

Contra Costa County
HAZARDOUS MATERIALS COMMISSON

Final Minutes
October 26, 2006

Members and Alternates Present: Sabiha Gokcen, Chair, Sharon Fuller, Jim Payne, Don Grant, Frank Gordon, Stephen Linsley, Jimmy Rodgers, Ric Bonner (alternate), Dave Hudson (alternate), Igor Skaredoff (alternate), George Smith (alternate), Leslie Stewart (alternate)

Absent: Scott Anderson (represented by alternate), Scott Perkins (represented by alternate), Pam Aguilar, Henry Clark, Michael Shimansky

Staff: Michael Kent, Randy Sawyer, Jim Kennedy, Community Development Department

Public: Tim Becker

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

Announcements and Introductions:

Michael Kent announced:

- Shell Oil refinery is conducting a test burn of their boilers from November 13 – 15 for their permit renewal.
- DTSC has prepared a draft Removal Action Workplan for the former Greif Brothers site in Pittsburg. Public comment on the draft plan will be accepted until November 20, 2006.
- An electronic waste collection event will take place at Lone Tree Way School on October 28, 2006.

2. Approval of the Minutes:

The September 28, 2006 minutes were approved. Approval was moved by Commissioner Gordon and seconded by Commissioner Rodgers. The vote was 8-0.

3. Public Comments:

Commissioner Stewart, speaking as a private citizen, expressed her concern about Proposition 90 on the state-wide ballot in November. She felt it might impact the County's environmental regulation development. For example, she felt that the county might not be comfortable passing something like the Industrial Safety Ordinance because businesses might call it a taking and ask for financial reimbursement.

4. Hazardous Materials Programs Report

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

- The Assistant Director position has been offered to one of his staff, with acceptance contingent upon that person being able to continue to receive safety retirement. The matter will go before the Board of Supervisors on November 14, 2006.
- A new entry-level Environmental Engineer position has been created for the Program.
- About 200 people attended the recent Shell Disaster Preparation workshop.
- On November 8, 2006 his program will hold an all-Spanish public meeting in Bay Point to discuss the progress on implementing corrective actions identified in their ISO audit. Another meeting on this topic will be held December 5, 2006 for the Bay Point Municipal Advisory Board.
- An interim report will be given to the Board of Supervisors on December 5 on the Training Institute for worker safety being developed at Los Medanos Community college

5. Operations Committee Report:

The Operations Committee reported that Mike Marchiano from the Office of Emergency Services came and gave them the presentation he gives to the public on emergency preparation. Commission Rodgers said they did a good job of illustrating the fact that people will be on their own initially and so they need to be prepared. There will be minimal resources available to cover the needs of the entire county. Commissioner Rodgers added that it looked like to him that the County's evacuation plans were limited and needed more resources.

Michael Kent added that the committee will track the evacuation scenario that is part of the upcoming emergency planning, Golden Guardian, and will use findings from this drill to continue to work with OES and the North Richmond community to encourage emergency preparedness, including helping to put on a community workshop in the winter.

Commissioner Hudson added that the Mayors Conference has been working hard on emergency preparedness as a priority issue.

6. Planning and Policy Development Committee Report:

The committee deferred their last meeting to hear today's presentation on Brownfield redevelopment.

7. Old Business:

None

8. New Business:

a) Review of draft annual report to the Board of Supervisors on the Industrial Safety Ordinance by Randy Sawyer, Hazardous Materials Programs Director.

Mr. Sawyer reviewed the draft report he is scheduled to deliver to the Board of Supervisors on December 5, 2006 (draft report and slide show provided). This report covers 7 elements as described below:

1. A brief description of how Health Services is meeting the requirements of the Ordinance.
2. A listing of stationary sources covered by the ordinance including specific information about each.
3. Total penalties assessed as a result of enforcement of the ordinance.
4. Total funds collected specifically for the support of the ordinance.
5. Total Personnel used to administer the ordinance.
6. Comments from interested parties.
7. The impact of the ordinance in improving industrial safety.

Michael Kent suggested having a summary of the major findings of the report.

Commissioner Smith asked if the ordinance prescribed a method of doing vulnerability assessments. Mr. Sawyer said it did not.

Commissioner Gordon asked if the report pertained to non-ISO facilities or incidents. Mr. Sawyer said it did not, except some of the graphs summarized accident information from non-ISO incidents.

b) Recommendations from the Operations Committee concerning appointments to the Environmental Alternate Seat and the Environmental Engineer Seat.

The Operations Committee considered two candidates for the open alternate position for the Environmental Organization seat held by Commissioner Linsley. They recommend the Commission nominate Ralph Sattler for the position. Mr. Sattler is a member of Communities for a Safer Environment in Martinez, and has worked on a number of local hazardous materials issues such as the Industrial Safety Ordinance. The committee also recommends the Commission consider the other candidate, Hans Ho, for the vacant Environmental Engineer Seat alternate position. They also recommend that Commission nominate the current Environmental Engineer Alternate, George Smith, to the Environmental Engineer Seat if no other valid applicants apply during the current open period.

A motion was made by Commissioner Gordon to accept the Operations Committee recommendations and was seconded by Commissioner Bonner. The motion carried 10 – 0.

c) Presentation on Brownfield activities by the County’s Redevelopment Agency, Jim Kennedy, Redevelopment Director

Mr. Kennedy began by explaining that the Redevelopment Agency works in five unincorporated areas: North Richmond, Montolvan Manor, Rodeo, Bay Point, and Pleasant Hill BART station area.

He then went on to describe three brownfield remediation projects the Redevelopment agency has been involved in (handouts provided for all three).

Hookston Station, Pleasant Hill Bart Area – In this instance, The Redevelopment agency purchased the Southern Pacific Right-of-way as a transportation corridor to the Pleasant Hill BART station in the early 1980’s. They purchased the Hookston Station lot from a private party in 1991. Since they knew the site had some contamination on it they wrote the purchase agreement to allow studies to determine the extent of contamination. They found some surface contamination plus an unexpected chlorinated solvent, TCE, in the groundwater that had migrated off the site.

As a result, they sued the seller of the site and the seller sued Southern Pacific, the original owner, and other former property owners. The site became a Federal Superfund site and a clean-up agreement was reached in 1999. The San Francisco Regional Water Quality Control Board is the lead agency for the clean-up. The cost will be about \$6 million over 20 years. They are putting in a barrier to keep the contamination from moving off-site and treating the contaminated groundwater in place.

The lessons learned from this experience were:

- Don’t make assumptions about properties.
- Don’t buy property until the extent of the contamination is known, or have a purchase clause that allows you to back out.

The original plan to build a road has not occurred because their original plans changed, but the property must still be used for transportation.

North Broadway, Bay Point

In this case, they approached the owner of a junkyard that was between two neighborhoods that they wanted to see developed as housing, to see if they would be interested in selling the site. But because they suspected contamination due to it being a junk yard for 50 years, they told the owners they would only buy the site if after a clean-up had been completed and certified by the

County Health Department. They did soil testing of the site with permission of the owners and found soil contamination. The owners spent \$200,000 on the clean-up. The county then bought the site and has build 65 houses and 55 apartment units on the site.

Rodeo Waterfront

The Rodeo community would like the marina area redeveloped. There are two property owners. But the problems are that the marina was designed poorly when it was built in the 1950's so it has silted in, and a former oil company on the property left behind extensive contamination.

So working with one the property owner, a family trust, they got an EPA grant to characterize the site contamination from the oil company.

They have a developer that wants to develop the site, and would like the Redevelopment Agency to invoke the Polanco Act to make it happen, but they are reluctant to do so without the property owner's cooperation. It is not clear who would pay for the clean-up. So this site is not moving forward.

The Commission then asked Mr. Kennedy to assess his needs for brownfield redevelopment. He felt he has the tools to make it happen, but not the resources or agency effectiveness. He feels the state agencies responsible, DTSC and the Regional Boards, are trying to get out of the mode of just focusing on getting the sites cleaned-up without considering the reuse aspects.

The Commission also asked if he feels we know all the contaminated sites in the County. Mr. Kennedy gave an example of a site that was just about ready to be purchased for redevelopment when at the last minute they discovered it was a former gas station.

9. Items of Interest:

None

10. Plan Next Agenda:

The next meeting will be a presentation on Brownfields from the Department of Toxic Substances Control

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