



# CONTRA COSTA COUNTY

## AGENDA

### Hazardous Materials Commission

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Wednesday, April 17, 2024

4:00 PM

1333 Pine Street, Suite C-1, Martinez | at  
<https://cchealth.zoom.us/j/94040107767> |  
Call in: 1 (646) 518-9805 Access code 940  
4010 7767.

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#### Planning and Policy Committee

Agenda Items: Items may be taken out of order based on the business of the day and preference of the Committee

1. Roll Call, Introductions and announcements
  2. APPROVAL OF MINUTES: MARCH 20, 2024
  3. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to two minutes).
  4. Old Business: None
  5. New Business
  - a. Review and analyze proposed State Legislative bills to track for potential recommendations to the Board of Supervisors [24-1107](#)
- Attachments:** [HMC Summary of State Legislation 4 24](#)
6. Reports for Commissioners on Items of Commission Interest
  7. Plan Next Agenda
  8. The next meeting is currently scheduled for May 15,2024
  9. Adjourn

The Committee will provide reasonable accommodations for persons with disabilities planning to attend the Committee meetings. Contact the staff person listed below at least 72 hours before the meeting. Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Committee less than 96 hours prior to that meeting are available for public inspection at 1220 Morello Ave., Suite 100, during normal business hours. Staff reports related to items on the agenda are also accessible on line at [www.contracosta.ca.gov](http://www.contracosta.ca.gov). Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact: Michael Kent, [mkent@cchealth.org](mailto:mkent@cchealth.org), (925) 250-3227



# CONTRA COSTA COUNTY

1025 ESCOBAR STREET  
MARTINEZ, CA 94553

## Staff Report

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**File #:** 24-1107

**Agenda Date:** 4/17/2024

**Agenda #:** a.

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Summary of State Legislation, 2024 Session

<u>Bill Name</u>	<u>Author</u>	<u>Summary</u>	<u>Notes</u>
<p>SB 674 Fenceline monitoring</p>	<p>Gonzalez</p>	<p>This bill would <del>extend the above requirements to expand the definition of a refinery for these purposes to include related facilities located on contiguous or adjacent properties and to include</del> refineries engaging in other types of refining processes, including those using noncrude oil <del>feedstock, and to auxiliary facilities.</del> <i>feedstock.</i> The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be <i>updated or</i> installed on or before January 1, <del>2026, 2028,</del> after a 30-day public comment period, <del>and would require the refinery-related community air monitoring system to be updated,</del> as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of refineries to notify the air district and the public, as provided, as quickly as possible of any exceedances of <del>the lowest available one-hour average reference exposure levels set by the office or the United States Environmental Protection Agency.</del> <i>specified pollutant thresholds.</i> The bill would require the owners or operators of refineries, within 24 hours of a fence-line monitoring system detecting an exceedance of <del>a historical one-hour average concentration of any measured pollutant,</del> <i>those thresholds,</i> to initiate a root cause analysis and to determine appropriate corrective</p>	<p>The bill was made inactive at the end of the 2023 session and is now on the Assembly floor waiting for a floor vote. That could happen any time.</p> <p>For more details see: <a href="#">09/01/23- Assembly Floor Analysis</a></p>

		<p>action, as provided. The bill would require the owners or operators of refineries to conduct third-party audits of its fence-line monitoring system, as provided, to ensure the accuracy of the system. Because the bill would impose additional duties on air districts, the bill would impose a state-mandated local program.</p>											
<p>AB 2623 CO2 transport</p>	<p>Arambula</p>	<p>This bill would expand the regulation of intrastate pipelines under the act to intrastate pipelines used for the transportation of carbon dioxide, by revising the definition of “pipeline” for purposes of the act to also include intrastate pipelines used for the transportation of carbon dioxide. The bill would require carbon dioxide transported in intrastate pipelines to be at a certain state and certain concentration and would prohibit the pipeline transportation of carbon dioxide that is not in that state or concentration. The bill would also require pipelines used for the transportation of carbon dioxide to be those specifically built for that purpose and would prohibit the use of pipelines for the transportation of carbon dioxide built to transport substances other than carbon dioxide. The bill would require the State Fire Marshal to adopt safety-related regulations governing intrastate pipelines transporting carbon dioxide, as provided. The bill would authorize the State Fire Marshal to require an operator of a pipeline transporting carbon dioxide to cease operation of the pipeline if the operator is found to be in violation of the above requirements and prohibitions or the safety-related regulations.</p> <p>Existing law requires the State Air Resources Board to adopt regulations for a unified permit application for the construction and operation of carbon dioxide capture, removal, or sequestration project to expedite the issuance of permits or other authorizations for the construction and operation of those projects.</p> <p>This bill would require the unified permit application to ensure that carbon dioxide transported to or from an injection or sequestration site, or captured carbon dioxide transported to the point of use, be transported by specified methods.</p>	<table border="1"> <thead> <tr> <th>Date</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>04/02/24</td> <td>In committee: Set, first hearing. Hearing canceled at the request of author.</td> </tr> <tr> <td>03/21/24</td> <td>Referred to Coms. on U. &amp; E., NAT. RES. and E.M.</td> </tr> <tr> <td>02/15/24</td> <td>From printer. May be heard in committee March 16.</td> </tr> <tr> <td>02/14/24</td> <td>Read first time. To print.</td> </tr> </tbody> </table>	Date	Action	04/02/24	In committee: Set, first hearing. Hearing canceled at the request of author.	03/21/24	Referred to Coms. on U. & E., NAT. RES. and E.M.	02/15/24	From printer. May be heard in committee March 16.	02/14/24	Read first time. To print.
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<p>AB 909</p> <p>Solid Waste Disposal and Codisposal Site Cleanup Program</p>	<p>Hoover</p>	<p>The Solid Waste Disposal and Codisposal Site Cleanup Program, administered by the Department of <del>Resources</del>, <i>Resources</i> Recycling and Recovery, pays for the cleanup of solid waste disposal sites and for the cleanup of solid waste at codisposal sites, as specified.</p> <p>This bill <del>would</del> <i>require would authorize</i> the department, <i>beginning July 1, 2024, and</i> upon appropriation by the Legislature, <del>to initiate a program</del> to collect and properly manage illegally disposed hazardous waste and household hazardous waste, as defined, regardless of whether they were codisposed with nonhazardous solid waste. <i>The bill would require the department to annually seek up to \$500,000 from the Department of Toxic Substances Control in reimbursement for grants awarded and program costs incurred. The bill would also prohibit the department from expending funds from the Integrated Waste Management Fund for purposes of this program in excess of the amount reimbursed by the Department of Toxic Substances Control.</i></p>	<table border="1"> <thead> <tr> <th>Date</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>02/01/24</td> <td>From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.</td> </tr> <tr> <td>01/31/24</td> <td>Died pursuant to Art. IV, Sec. 10(c) of the Constitution.</td> </tr> <tr> <td>05/18/23</td> <td>In committee: Held under submission.</td> </tr> </tbody> </table> <p>See also:</p> <p><a href="#">04/18/23- Assembly Appropriations</a></p>	Date	Action	02/01/24	From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.	01/31/24	Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	05/18/23	In committee: Held under submission.				
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<p>SB 1176</p> <p>Wildfires: workgroup: toxic heavy metals.</p>	<p>Niello</p>	<p>Existing law requires the Department of Forestry and Fire Protection to do certain things with respect to fire prevention, including organizing fire crews and patrols.</p> <p>This bill would require the Department of Forestry and Fire Protection, the Office of Emergency Services, and the Department of Toxic Substances Control, in consultation with specified entities, to form a workgroup related to exposure of toxic heavy metals after a wildfire. The bill would require the workgroup to do certain things, including establishing best practices and recommendations for wildfire-impacted communities and first responders to avoid exposure to heavy metals after a wildfire. The bill would require the Department of Forestry and Fire Protection, the Office of Emergency Services, and the Department of Toxic Substances Control to report their findings to the Legislature on or before January 1, 2026.</p>	<table border="1"> <thead> <tr> <th>Date</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>04/09/24</td> <td>From committee: Do pass and re-refer to Com. on E.Q. with recommendation: To consent calendar. (Ayes 11. Noes 0.) (April 9). Re-referred to Com. on E.Q.</td> </tr> <tr> <td>03/01/24</td> <td>Set for hearing April 9.</td> </tr> <tr> <td>02/21/24</td> <td>Referred to Coms. on N.R. &amp; W. and E.Q.</td> </tr> <tr> <td>02/15/24</td> <td>From printer. May be acted upon on or after March 16.</td> </tr> <tr> <td>02/14/24</td> <td>Introduced. Read first time. To Com. on RLS. for assignment. To print.</td> </tr> </tbody> </table> <p>See also:</p>	Date	Action	04/09/24	From committee: Do pass and re-refer to Com. on E.Q. with recommendation: To consent calendar. (Ayes 11. Noes 0.) (April 9). Re-referred to Com. on E.Q.	03/01/24	Set for hearing April 9.	02/21/24	Referred to Coms. on N.R. & W. and E.Q.	02/15/24	From printer. May be acted upon on or after March 16.	02/14/24	Introduced. Read first time. To Com. on RLS. for assignment. To print.
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			<u>04/04/24- Senate Natural Resources And Water</u>																			
<p>SB 903</p> <p>Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances</p>	<p>Skinner</p>	<p>Existing law, commencing January 1, 2025, prohibits the manufacture, distribution, sale, or offering for sale in the state of any new, not previously used, textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances (PFAS). Existing law, commencing January 1, 2025, prohibits the manufacture, sale, delivery, holding, or offering for sale in commerce of any cosmetic product that contains intentionally added PFAS.</p> <p>Existing law prohibits the distribution, sale, or offering for sale in the state of certain food packaging that contains regulated PFAS. Existing law prohibits the sale or distribution in commerce in the state of any new, not previously owned, juvenile product, as defined, that contains regulated perfluoroalkyl and polyfluoroalkyl chemicals.</p> <p>This bill would, beginning January 1, 2030, prohibit a person from distributing, selling, or offering for sale a product that contains intentionally added PFAS, as defined, unless the Department of Toxic Substances Control has made a determination that the use of PFAS in the product is a currently unavoidable use, the prohibition is preempted by federal law, or the product is used. The bill would specify the criteria and procedures for determining whether the use of PFAS in a product is a currently unavoidable use, for renewing that determination, and for revoking that determination. The bill would require the department to maintain on its internet website a list of each determination of currently unavoidable use, when each determination expires, and the products and uses that are exempt from the prohibition. The bill would impose a civil penalty for a violation of the prohibition, as specified. The bill would establish the PFAS Penalty Account and require all civil penalties received to be deposited into that account and, upon appropriation by the Legislature, to be used for the administration and enforcement of these provisions, as specified.</p> <p>This bill <del>would, by January 1, 2027,</del> <i>would</i> require the <del>department</del> <i>department, on or before January 1, 2027,</i> to adopt regulations to carry out the provisions of this bill. The bill would require the regulations to establish and provide for the</p>	<table border="1"> <thead> <tr> <th>Date</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>04/04/24</td> <td>From committee: Do pass and re-refer to Com. on JUD. (Ayes 4. Noes 2.) (April 3). Re-referred to Com. on JUD.</td> </tr> <tr> <td>03/18/24</td> <td>From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.</td> </tr> <tr> <td>03/08/24</td> <td>Set for hearing April 3.</td> </tr> <tr> <td>02/29/24</td> <td>Re-referred to Coms. on E.Q. and JUD.</td> </tr> <tr> <td>02/21/24</td> <td>From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.</td> </tr> <tr> <td>02/14/24</td> <td>Referred to Com. on RLS.</td> </tr> <tr> <td>01/05/24</td> <td>From printer. May be acted upon on or after February 4.</td> </tr> <tr> <td>01/04/24</td> <td>Introduced. Read first time. To Com. on RLS. for assignment. To print.</td> </tr> </tbody> </table>	Date	Action	04/04/24	From committee: Do pass and re-refer to Com. on JUD. (Ayes 4. Noes 2.) (April 3). Re-referred to Com. on JUD.	03/18/24	From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.	03/08/24	Set for hearing April 3.	02/29/24	Re-referred to Coms. on E.Q. and JUD.	02/21/24	From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	02/14/24	Referred to Com. on RLS.	01/05/24	From printer. May be acted upon on or after February 4.	01/04/24	Introduced. Read first time. To Com. on RLS. for assignment. To print.	<p>See also:</p> <p><u>04/01/24- Senate Environmental Quality</u></p>
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		assessment of an application fee. The bill would create the PFAS Oversight Fund and require all application fees to be deposited into the fund. The bill would require moneys in the account, upon appropriation by the Legislature, to be used to cover the department’s reasonable costs of administering this act.																	
<p>SB 1143</p> <p>SB-1143 Household hazardous waste: producer responsibility</p>	Allen	<p>(1) <i>Under</i> existing law, as part of the hazardous waste control laws, the Department of Toxic Substances Control (DTSC) generally regulates the management and handling of hazardous waste and hazardous materials. Existing law authorizes a public agency, as defined, to operate a household hazardous waste collection facility under permit from DTSC.</p> <p><i>The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires a city and a county to prepare and submit to the department a countywide integrated waste management plan. The act requires the plan to include a household hazardous waste element that identifies a program in each city and county for the safe collection, recycling, treatment, and disposal of hazardous wastes that are generated by households.</i></p> <p>Existing law, the Plastic Pollution Prevention and Packaging Producer Responsibility Act, establishes a producer responsibility program designed to ensure that producers of single-use packaging and food service ware covered by that program take responsibility for the costs associated with the end-of-life management of that material and ensure that the material is recyclable or compostable.</p> <p>This bill would create a producer responsibility program for products containing household hazardous waste and require a producer responsibility organization (PRO) to provide a free and convenient collection and management system for covered products. The bill would define “covered product” to mean a product <del>containing household hazardous waste, except a product that is subject to another statewide extended producer responsibility program and pesticides, as specified. that is flammable, toxic, ignitable, corrosive, reactive, or pressurized, and that meets other specified</del></p>	<table border="1"> <thead> <tr> <th>Date</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>04/05/24</td> <td>Set for hearing April 16.</td> </tr> <tr> <td>04/04/24</td> <td>From committee: Do pass and re-refer to Com. on JUD. (Ayes 5. Noes 2.) (April 3). Re-referred to Com. on JUD.</td> </tr> <tr> <td>03/18/24</td> <td>From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.</td> </tr> <tr> <td>03/08/24</td> <td>Set for hearing April 3.</td> </tr> <tr> <td>02/21/24</td> <td>Referred to Coms. on E.Q. and JUD.</td> </tr> <tr> <td>02/15/24</td> <td>From printer. May be acted upon on or after March 16.</td> </tr> <tr> <td>02/14/24</td> <td>Introduced. Read first time. To Com. on RLS. for assignment. To print.</td> </tr> </tbody> </table>	Date	Action	04/05/24	Set for hearing April 16.	04/04/24	From committee: Do pass and re-refer to Com. on JUD. (Ayes 5. Noes 2.) (April 3). Re-referred to Com. on JUD.	03/18/24	From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.	03/08/24	Set for hearing April 3.	02/21/24	Referred to Coms. on E.Q. and JUD.	02/15/24	From printer. May be acted upon on or after March 16.	02/14/24	Introduced. Read first time. To Com. on RLS. for assignment. To print.
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		<i>criteria.</i> The bill would require a producer of a covered product to register with a PRO, which would be required to develop and implement a producer responsibility plan for the collection, transportation, and the safe and proper management of covered products. The bill would require <del>CalRecycle</del> <i>DTSC</i> to adopt regulations to implement the program with an effective date no earlier than July 1, <del>2026</del> <i>2027</i> .																	
		<i>NEW BILL TO CONSIDER</i>																	
AB 2851  Metal shredding facilities: fence-line air quality monitoring	Bonta	<p>Existing law defines a “fence-line monitoring system,” for purposes of specified laws requiring the monitoring of toxic air contaminants from nonvehicular sources, to mean monitoring equipment that measures and records air pollutant concentrations at or adjacent to a stationary source that may be useful for detecting or estimating emissions of pollutants from the source, including the quantity of fugitive emissions, and in supporting enforcement efforts.</p> <p>Existing law requires the Department of Toxic Substances Control to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment, including the operation of metal shredding facilities for appliance recycling. <i>Existing law authorizes the department to collect an annual fee from all metal shredding facilities that are subject to the requirements of the hazardous waste control laws, and to deposit those fees into a subaccount in the Hazardous Waste Control Account. Existing law makes those moneys available to the department, upon appropriation by the Legislature, to reimburse the department’s costs to implement the hazardous waste control laws applicable to metal shredder facilities.</i></p> <p>This bill would require, on or before July 1, 2025, the department, in consultation with <del>the state board</del> <i>and</i> affected local air pollution control and air quality management districts, to develop <del>standards</del> <i>requirements</i> for facilitywide fenceline air quality monitoring at metal shredding facilities. <del>The bill would require the standards to require monitoring of specified substances, such as lead and zinc.</del> <i>facilities. Those</i></p>	<table border="1"> <thead> <tr> <th>Date</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>04/08/24</td> <td>Re-referred to Com. on E.S. &amp; T.M.</td> </tr> <tr> <td>04/04/24</td> <td>From committee chair, with author's amendments: Amend, and re-refer to Com. on E.S. &amp; T.M. Read second time and amended.</td> </tr> <tr> <td>04/01/24</td> <td>Re-referred to Com. on E.S. &amp; T.M.</td> </tr> <tr> <td>03/21/24</td> <td>From committee chair, with author's amendments: Amend, and re-refer to Com. on E.S. &amp; T.M. Read second time and amended.</td> </tr> <tr> <td>03/21/24</td> <td>Referred to Coms. on E.S. &amp; T.M. and NAT. RES.</td> </tr> <tr> <td>02/16/24</td> <td>From printer. May be heard in committee March 17.</td> </tr> <tr> <td>02/15/24</td> <td>Read first time. To print.</td> </tr> </tbody> </table>	Date	Action	04/08/24	Re-referred to Com. on E.S. & T.M.	04/04/24	From committee chair, with author's amendments: Amend, and re-refer to Com. on E.S. & T.M. Read second time and amended.	04/01/24	Re-referred to Com. on E.S. & T.M.	03/21/24	From committee chair, with author's amendments: Amend, and re-refer to Com. on E.S. & T.M. Read second time and amended.	03/21/24	Referred to Coms. on E.S. & T.M. and NAT. RES.	02/16/24	From printer. May be heard in committee March 17.	02/15/24	Read first time. To print.
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	<p><i>requirements would include, among other things, monitoring light fibrous material, lead, zinc, cadmium, and any other substance required to be monitored by the department, and a requirement that, if the monitoring indicates a potential adverse impact on air quality or public health, the local public health department issue a community notification, as provided.</i> The bill would also require <del>each local public health department to issue a community notification regarding the adverse impacts on air quality and public health as a result of the operation of metal shredding facilities in that jurisdiction, as provided, and to provide a biannual assessment to the local governmental entity for the jurisdiction in which the metal shredding facility is located.</del> <i>all metal shredding facilities that are subject to the hazardous waste control laws to implement the fenceline air quality monitoring requirements.</i> The bill would require the department to <del>ensure the successful</del> <i>oversee and enforce the</i> implementation of <del>those the</del> fenceline air quality monitoring <del>standards</del> <i>requirements</i> on or before December 31, 2025. <i>The bill would also authorize any regulatory costs incurred by the department in implementing the bill's requirements to be reimbursed from the subaccount in the Hazardous Waste Control Account.</i> By imposing new duties on local public health departments, the bill would impose a state-mandated local program.</p>	<p>04/05/24- Assembly  <u>Environmental Safety And  Toxic Materials</u></p>
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