

Contra Costa County
HAZARDOUS MATERIALS COMMISSON

Final Minutes
May 25, 2006

Members and Alternates Present: Sabiha Gokcen, Chair, Henry Clark, Sharon Fuller, Frank Gordon, Stephen Linsley, Scott Perkins, Michael Shimansky, Teng Chung Wu, Howard Adams (alternate), Ric Bonner (alternate), Leslie Stewart (alternate),

Absent: Pam Aguilar, Jim Payne, Jimmy Rodgers, Scott Anderson (represented by alternate), Don Grant (represented by alternate),

Staff: Michael Kent, Randy Sawyer,

Public: Roger Chang, Evans/McDonough; Mark Hughes and Chris Kunn, ConocoPhillips

1. Call to Order: Commissioner Gokcen called the meeting to order at 4:15p.m.

Announcements and Introductions:

Michael Kent announced:

- Shell refinery is conducting a test burn of one of their boilers between June 5 and 15 for renewal of the renewal of their hazardous waste permit issued by DTSC.
- The Miraflores housing development in Richmond has a public comment period open from May 25 to June 23, 2006 on their proposed clean-up plan.
- The County's IPM Task Force is making a presentation to the Board of Supervisors Transportation, Water and Infrastructure committee on June 12, 2006 to discuss cost estimates for various program elements.

- Commissioner Clark announced that the West County Toxics Coalition and other organizations are putting on a workshop about Environmental Justice and health disparities in West County on June 10th at Verdes School in North Richmond.

2. Approval of the Minutes:

The April 27, 2006 minutes were approved with two minor corrections. Commissioner Wu made the motion to approve with Commissioner Bonner seconding the motion. The vote was 6-0-3, with Commissioners Fuller, Gordon and Perkins abstaining.

3. Public Comments:

None

7. Old Business:

- a) Discussion and possible recommendation to the Board of Supervisors concerning battery collection programs in Contra Costa County, as proposed by Sustainable Moraga (Heard out of order)

Michael Kent reported that since the presentation of Sustainable Moraga to the Planning and Policy committee on April 19 they have continued to collect and recycle batteries from drop-off locations in Moraga retail stores at the same rate as before. This is still severely taxing their ability to carry out this service on a voluntary basis. Several other things have also occurred.

The first was that the recycling coordinators from the various jurisdictions in the County discussed battery collection at their last quarterly meeting. He attended and shared with the coordinators the concerns raised by Sustainable Moraga. Many of the coordinators with also concerned about the need to manage battery recycling. They decided to apply for a grant from the State Integrated Solid Waste Authority to study the options for battery recycling in Contra Costa County. The second is that Sustainable Moraga approached the Moraga City Council and asked them to seriously study the options for the City to be able to facilitate the collection and recycling of household batteries.

Commissioner Wu suggested the San Ramon model should be considered by other jurisdictions. They have set out collection bins at various City offices and transport them to the household hazardous waste collection facility in Martinez when they take in their own hazardous waste. He also suggested the San Francisco model could be appropriate. They contract with a private vendor to collect batteries at locations throughout the City.

Commissioner Perkins, the City representative from the City of San Ramon, said that they haven't collected many batteries because residents aren't normally thinking about recycling their batteries when they go to City offices.

Commissioner Clark asked if the grant the recycling coordinators were applying for could go directly to Sustainable Moraga. Michael Kent said he understood that the grants could only go to government agencies responsible for recycling programs.

Commissioner Shimansky said that he just come from a meeting of the Central Contra Costa Solid Waste Authority where they had discussed the problems being faced by Sustainable Moraga's battery collection effort. He said that the Solid Waste Authority and the Central Contra Costa Sanitary District are meeting next week to discuss collection options and he would like Michael Kent to attend to represent the Commission.

Commissioner Shimansky made a motion, seconded by Commissioner Gordon, that 1) the Commission send a letter of support for the grant the County is sponsoring to study Universal waste collection options to the State Integrated Waste Management Board, and 2) Michael Kent draft a letter for Commission review to the Board of Supervisors informing them of the Commission's interest and concern about this issue. The motion carried 10 – 0.

4. Hazardous Materials Programs Report:

Randy Sawyer, Director of the Hazardous Materials Programs, gave the following report:

- There was a Level 3 release at ConocoPhillips refinery in Rodeo on May 1, 2006. A power outage at a transformer during maintenance led to a brief power shutdown that caused some product to be sent to the flairs. Because steam production was also down, incomplete combustion resulted in smoke and odorous materials being released into the near-by community at low levels. A Shelter-in-place advisory was initiated by the facility through the Community Warning System, using sirens, the TENS system, National Weather Service radios and the media to alert the community.
- Today there was a brief power outage at the Tesoro refinery in Martinez. This resulted in some very brief flaring and odors. Riverview Elementary School in Bay Point voluntarily sheltered in place because they smelled the odors, but otherwise there were no anticipated off-site impacts. Commissioner Wu asked if other areas are tracking the rate of accidental releases over time, and how does the rate in Contra Costa County compare? Mr. Sawyer said that there is a state database of accidents, but he is not aware of a trend analysis of the data, but he thinks the rate of accidents has come down since 1999.
- For the last 2-3 years the Hazardous Materials Program has had the authority to issue administrative enforcement orders. They are now developing a process for doing this and are going to start implementing this enforcement mechanism.
- Many of the Hazardous Materials Program staff attended the State CUPA Forum Board Conference and it was very successful.
- On July 1 a new law goes into effect with will require materials with more than 6 parts per billion of perchlorates to be reported in their inventory.
- There is a proposal in the legislature to transfer the authority to inspect above ground storage tanks from the Regional Water Quality Control Boards to the CUPAs. These tanks have not been inspected for 4 – 5 years. Concerns about the fee structure have been raised that may stall the bill. Commissioner Clark asked if the large diesel tank at the BNSF railyard would then come under the jurisdiction of the Hazardous Materials Program for inspections. He is concerned about it because there were no hearings when the tank was installed. Mr. Sawyer said yes, it would.

5. Operations Committee Report:

Due to time constraints, the committee made a very brief report that they were studying the issue of emergency preparedness, especially the issues of the need to evacuate an area due to an extended hazardous materials release during a catastrophic incident such as an earthquake or flooding.

6. Planning and Policy Development Committee Report:

Due to time constraints, the committee made a very brief report that they were studying the issue of brownfield development, and would like to have a speaker at the next Commission meeting talk about one of the clean-up programs.

8. New Business:

- a) **Review and discussion of the emergency response and the telephone survey of residents advised to Shelter-In-Place after the May 1 accidental release from the ConocoPhillips refinery**

Michael Kent provided the Commission with the answers to the 16 questions in the emergency response survey the Commission has developed. The results of this survey, conducted by the Evans/McDonough Company, were presented by Roger Chang. They surveyed 455 residents living in the area where the shelter-in-place advisory was in effect. The survey asked approximately 55 questions aimed at understand whether the respondent knew what the Community Warning System was used for, how to shelter-in-place, and what they did during the incident.

After the presentation, Commissioner Adams announced that there were no elevated measurements at from the fence line monitoring system because the plume blew up and over the detection beams. He also asked if the problem can be fixed.

Commissioner Gordon expressed his concern about incidents, such as today's release from Tesoro, that go up and over the areas nearest the facility and then come back down farther way, and whether we are detecting these plume movements.

The Chair referred the issue brought up at the last meeting about the resounding of the sirens, and the poor performance of the TENS to the Operations Committee for further discussion.

9. Items of Interest:

The Commission decided to hold their next individual meeting with Supervisor Piepho and that Commissioners Anderson, Perkins and Gordon would be asked to attend.

10. Plan Next Agenda:

Possible presentation on Brownfields.

11. Adjournment: The meeting adjourned at 6:00 p.m.