

Hazardous Materials Commission

Draft Minutes

Planning and Policy Development Committee

November 17, 2021

Members and Alternates:

Present:, Don Bristol, Ken Carlson, Mark Hughes, Jim Payne, George Smith, Jonathan Bash, Ed Morales (alternate)

Absent: Mark Ross

Staff: Michael Kent, Matt Kaufmann, Nicole Heath, Steve Morioka, David LeCount, Susan Psara, John Hung

1) Call to Order, Announcements:

Commissioner Payne called the meeting to order at 4:03

Michael Kent announced:

- The Commission's annual meeting with Supervisor Mitchoff will be on December 8th at 2:30 via Zoom.
- The Board of Supervisors ISO/CWS Ad Hoc Committee will meet at 1:00 on November 22nd to discuss the Hazardous Materials Emergency Notification Policy
- The next full HMC meeting will meet at the special date of December 2nd, still from 4:00 – 6:00.

Commissioner Hughes announced that the Industrial Association will be holding their annual Board of Supervisors Forum virtually on November 18th from 11:00 – 12:30.

2) Public Comments: None

3) Approval of Minutes:

The minutes from the October 20, 2021 meeting were moved by Commissioner Carlson, seconded by Commissioner Smith and approved 6-0.

4) Old Business: None

5) New Business:

a) Discuss DTSC proposed regulation of metal shredders

Steve Morioka from the Hazardous Materials Program explained that there are no metal shredders in Contra Costa County, but that junk yards here use the Sims facility in Redwood City. After shredding, the non-metal remains, called fluff, used to be considered non-hazardous. Now, DTSC has determined that that it is hazardous, and facilities that handle it need a Part A

Hazardous waste permit. He is not sure how this will affect Contra Costa businesses that send materials to shredders. The Cupa Forum Board has an advisory group that is tracking this issue.

Michael Kent asked if a renal regulation is a done deal. John Hung, Hazardous Materials Specialist, said the temporary regulation is good till April, then they will be writing a final rule. The Part A of the hazardous waste permit is required in the meantime.

Mr. Hung went on to say that during the shredding process, if everything is done properly, the resulting non-recyclable material can be sent to a solid waste landfill. Requiring the hazardous waste permit will allow DTSC to make sure the shredding process is done right with the appropriate treatment.

Mr. Morioka said he thought the non-metal waste is a hazardous waste. Mr. Kaufmann clarified that that it does designate as a hazardous waste, but previously there was an exception that allowed them to call it non-hazardous.

Commissioner Hughes thought this is something the committee should track. The rest of the committee agreed.

b) Discuss Potential hazardous of marijuana processing waste

Steve Morioka explained that in the manufacturing process after oil is extracted from marijuana, or just from trimmings, the remaining plant material is considered a California hazardous waste because it fails the fish bioassay test. Therefore, it is supposed to be disposed of as a hazardous waste. Some processes to extract oil use ethanol, but most of this evaporates. There are very few locations that the Hazardous Materials Program regulates, but there are probably many more unregulated sites.

David LeCount, Hazardous Materials Specialist, said individual cities in the County decide whether to permit marijuana facilities, so it is hard to get a complete list of all the facilities in the County. He said Environmental Health issues permits, and there are 2 in the County. They produce a small amount of waste. These two facilities do have EPA ID numbers for hazardous waste generation, but they send their plant waste off-site as non-hazardous waste. But a small amount of ethanol waste is sent off as hazardous waste.

Mr. Morioka said that the CUPA Forum Board has asked DTSC for guidance on how to manage the plant waste.

Matt Kaufmann, Hazardous Materials Program Director, said he is not sure if the permit from Environmental Health says anything about the management of hazardous waste. He said that the CUPA Forum Board is petitioning DTSC to exempt plant waste. They are looking for a legislative sponsor for a bill this year. They did have a sponsor last year for AB 318 sponsored by Levine, but it failed. He noted that the problem is much bigger in northern and southern California than it is in the Bay Area.

Commissioner Payne wanted to know which legislative committee the previous bill failed in. Mr. Kaufmann didn't know.

Commissioner Carlson said he would like to know more about this issue. He thought the Bureau of Cannabis Control has said marijuana waste is an organic material and non-hazardous. But he would like to know what it is considered after the refining process.

Mr. LaCount said he has inspected one manufacturing facility that didn't have a store front, just a processing facility.

The committee said they would like more information on this issue.

c) Review results of sea level rise survey

The committee reviewed the results of the SLR rise survey they sent to approximately 120 businesses and received 20 responses for.

Commissioner Payne thought the sample size was big enough to draw conclusions from. He thought the Commission should consider asking the respondents for their addresses.

Jan Warren thought the Commission should follow-up and ask the businesses that responded to share more information with them. She noted that the County's Sustainability program was getting money from Measure X, so maybe they could do more engagement.

Commissioner Morales asked if any follow-up had been done with the facilities that responded, and Mr. Kent said that there had not been any.

6) Reports from Commissioners on matters of Commission interest: None

7) Plan Next Agenda: The committee will follow-up on the metal shredder and marijuana issues.

8) Adjournment – The meeting was adjourned at 5:30.