

DRAFT

[date]

[Board of Supervisors address]

Re: Recommendations concerning community engagement and communication around Brownfield and other contaminated sites cleanup efforts

Dear Chair and members of the BOS,

On behalf of the Hazardous Materials Commission, I am providing you with recommendations regarding County procedures and practices concerning community engagement and outreach for Brownfields and other contaminated sites cleanup efforts in the County, including during County processing of land use applications for such sites. The Commission voted to support these recommendations at our [insert date] meeting.

Background

In September 2010, the Commission published its report “Brownfields and Contaminated Sites Cleanup Policy in Contra Costa County, Recommendations for Improvement”, which is posted on the County website’s Hazardous Materials Commission webpage. The report describes the Commission’s four-year study of the status of Brownfield and other contaminated sites in the County and provides the Commission’s findings and four recommendations for the Board of Supervisors’ consideration.

The recommendations in the 2010 report are listed below.

1. The Board of Supervisors should direct the County’s Hazardous Materials Program to develop a complete, centralized, publicly accessible data, database of all contaminated and potentially contaminated sites in the County based on data available from the California Department of Toxic Substances Control, the State Water Resources Control Board and County databases.
2. The Board of Supervisors should recommend to the California Department of Toxic Substances Control and the State Water Resources Control Board that their contaminated site databases highlight when monitoring reports and five-year reviews of sites are due. The Board of Supervisors should direct the County’s Hazardous Materials Program to develop a system to track the implementation of the long-term monitoring and site-review requirements for County sites that have such requirements in their final remedial action plans, if they are highlighted on these data bases, and follow up as appropriate when they discover sites are overdue for review.
3. The Board of Supervisors should direct the County’s Hazardous Materials Programs and Department of Conservation and Development to work together to identify contaminated sites within Urban Limit lines in the County to aid in SB 375 planning
4. The Board of Supervisors should continue to direct appropriate County Departments to seek grants to identify, investigate and remediate potentially contaminated sites within Contra Costa

County. They should direct appropriate County Departments to work with logical jurisdictions, special districts, and private developers within Contra Costa County to apply for these grants where applicable.

[Insert/comments on Status of the recos?]

In 2022, the Commission decided to revisit the topic of Brownfield and other contaminated sites in the County, specifically to assess current practices around community engagement.

To learn from stakeholders with different roles and perspectives in community engagement regarding Brownfields and contaminated site cleanups and development projects, the Commission received presentations from and/or had discussions with ten people of various affiliations. Dates of the presentations/discussions are shown in parentheses.

- Dante Miguel, with Healthy Contra Costa, a community organization, regarding the cleanup of the Centerpoint site on Brookside Drive in North Richmond. (November 11, 2022; August 11, 2023)
- Latifah Abdullah, North Richmond resident, regarding the Centerpoint site in North Richmond. (November 11, 2022)
- Asha Setty, California Department of Toxic Substances Control (DTSC) Community outreach specialist, regarding DTC's community engagement process for contaminated sites. (January 13, 2023)
- Steve Linsley, Richmond Southeast Shoreline Area Community Advisory Group member, regarding the history and activities of the Group concerning the former Zeneca site located in Richmond. (February 10, 2023).
- Alyson Greenlee, Contra Costa County economic development manager. (June 9, 2023; December 8, 2023; April 12, 2024).
- George Carter, Contra Costa County Economic Development team member. (June 9, 2023; March 8, 2024)
- Francisco Avila, principal planner, Contra Costa County Department of Conservation and Development. (November 3, 2023).
- Roxanne Carrillo, with Healthy Contra Costa. (November 3, 2023; December 8, 2023)
- Tracy Craig, with Craig Communications, communications consultant.(February 9, 2024).
- Steve Jones, with Integral Communities, a real estate development company that cleans up contaminated properties to residential standards and then sells the land to developers. (February 9, 2024).

Commissioners also discussed their own experiences and observations from community engagement activities and communications regarding Brownfields/contaminated sites.

Based on learnings from this information gathering, the Commission developed nine recommendations for consideration by the Board of Supervisors regarding community engagement and communication concerning Brownfield and other contaminated sites cleanup efforts. The recommendations and rationale for the recommendations follow.

Recommendations

- 1. The County should oppose zoning of a Brownfield or other contaminated site to residential use unless:**
 - There has been substantial community engagement with the surrounding community members about the site cleanup and proposed residential use.
 - No land use restrictions will be placed on the site following cleanup.

Rationale: The Commission has concerns about residential use of properties where contamination remains in soil and groundwater. Over time, cleanup standards tend to become stricter and contaminant detection limits lower such that property that meets residential standards when developed may not meet residential cleanup standards that may be established in the future to protect human health. If the approved cleanup plan requires installation and maintenance of abatement equipment or engineering controls, there is concern that the equipment/controls may not be adequately maintained over time. The initial residents of a developed property would likely be aware of a property's past uses and land use restrictions placed on the property. Subsequent residents may not be so informed and may have no avenue to advocate for additional site cleanup if they find remaining or newly discovered contamination.

- 2. Improve County community engagement and education practices through earlier, broader, and culturally appropriate community engagement.**

Means to accomplish this should include: Increasing the distance from the site for required community notifications, ensuring communications are culturally appropriate and in the appropriate language for the community, considering use of creative means to reach hard to reach people. Funding for this work could be part of a grant to do site identification and investigation, e.g., grants available from the federal Environmental Protection Agency (EPA) and the California Department of Toxic Substances Control (DTSC).

Rationale: The Commission heard that residents may not learn about Brownfield and contaminated site development projects in their neighborhood until late in the cleanup plan and land permit approval processes. The Commission also heard that many members of the public do not: understand the cleanup plan and land use permit approval processes; know how they can provide input; understand technical terms, information and data regarding site contamination and risk assessments.

- 3. Start conducting community engagement at the beginning of the CEQA process for site development proposals, e.g., before the land use permit is issued. Provide means for members of the public to sign up to receive automatic notices of site updates and public comment periods/meetings.**

Rationale: The Commission heard that community members may learn of a development project at a Brownfield/contaminated site too late, after public comment periods have passed. Also that there is an opportunity to close the communications gap between the site cleanup plan approval and development permitting processes since the processes are managed by different agencies, such as DTSC and the County.

- 4. Implement a protocol for County residents to readily and easily learn about the status of Brownfield/contaminated sites in their community.**

This could be achieved by different means, such as:

- Develop and post a Brownfield/contaminated sites inventory for the County, including the development status of each site.
- Post links to the DTSC EnviroStor and State Water Board GeoTracker data systems on the County website.
- Provide public education and guidance and how to use EnviroStor and GeoTracker.
- Request DTSC or have the County link the property deed information to the site information in EnviroStor.
- Community outreach and education about Brownfield/contaminated sites could be a function of the County Ombudsman program.

Rationale: Currently residents have to review DTSC’s EnviroStor and the State Water Board’s GeoTracker data systems, or sign up to get public notices, to learn when there is activity at a particular site. The data systems are not easy for the general public to use without technical expertise. Having Brownfield/contaminated site information more readily available could make it easier for homeowners and property purchasers to do due diligence.

5. Support legislation requiring better Brownfield/contaminated site signage, fencing and more public notifications about site activities, such as AB1045 which died in the Assembly in 2023.

Rationale: The Commission is aware of instances in the County where signs alerting of site contamination hazards are not posted and members of the public, unaware of potential risks, trespass onto a Brownfield/contaminated site. The Commission also learned that DTSC and other agencies follow current law which just requires that certain notices regarding hazardous waste/material sites and projects be published in newspapers. California AB1045 would have required use of additional and now more commonly used communications means such as online newspapers, digital platforms and community bulletin boards.

6. Develop and implement a protocol such that the County is an advocate for the community not just an arbitrator between the public and a Brownfield/contaminated site project proponent/permit applicant.

The protocol should include:

- Helping residents be educated about the sites and able to advocate for themselves.
- Proactively communicating to the surrounding community about a development project once the County learns of the project.

The protocol could involve working with Municipal Advisory Councils (MACs) in the County to inform and engage with community members. The protocol could also be a project of the County Ombudsman program.

Rationale: The Commission believes there is opportunity for the County to be more of an advocate for the public, especially regarding public health concerns at Brownfields and other contaminated sites. This recommendation is consistent with several of the Commissions’ recommended changes and additions, regarding environmental justice policy, to the County’s draft General Plan update by our February 1, 2021 letter to the Board of Supervisors chairperson, e.g., Identify and designate a communications liaison to ensure that hazardous materials and waste topics are presented to disadvantaged communities in a manner that is easily and clearly comprehensible.

- 7. Develop and implement a procedure to facilitate having one single point in the County to receive notices/information from the Regional Water Quality Control Board (RWQCB) and DTSC about Brownfield/contaminated site projects and then distribute the notices/information to relevant County agencies/departments, including the County Public Health Department.**

Rationale: The Commission learned that County Public Health Department staff may not learn about Brownfield and contaminant site cleanups and land use projects since County departments which receive RWQCB/DTSC notices/information typically review them from their own technical perspective and within their jurisdiction. If the Public Health Department receives the notices/information, it can then assign a subject matter expert to help explain/provide information to the public or issue a health advisory as deemed necessary or appropriate.

- 8. Support agency efforts to identify cumulative impacts on public health from Brownfield/contaminated site activities.**

Rationale: The Commission is aware of work being done by DTSC and the federal EPA to identify cumulative impacts in North Richmond. The County should monitor and support this work.

- 9. Promote ways to incentivize and make it easier for nearby residents to participate in community meetings about Brownfield/contaminated sites in their neighborhood.**

Some examples that have been done and welcomed by residents include:

- Provide childcare or an activity room for children at the meeting site.
- Provide food and beverages at meetings.
- Compensate site neighboring residents who attend the meeting, e.g., provide a local grocery store voucher (after confirming the attendee is a resident who lives in the neighborhood surrounding the site).

Rationale: The Commission believes effective community engagement and education can best be achieved when numerous community members attend public meetings.

Sincerely,

Fred Glueck, Chairperson
Contra Costa County Hazardous Materials Commission