

Staff Report on Hazmat Commission Reimagining

Contra Costa Health
Hazardous Materials Programs



SUMMARY

As the regulatory framework, board structure, and county policies and procedures have evolved, the Hazmat Commission (HMC)'s initial charge has been limited. This has resulted in reduction in effectiveness and duplicative efforts among various commissions. There is a notable alignment between many of the current HMC activities with the following: ISO Ad Hoc, Sustainability Commission, Fire Advisory Commission.

BACKGROUND/ANALYSIS:

The HMC was established in 1986, to comply with the requirements of Health and Safety Code Section 25135.2 (attachment 1). This section required counties to establish local advisory committees to "assist the county in the preparation and administration of the county hazardous waste management plan." However, in 2021 Senate Bill 158 (SB 158) was adopted and codified as Health and Safety Code Section 25135 and Section 25135.2 was repealed (attachment 2 and 3). Section 25135 now identifies the Department of Toxic Substances and Control as the responsible party for hazardous waste management plans. SB 158 established a Board of Environmental Safety comprising of 5 seats appointed by the Governor, Senate Committee, and Speaker of Assembly in lieu of local advisory committees. The core mission of the HMC was to provide policy recommendations for hazardous materials and hazardous waste and advise the board, elected officials, and county & city staff.

Tasks of the HMC:

The HMC's original tasks were to draft a detailed hazardous waste management plan which would include information regarding hazardous waste generation. (e.g. generator ID, waste stream amounts, treatment of waste etc.). However, the implementation of the Certified Unified Program Agencies (CUPA) and introduction of the six hazardous materials regulations (including Hazardous Waste Generator regulations) has superseded the need for this. SB 158 also introduced state requirements for a hazardous waste management plan and Board of Environmental safety to address these issues statewide.

The HMC then evolved to review various hazardous materials issues in Contra Costa County including transportation issues, process safety, pipeline safety, and notification.

Most recent HMC priorities have included the following:

- Joint meetings with the ISO Ad Hoc to receive a report on Safety Culture [also discussed at ISO Ad Hoc]
- Updates and Changes to the Hazardous Materials Incident Notification Policy and CWS implementation [also discussed at ISO Ad Hoc]
- Updates on large incidents from facilities regulated by the Hazardous Materials Division [also discussed at ISO Ad Hoc]
- Brownfields [general Hazmat Item that could be discussed at Fire Commission]
- Lithium-Ion Battery Fires and Emergency Response [also discussed at Fire Commission]
- Changes to Process Safety Management Regulations: Both State (OSHA/CalEPA) and Local (ISO/RISO) [also discussed at ISO Ad Hoc]

- Environmental Justice and Sustainability measures (including sea level rise, climate action plan, and renewable fuels) [items that may be discussed or have been discussed at the Sustainability Commission]

Many of these topics are already discussed during other meetings such as the ISO Ad Hoc, Sustainability Commission, and Fire Advisory Commission.

Additionally, with the introduction of the CUPA Forum Board, many legislative items have been directly referred to the Board through departmental levels from the Hazardous Materials Division rather than through the HMC. The HMC does receive each year’s legislative list from the CUPA Forum Board via staff to the HMC. Admin Bulletin 110 also has been changed in recent years to only have recommendations come directly from the department and not commissions/advisory bodies themselves. There also have been no major policy recommendations brought to the Board by the HMC in recent years.

The transition of the Hazardous Materials Division to the Fire Protection District provides the opportunity for division specific items to be reported through the Fire Advisory Commission, including any state hazardous waste plan updates as well.

Make-up of the HMC:

The HMC currently consists of 14 members and 14 alternates. Table 1 compares the seats on the HMC to those of the ISO Ad Hoc, Fire Advisory Commission, and Sustainability Commission.

	HMC	Sustainability	ISO Ad Hoc	Fire Advisory
<i>City Representatives</i>	3 seats	N/A	N/A	-
<i>Business Representatives</i>	3 seats	2 seats	N/A	-
<i>Labor Representatives</i>	2 seats	N/A	N/A	-
<i>General Public</i>	1 seat	5 seats (one from each district, appointed by board)	N/A	5 seats (one from each district, appointed by board)
<i>Environmental Justice</i>	1 seat	2 seats	N/A	-
<i>Environmental Organization</i>	2 seats	2 seats	N/A	-
<i>Environmental Engineering</i>	1 seat	N/A	N/A	-
<i>League of Women Voters</i>	1 seat	N/A	N/A	-
<i>Other</i>	N/A	1 education or research institution seat	N/A	2 At Large (one from East County) 3 At Large Alternates

As seen in the table there is overlap in many of the seats for these existing bodies.

HMC Meeting Rates:

Over the last 3 years (2024-2026), the meeting cancellation rate for the HMC has averaged 28%, this is due to lack of quorum to hold the meeting. While some adjustments to timing have been made and numerous efforts to ensure quorum, meetings are still being cancelled and often at the last minute.

Conclusion:

In conclusion, staff has determined based on the above analysis that there are already many avenues existing within the Boards Committee structure to address current HMC priorities. Therefore, staff recommends that the HMC be retired and priorities/issues be referred to existing committees such as: ISO Ad Hoc, Sustainability Commission, and Fire Advisory Commission.