

Contra Costa County
HAZARDOUS MATERIALS COMMISSON

Draft Minutes
February 24, 2022

Members and Alternates Present: Jonathan Bash, Marielle Boortz, Don Bristol, Fred Glueck, Mark Hughes, Steve Linsley, Treston Shull, George Smith, Tim Bancroft (alternate), Peter Cloven (alternate), Ed Morales (alternate), Aaron Winer (alternate), Iliana Treyger (intern)

Absent: Jim Payne, Gabe Quinto, Mark Ross, Ken Carlson (represented by alternate), EJ seat (vacant)

Staff: Michael Kent; Matt Kaufmann, Nicole Heath, Fahlon Zappelli, Ed Ruane, Glenda Kierstead, Nicklaus Menge, Miguel Zepeda

Members of the Public: Howard Adams, Jan Warren, Greg Bosworth

1. Call to Order: Commissioner Glueck called the meeting to order at 4:01 p.m.

Announcements and Introductions:

Michael Kent announced:

- The General Public Alternate seat and the Environmental Justice seat are now both vacant and the Operations committee will start recruiting for them soon.
- On March 10th the Air District will be holding a public hearing on the CEQA thresholds for greenhouse gases.

2. Approval of the Minutes:

A motion was made by Commissioner Smith and seconded by Commissioner Hughes to approve the minutes for the January 27, 2022 meeting with corrections. The motion passed 10-0-1 with Commissioner Cloven abstaining.

3. Public Comments:

None

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

- Update on one Incidents of Interest: Chevron Refinery Oil Spill (February 9, 2021) - As a reminder, Chevron submitted their final 30-day report on October 27, 2021. The report details the findings from their incident investigation. They are working with County Counsel to prepare an agreement between the County and Chevron to allow the full incident investigation report prepared by Chevron to be shared with AcuTech (contractor to the County).

- With the retirement announcement from Steve Morioka, they conducted a recruitment for an Assistant Director of Hazardous Materials Programs. He is happy to announce that Adam Springer (former Hazardous Materials Specialist) was offered and accepted the position. Adam has been with their agency since 2003. As a Hazardous Materials Specialist, Adam has led their Health and Safety Program, Stormwater Program, Aboveground Petroleum Storage Act Program, and most recently their Underground Storage Tank Program.
- They have hired four new Hazardous Materials Specialist I's:
 - Edward Ruane – A Chemical Engineering by training, Eddie has several years of experience with establishing and implementing occupational health and safety programs, as well as project management. \
 - Fahlon Zappelli – She is not a stranger to their agency – a Chemist by training, Fahlon has been a valued member of their team since 2016 as a Hazardous Materials Technician. They are very happy that Fahlon has decided to take on this new role – and her knowledge and expertise of all our incident response equipment will be extremely useful as a Hazardous Materials Technician.
 - Glenda Kierstead – An Environmental Scientist by training, Glenda's previous experience (over 10 years) as a consultant was in both the Hazardous Materials Business Plan Program and the Underground Storage Tank Program will be extremely valuable to their agency. Glenda recently relocated from Southern California to Northern California – and they are lucky to have her.
 - Nicklaus Menge –A Biologist by training, Nick comes to them with laboratory and regulatory experience. Most recently, Nick worked for a wastewater district as an Industrial Waste Inspector. Nick has recently relocated to Contra Costa County from the South Bay.
- They are excited to welcome their newest Accidental Release Prevention Engineer to their team – Miguel Zepeda. Miguel is a Chemical Engineer by training. He comes to Their agency with several years of industrial experience, as well as regulatory experience. Miguel most recently worked for the Bay Area Air Quality Management District as an Air Quality Inspector.
- With the promotion of Fahlon Zappelli to Hazardous Materials Specialist, they are recruiting for one (1) Hazardous Materials Technician. This position primarily supports the Incident Response Team through the acquiring and maintaining of all the various equipment needed to respond to an incident. The position closed for applications on Friday, February 18th. They will be conducting interviews shortly.
- He previously reported that they would be hiring a Pollution Prevention Specialist to work primarily in the Green Business Program. Susan Psara (Hazardous Waste Reduction Manager) continues to work on opening this recruitment.
- As he reported to the commission at previous meetings, they are going through a Certified Unified Program Agency evaluation by the California Environmental Protection Agency. Today (February 24th), they participated in the Exit Briefing for their evaluation. They expect to receive the Final Summary of Findings for their evaluation in about a month.
- Hazmat continues to work with their contractor (NBS Government Finance Group) to perform a comprehensive fee study for the Hazardous Materials Division. As a reminder, any proposed revisions to the fee structure will be presented to the regulated community

for input/comment. The final fee proposal and associated report will be presented to the Board of Supervisors for approval prior to implementation. As they go through this process, they will be sure to keep the Commission apprised of any updates and public meetings.

- The Hazardous Materials Incident Notification Policy Revisions were approved by the Board of Supervisors on January 11, 2022. As per the Board Order, the new policy will go into effect 60 days from approval (this was determined to be Saturday, March 12th). Therefore, the policy will go into effect the next business day (Monday, March 14th) at 8:00 AM. The HazMat Division is working closely with the Sheriff's Office of Emergency Service – Community Warning System Manager (Heather Tiernan) to conduct an educational campaign regarding the revised policy. Thus far, they have conducted trainings/information sharing events for County/City emergency planners, county-wide dispatchers, industry (regulated facilities with a Community Warning System terminal), Operational Area Operations Chiefs, and Fire Department-based HazMat Response Teams. They are planning to meet with Law Enforcement soon.
- Nicole - There are two facilities who have updates related to Safety Culture, Hazmat will work with Michael Kent to present these updates to the Commission.
- Nicole Heath will present an update on a regulatory determination for Raven Inc. Hydrogen Project in Richmond for inclusion in CalARP/ISO Programs. Nicole - During the last commission meeting (January 27, 2022), you heard a presentation from Raven regarding a partnership with Republic Services to convert green waste into hydrogen. A question regarding CalARP/ISO program applicability for this project was brought up during that presentation. After researching the project specifics, they have determined the project will not be subject to CalARP/ISO because less than 10,000 pounds of hydrogen will be stored on-site.

Howard Adams asked if there was an update on the review of the regulatory framework for aboveground storage tanks. Mr. Kaufmann didn't have an update and he said he thought this would be handled through the ISO/CWS Ad Hoc committee of the Board of Supervisors.

5. Operations Committee Report:

Commissioner Glueck reported that the Operations Committee met on February 11, 2022. They reviewed the findings of the Commission's business survey concerning sea level rise, and developed an outline for a letter to the Transportation, Water and Infrastructure committee that is on the meeting agenda today. They also set up a schedule for promoting and interviewing for the General Public Alternate seat and discussed a recruitment strategy. Finally, they provided feedback on a draft survey on pipeline safety prepared by the Alamo Improvement Association and identified some groups to promote the survey to.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee did not meet in February.

7. Old Business:

a) Develop recommendation to the Transportation, Water and Infrastructure committee of the Board of Supervisors for the results of the survey of Contra Costa businesses concerning sea level rise.

The Commission reviewed a letter prepared by staff based on the outline developed at the February 11th Operations committee meeting. The Commission made some changes to the letter (attached) and the voted 9 – 0 to approve sending it to the Transportation, Water and Infrastructure committee of the Board of Supervisors.

8. New Business:

a) Update on the environmental and regulatory status of the class of chemicals known as PFAS

Amy Wilson of TRC gave a power point presentation on PFAS that included information on its chemical structure, use, health effects, fate in the environment, and efforts to establish regulatory limits in various medium.

A Q&A session followed in which members of the Commission and the public posed questions.

Commissioner Hughes expressed his concern about regulations being established where there aren't ways for businesses to comply with them. Ms. Wilson said that she shared his concern. For example, what if limits were set for landfill leachate and then a wastewater treatment plant wouldn't accept it. What would the landfill do?

Commissioner Boortz asked if the toxicity of PFAS isn't well known, what is the basis of concern? Ms. Wilson said that some testing has been done, but not much, and a lot more needs to be done to make sure the results are valid. The California Prop 65 determination listing PFAS chemicals was challenged because of the data they used. One issue that concerned her is that Health Goals don't take into account which is possible to achieve technologically when determining standards.

Commissioner Glueck asked a number of questions: Has PFAS been identified as a carcinogen? Why is it hard to filter or collect? What about using solidification to deal with it? And are there substitutes for its use? Ms. Wilson respond to these questions. She said several PFAS chemicals have been identified as potential carcinogens. PFOS and PFOA concentrations are already so low that it is hard to technologically get them any lower. Also, long-chain compounds are easier to remove from water than short-chain compounds. Solidification has been used, but it is still under study. Substitutions for PFOS and PFOA, which have been banned, have been made in firefighting foam with shorter-chained PFAS. It is less toxic, but more mobile. So non-PFAS fire fighting foams are being sought, but with no luck yet.

Commissioner Smith observed that contaminants that have been of concern in the past in ground and surface water, such as BTX and chlorinated solvents, started out only having advisory levels for them. He asked her to confirm that those chemicals eventually had Maximum Contaminant Levels (MCLs) developed for them. Ms. Wilson confirmed that was the case. He then asked if California is taking up the 70 parts per trillion advisory level that other states have adopted. Ms. Wilson said that while some states have established a 70 ppt advisory level, other states have more stringent advisory levels and some states have adopted MCLs. This might have been in response to the public outcry due to contamination at DuPont manufacturing sites in other parts of the country.

Commissioner Smith also asked if PFAS can be airborne. Ms. Wilson said that yes, it could. And is often attached to particulate matter. CARB is considering including PFAS in their Toxic Hot Spot program. She added that PFAS may also be volatile, but this is an emerging issue and there is not yet a lab standard for PFAS in air.

Howard Adams asked about the carcinogenic nature and build-up of PFAS in organs. Ms. Wilson said that it is extremely bioaccumulative in muscle tissue, and that studies are on-going on this issue. In testing the use a methodology that can get down to 2 parts per trillion.

The Commission thanked Ms. Wilson for her presentation.

9. Reports from Commissioners on Matters of Commission Interest:

None

10. Plan Next Agenda:

The Commission will have a presentation on a business perspective on siting a battery recycling facility in California.

11. Adjournment: The meeting adjourned at 6:06 pm.