

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Final Minutes
July 27, 2006

Members and Alternates Present: Marj Leeds, Chair (alternate), Scott Anderson, Sharon Fuller, Stephen Linsley, Scott Perkins, Jimmy Rodgers, Teng Chung Wu, Howard Adams (alternate), Ric Bonner (alternate), Lara DeLaney (alternate), Igor Skaredoff (alternate), George Smith (alternate), Leslie Stewart (alternate), Steve Sullivan (alternate)

Absent: Pam Aguilar, Frank Gordon, Henry Clark (represented by alternate), Sabiha Gokcen (represented by alternate), Don Grant (represented by alternate), Jim Payne (represented by alternate), Michael Shimansky (represented by alternate),

Staff: Michael Kent, Randy Sawyer

Public: Hans Ho, Jennifer Hernandez, Holland and Knight

1. Call to Order: Commissioner Leeds called the meeting to order at 4:10 p.m.

Announcements and Introductions:

Michael Kent announced:

- DTSC announced a public comment period for the cleanup plan of groundwater contamination at Reaction Products in Richmond from June 14 to July 14.
- The Air Resource Board has released a draft rail yard risk assessment protocol.
- DTSC has a public comment period open for a Dow hazardous waste permit.
- Commissioner Linsley announced that the Central Contra Costa Sanitation District has created a flyer promoting battery recycling.

2. Approval of the Minutes:

The June 22, 2006 minutes were approved with the modification that Commissioner Perkins attended the meeting. Commissioner Perkins made the motion to approve with Commissioner Stewart seconding the motion. The vote was 7-0-3, with Commissioners Adams, Anderson and Sullivan abstaining.

3. Public Comments: None

4. Hazardous Materials Programs Report (Taken after Item 8a):

Randy Sawyer, Hazardous Materials Program Director, reported the following:

- A Drug lab was red-tagged in Richmond of Wilson Ave. for investigation and potential remediation.

- The program has issued 5 Administrative Enforcement Orders recently for non-compliance with hazardous waste rules. Two were gas stations, one was a paint stripping facility and two were community colleges. Commissioner Rodgers noted that the West County Council of Industries is available to help businesses come into compliance.
- Proposed legislation that was being considered this session that would have transferred responsibility for inspecting above ground tanks from the Regional Water Quality Control Board to the Hazardous Materials Programs is dead due to concerns over the fee structure. It will be introduced again next year.
- Nine applicants applied for the Assistant Director position, four were from in-house. He is currently conducting interviews.
- The Hazardous Materials Program will be participating in a performance-based inspection pilot that would set up different inspections schedules for businesses based on compliance success. They still need to establish the criteria differentiating compliance intervals. Commissioner Sullivan asked who drove the creation of the pilot program. Mr. Sawyer said that the local CUPAs did to help them better manage their resources.
- They have asked the refineries to submit reports on their pressure relief valve usage, and they will be including these as part of their ISO reviews.

5. Operations Committee Report:

The Operations Committee reported that Art Botterel, the new Community Warning System manager, gave a report on the status of the TENS system and review the proposed solutions being considered for some of the resents problems encountered.

The Red Cross gave a presentation on their role in disaster preparedness, and expressed an interest in working with the Commission to address the issue of evacuation during a hazardous materials release. Related to this topic, the Golden Guardian emergency response drill is set for November 15th and will include an evacuation component. The North Richmond Municipal Advisory Council will be solicited for input as to what issues would concern them during a hazardous materials evacuation at their August 8 meeting. Supervisor Gioia's office has agreed to work with various community partners to develop a community-based emergency response plan that incorporates planning for evacuations, and will work with the Commission to plan a community event this winter.

6. Planning and Policy Development Committee Report:

The July meeting was cancelled. The committee's priority is brownfields, and the next step is to have a representative from the County's Redevelopment Agency give a presentation to the full commission.

7. Old Business:

None

8. New Business:

Presentation on the Polanco Redevelopment Act

Jennifer Hernandez of the law firm Holland and Knight gave an overview presentation of brownfield redevelopment and how the Polanco Act fits into the range of approaches used to affect clean-up at brownfield sites. Her major overview message was that there is no one approach used to address brownfield sites in California. The regulatory approach is different in different part of the State, and different agencies can be the lead agency. There are no universal clean-up standards established. So the best strategy for each site is determined by who the local players are, the agencies involved and the interests of the property owner. The other major overview message was that for a clean-up to proceed smoothly there needs to be consensus agreement between local agencies, the project proponent and the community. She gave several examples of successfully cleaned-up sites to illustrate these points.

She went on to explain that the Polanco Act has been around for about 20 years and can be a very powerful tool for redevelopment agencies on top of their eminent domain authority. With it they can demand information from site owners within redevelopment areas, that site investigations be performed that can be used to start clean-up efforts, and that clean-ups be done. They do not have to own the property to require these things, and the law provides them immunity from further requirements from other agencies. It is a very effective tool because if site owners don't cooperate, redevelopment agencies can use eminent domain to take the property and recover costs from the site owners. Ninety percent of Polanco matters get resolved because of this remedy.

9. Items of Interest:

Commissioner Linsley announced that the after-school program being conducted on the Zeneca clean-up site is being shut down. He also said that the City of Richmond has disallowed a petition to build a crematorium in Richmond.

10. Plan Next Agenda:

Request a presentation on Brownfields from the County's redevelopment agency.

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