes:**

A motion was made by Commissioner Birsan and seconded by Commissioner Hughes to approve the minutes for the January 26, 2023 meeting with corrections. The motion passed 8-0.

**3. Public Comments:** None

**4. Hazardous Materials Program Director Report**

Nicole Health, the Acting Director reported:

- Update on eight 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 5 meetings so far. The next meeting is scheduled for March 2, 2023. Staff has been directed by the ISO/CWS Ad Hoc committee to proceed with submittal to county counsel as soon as draft is finalized.

- Chevron Richmond Refinery Oil Spill (February 9, 2021) - The 3rd Party Consultant has received the Root Cause Analysis report and has started the review. They anticipate the draft consultant report being available by March. 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. CCH is working with P66 to obtain the final 30-day report.
- Martinez Refining Company (MRC) Spent Catalyst Release (November 24, 2022) - CCH Hazmat participated in a town hall held by the City of Martinez related to the Spent Catalyst Incident. CCH presented at the 1/12/23 ISO/CWS Ad Hoc meeting and recommended an independent investigation and risk assessment be conducted for this incident. The Committee direct staff to proceed. The first oversight committee meeting was on February 16, 2023. The risk assessment sessions are open to the public.
- Martinez Refining Company Flaring Event (December 9, 2022) - At approximately 4:47 pm, the refinery experienced an equipment failure which led to the routing of refinery gases to the flare. This resulted in a very large flare that was both audible and visible to the surrounding community. Contra Costa Fire, Air District, and Contra Costa Health responded to the site. Contra Costa Health performed air monitoring and sampling and determined that there were no offsite health impacts from this flaring event.
- Shell Catalyst & Technologies Alumina Oxide Release (January 13, 2023) - On January 13, 2023 at approximately 5:43pm CCH Hazmat was notified of a Aluminum oxide powder release from the facility from a storage silo into the air . The release lasted approximately 10 minutes. CCH Hazmat responded to the facility along with Contra Costa Fire to assess the potential off-site impacts from the incident. Aluminum oxide was found down-wind in a commercial area North of the facility. No impact was observed at the residential areas around the facility. Confirmation sampling was conducted in the residential areas and commercial areas around the facility. They are working to post the 30 day report.
- Phillips 66 Rodeo Refinery Flaring (January 21, 2023) - On January 21, at approximately 10:45 PM on January 21, 2023, CCH Hazmat was notified that due to an unplanned shut down the refinery experienced intermittent flaring that was visible by the community.
- Chevron Richmond Refinery Diesel Spill (January 24, 2023) - On January 24, 2023 at approximately 7:56 AM, CCH Hazmat was notified of a release of approximately 1 barrel of diesel like material onto the wharf deck, ship deck, and

bay. CCH Hazmat responded to the facility along with Coast Guard, Fish and Wildlife, the Air District, and Marine Spill Response Corporation

- Hiring Hazardous Materials Specialists - They have conducted interviews in early February and made an offer to fill 1 open position.
- Hiring Accidental Release Prevention Engineer (ARPE) - They posted a recruitment for (1) ARPE which closed on 2/17/23. Interviews will be conducted once the candidate list is received.
- 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.

Drew Graham said she failed to mention a January 31, 2023 fire at MRC involving an empty unit. Ms. Health thanked him for catching this oversight and added that they did air monitoring around the facility and did not detect any off-site impacts. She said the 72-hour report should detail the cause of the fire and she will check on its status.

#### **5. Operations Committee Report:**

The Operations committee met on February 10, 2023 and received a presentation by Commissioner Linsley on the history and activities of the South East Richmond Shoreline Area Community Advisory Committee.

#### **6. Planning and Policy Development Committee Report:**

The Planning and Policy committee met on February 15, 2023. They elected Commissioner Hughes as Chairperson and Commissioner Bash as vice chairperson. They also received a presentation by Karine Abramians of the County’s Hazardous Materials Program about their hazardous waste management program.

#### **7. Old Business: None**

#### **8. New Business:**

- a) **Presentation on the efforts by the Alamo Improvement Association to develop a model pipeline safety website.**

The presentation (attached) was made by Roger Smith of the Alamo Improvement Association (AIA). He gave a power point presentation that described the activities of the two previous pipeline safety grants they received from the Federal Department of Transportation. The presentation then gave an overview of the purpose of the model pipeline safety website that they are designing with the Pipeline Safety Trust. Mr. Smith went on to explain that at the next Commission meeting he would like to present the model pipeline safety web site to the Commission in the hope that the Commission would encourage and support either a County Department or a local non-profit organization to take on ownership of the web site.

Commissioner Glueck said that he would like to see a sea level rise map and a map of local earthquake faults as part of the website. Mr. Smith said that he would take that under consideration.

Commissioner Smith asked if there have been pipeline incidents in the County since the first report was written. Mr. Smith said that the Pipeline Safety Trust he is working with was created in the aftermath of a horrible pipeline accident in Washington State that killed several young boys. He said they track pipeline accidents throughout the country. Michael Kent added that there was a Kinder Morgan pipeline leak of fuel in Walnut Creek last year that surfaced along a creek next to a neighborhood causing significant odor issues.

Commissioner Glueck thanked Mr. Smith for his presentation and said he was looking forward to the presentation of their pipeline safety website at the March Commission meeting.

**b) Update on amending the Industrial Safety Ordinance to address bulk liquid storage**

Nicole Health, Acting Director of the Hazardous Materials Program gave a power point presentation (attached). She reviewed that the Hazardous Materials Program was directed by the Board of Supervisors ISO/CWS Ad Hoc committee to come up with a proposal to regulate bulk liquid storage facilities under the Industrial Safety Ordinance. This was in response to the fire at the NuStar storage facility in Rodeo on October 15, 2019. She said that the current ISO only covers flammable liquids, not ignitable liquids. When they used this criteria, they found 8 facilities in the County that might be covered by this ordinance, 4 in Richmond, 3 in the unincorporate part of the County and 1 in Martinez. She said they have asked the City of Martinez if they would like to adopt an ISO for themselves that could be comprehensive, and cover 3 facilities in their city or just an ISO covering the bulk liquid storage facility in Martinez.

Ms. Heath went on to explain that they used NuStar root cause analysis and other investigation results by studies done by the Chemical Safety Board to conclude that 9 of the ISO elements should be applied to bulk liquid storage facilities. They formed an oversight workgroup that met 7 times to propose specific language to be used in the ISO for bulk liquid storage facilities. Commissioner Brennan, who represented the Commission on the oversight workgroup, commented that initially all the technical language they used in the committee was a bit intimidating. But as time went on, she felt she could participate fully and her goal was to determine if the additions being proposed to the ISO would address all the problems found in the NuStar root cause analysis. She thought that they did. She did add that if NuStar had done a management of change procedure for their facility it might have helped prevent the accident. She also thought that if the ISO had been in place for NuStar at the time of the incident, it might have resulted in them having inerted the head space in the tank as a preventative measure. Tangentially, she added that she wondered if Philips 66 conducted a Management of Change exercise when they did their pilot biodiesel project.

Soheila Bana asked who the Richmond contact is for the ISO update, because she would like to be in touch with them. Ms. Heath said it was Lina Velesco and Fire Chief Eric Govan.

Commissioner Boortz thought the proposed new language in the ISO was a bit confusing in the understood reference was sometimes to the employees, sometimes the contractors and sometime to refinery personnel. Ms. Heath said that the references depend on the element being addressed. For instance, if a contractor was not specially mentioned in the language of a certain section addressing workers, they would be included if they did work at the facility.

Commissioner Boortz also wanted to know what was meant by Process Safety Performance Indicators. Ms. Heath said that the current ISO calls for metrics, such as the number of overdue reports. Commissioner Boortz also asked about the language in the proposed amended sections stating that no part of a root cause analysis can be used for a legal case. Ms. Heath said that this is standard language that is used for the entire ISO, and it is not unique to the proposed amendments.

Commissioner Hughes asked if they reached out to other cities about creating their own ISO. Ms. Heath said they only reached out to Martinez and Richmond because those were the cities that had eligible facilities.

Commissioner Bash asked who her contact is for the City of Martinez, because he is also on the Martinez City Planning Commission and would like to be included in the discussion about whether Martinez should adopt an ISO. Ms. Heath said her City of Martinez contact is Michael Chandler.

Commissioner Glueck ask how the Martinez ISO would be implement and paid for if it were adopted. Ms. Health said she thought it would be similar to how it works in Richmond. They would designate the authority to the Hazardous Materials Program to implement the ordinance and the costs would be covered by fees on the facility.

Michael Kent mentioned that he had forwarded an article about a historic spill of molasses that Commissioner Birsan has sent out to illustrate that even not flammable or ignitable liquids can cause serious damage if they are spilled and wanted to know if they ever considered applying the new amendments to non-hazardous liquids. Ms. Health said that they did consider this internally amongst her staff but didn't think the risk was high enough to include in the proposed amendments to the ISO.

Michael Kent also asked if the question of berm capacity could be looked at as part of a Process Hazard Analysis (PHA). He said that Howard Adams has raised the issue many times that current rules only require a berm to hold the capacity of the largest tank contained by that berm. Ms. Health said a PHA could look at the issue of berm capacity, but it could also go beyond this to determine how to prevent a release in the first place. Drew Graham said he thought the capacity requirement for berms was something slightly different than this, and Commissioner Brennan said she was concerned with berms being able to contain the fire fighting foam that might accumulate if there was a fire at a tank within a berm.

Commissioner Glueck thanked Ms. Heath for her presentation and for all her hard work with the oversight committee.

**c) Review of New Teleconferencing Options Under the Brown Act for Boards, Commissions and Committees**

Michael Kent informed the Commission that due to changes in the State-wide State of Emergency that has been in place due to Covid, starting on March 1, 2023 all Board subject to the Brown Act must meet in person with a video option for the public. He reviewed with the Commission a memo from Tomas Geiger, Chief Assistant County Counsel to the Board of Supervisors outlining the two conditions by which Commissioner could attend meetings by video, Emergency Circumstance and Just Cause. He said this memo explained that Commissioners could only use these two exceptions to attend a commission or committee meeting remotely twice a year. He also stressed that there must be a quorum of the members present in-person for a meeting to occur.

Mr. Kent said he would try to reserve the same locations that the Commission previously used for meetings but would have to see if they were equipped for in-person and video access.

**9. Reports from Commissioners on Matters of Commission Interest:**

Commissioner Brennan said she was concerned about whether the oversight committee for the MRC root cause and risk assessment was representative of the community. She said she would like to see the Commission endorse having 2 more community members be appointed to the committee from the impacted area. Commissioner Glueck said the Commission could discuss this at the next full Commission meeting.

**10. Plan Next Agenda:**

The Commission decided that at the next meeting they would have a presentation by AIA about their pipeline safety website, a presentation by the Sheriff Office of Emergency Services on the Community Warning System, receive a recommendation from the Internal Operations Committee about which candidate for the Environmental Justice Alternate seat to recommend to the Board of Supervisors, and address Commissioner Brennan's concern about the composition of the MRC oversight committee.

**11. Adjournment:** The meeting adjourned at 6:07 pm.