



Agenda

INDUSTRIAL SAFETY ORDINANCE JOINT COMMITTEE

February 23, 2021
1:00 PM

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://cchealth.zoom.us/j/92817334947>

Or iPhone one-tap:

+16465189805,,92817334947# US (New York)

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US: +1 646 518 9805

Webinar ID: 928 1733 4947

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Supervisor John Gioia
Supervisor Federal Glover

Agenda Items:

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

1. Call to Order and Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

DISCUSSION

3. February 9, 2021 Chevron Oil Spill
Presenters: Matt Kaufmann, Contra Costa Health Services
Randy Sawyer, Contra Costa Health Services
4. NuStar October 2019 Fire Investigation Update
Presenter: Chief Lewis Broschard, Contra Costa County Fire Protection District

☺ *The ISO/CWS Ad Hoc Committee will provide reasonable accommodations for persons with disabilities planning to attend 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 ISO/CWS Ad Hoc Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.*

✉ *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:

Randy Sawyer, Committee Staff
Phone (925) 957-2668
Randy.Sawyer@cchealth.org



Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HCD	(State Dept of) Housing & Community Development
ABAG	Association of Bay Area Governments	HHS	Department of Health and Human Services
ACA	Assembly Constitutional Amendment	HIPAA	Health Insurance Portability and Accountability Act
ADA	Americans with Disabilities Act of 1990	HIV	Human Immunodeficiency Syndrome
AFSCME	American Federation of State County and Municipal Employees	HOV	High Occupancy Vehicle
AICP	American Institute of Certified Planners	HR	Human Resources
AIDS	Acquired Immunodeficiency Syndrome	HUD	United States Department of Housing and Urban Development
ALUC	Airport Land Use Commission	Inc.	Incorporated
AOD	Alcohol and Other Drugs	IOC	Internal Operations Committee
BAAQMD	Bay Area Air Quality Management District	ISO	Industrial Safety Ordinance
BART	Bay Area Rapid Transit District	JPA	Joint (exercise of) Powers Authority or Agreement
BCDC	Bay Conservation & Development Commission	Lamorinda	Lafayette-Moraga-Orinda Area
BGO	Better Government Ordinance	LAFCo	Local Agency Formation Commission
BOS	Board of Supervisors	LLC	Limited Liability Company
CALTRANS	California Department of Transportation	LLP	Limited Liability Partnership
CalWIN	California Works Information Network	Local 1	Public Employees Union Local 1
CalWORKS	California Work Opportunity and Responsibility to Kids	LVN	Licensed Vocational Nurse
CAER	Community Awareness Emergency Response	MAC	Municipal Advisory Council
CAO	County Administrative Officer or Office	MBE	Minority Business Enterprise
CCHP	Contra Costa Health Plan	M.D.	Medical Doctor
CCTA	Contra Costa Transportation Authority	M.F.T.	Marriage and Family Therapist
CDBG	Community Development Block Grant	MIS	Management Information System
CEQA	California Environmental Quality Act	MOE	Maintenance of Effort
CIO	Chief Information Officer	MOU	Memorandum of Understanding
COLA	Cost of living adjustment	MTC	Metropolitan Transportation Commission
ConFire	Contra Costa Consolidated Fire District	NACo	National Association of Counties
CPA	Certified Public Accountant	OB-GYN	Obstetrics and Gynecology
CPI	Consumer Price Index	O.D.	Doctor of Optometry
CSA	County Service Area	OES-EOC	Office of Emergency Services-Emergency Operations Center
CSAC	California State Association of Counties	OSHA	Occupational Safety and Health Administration
CTC	California Transportation Commission	Psy.D.	Doctor of Psychology
dba	doing business as	RDA	Redevelopment Agency
EBMUD	East Bay Municipal Utility District	RFI	Request For Information
EIR	Environmental Impact Report	RFP	Request For Proposal
EIS	Environmental Impact Statement	RFQ	Request For Qualifications
EMCC	Emergency Medical Care Committee	RN	Registered Nurse
EMS	Emergency Medical Services	SB	Senate Bill
EPSDT	State Early Periodic Screening, Diagnosis and Treatment Program (Mental Health)	SBE	Small Business Enterprise
et al.	et al (and others)	SWAT	Southwest Area Transportation Committee
FAA	Federal Aviation Administration	TRANSPAC	Transportation Partnership & Cooperation (Central)
FEMA	Federal Emergency Management Agency	TRANSPLAN	Transportation Planning Committee (East County)
F&HS	Family and Human Services Committee	TRE or TTE	Trustee
First 5	First Five Children and Families Commission (Proposition 10)	TWIC	Transportation, Water and Infrastructure Committee
FTE	Full Time Equivalent	VA	Department of Veterans Affairs
FY	Fiscal Year	vs.	versus (against)
GHAD	Geologic Hazard Abatement District	WAN	Wide Area Network
GIS	Geographic Information System	WBE	Women Business Enterprise
		WCCTAC	West Contra Costa Transportation Advisory Committee

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Process for Third-Party Incident Investigation

The Chevron Richmond Refinery had an oil spill that occurred on February 9, 2021. The spill came from a hole in a pipe at the facility's long wharf. The pipe is used for cleaning out ships that are docked at the long wharf. The material that was in the pipe the day of the incident was a diesel like material. The estimate of the release amount is from 500 – 750 gallons.

The Contra Costa Health Services Hazardous Materials Programs will hire a third-party consultant to perform an incident investigation that will include a root cause analysis of this incident. The purpose of this report is to outline a proposed process for selecting a third-party consultant, to receive input from the community on the scope of work for the investigation, selecting a consultant, to provide comments on the draft incident investigation report.

Attached is an outline of a process that is proposed to perform this third-party safety investigation.





Chevron Richmond Long Wharf Oil Spill

Incident Date: February 9, 2021

ISO/CWS Ad Hoc Committee: February 23, 2021



Chevron Richmond Refinery

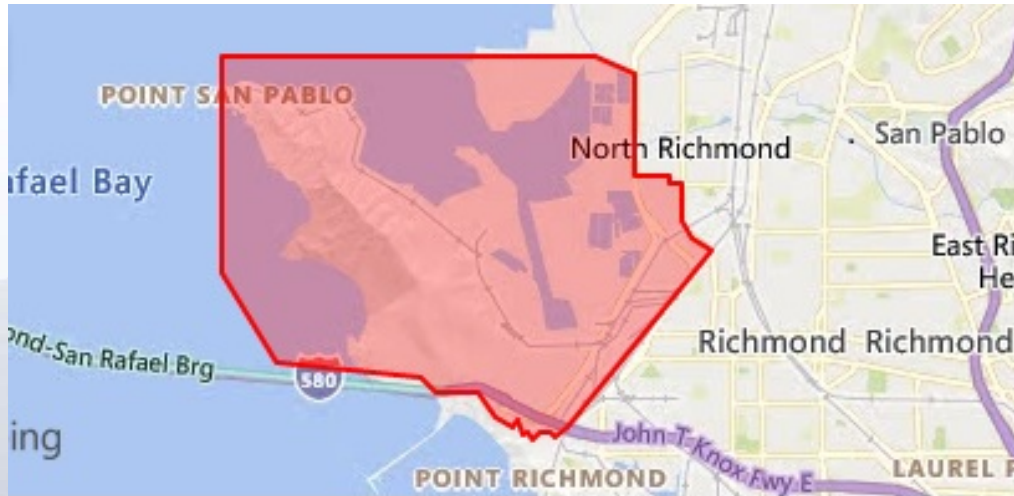
- Largest Petroleum Refinery in Contra Costa County
 - ~245,000 barrels of crude oil per day (10,290,000 gallons/day)
 - Chevron leases the long wharf from State Lands Commission
 - Pipelines on the wharf are owned by Chevron
- United States Coast Guard and State Lands Commission regulate the portion of pipeline involved in the incident
- Chevron is required to have an approved Facility Response Plan (FRP) in the event there is an oil spill.
 - The FRP was approved by the United States Coast Guard

Oil Spill Incident – February 9th

- Chevron was notified of an observed oil sheen by a citizen at approximately 2:36 PM
- Contra Costa Health Services notified via phone at 3:35 PM
 - CWS Level 2 Incident Issued at 3:43 PM
 - Health Advisory issued automatically with CWS Level 2
- Contra Costa Health Services On-Scene at 4:21 PM
- 500-750 gallons of diesel/water mixture was released from a pipeline on the Chevron Long Wharf
 - Initially reported as a “mixture of recovered oil and gasoline” leaking at 5 gallons per minute

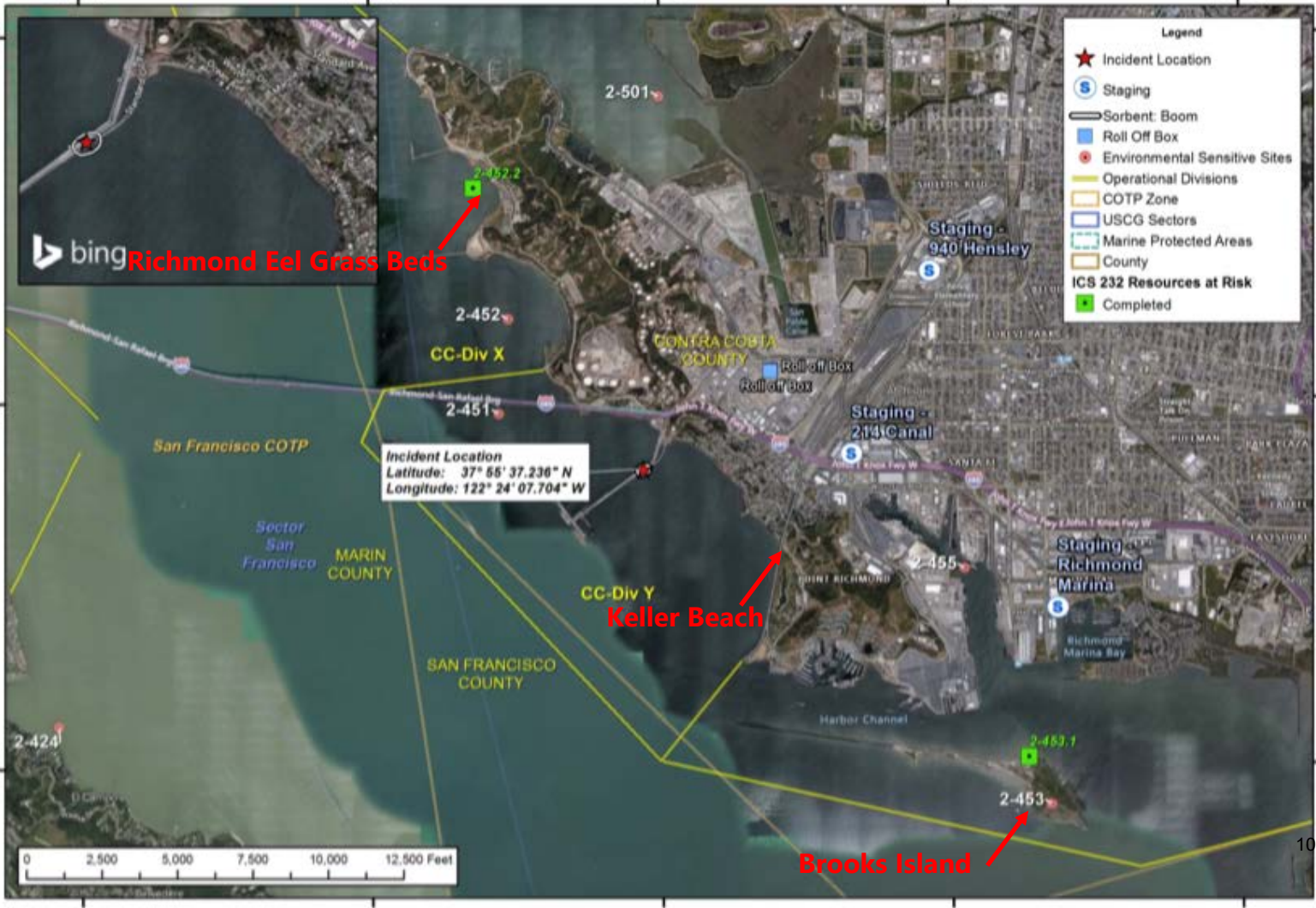
CWS Level 2 Incident

- CWS Level 2 Incident – Initiated by Chevron
 - Health Advisory for Individuals with Respiratory Sensitivities
 - Lifted at 8:44 PM based on CCHS air monitoring results



CCHS Response

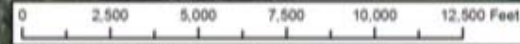
- Unified Command
 - Chevron, United States Coast Guard, Department of Fish and Wildlife – Office of Spill Prevention and Response, Contra Costa Health Services
- Air Monitoring
 - Conducted by CCHS and Chevron Fire
- Oil Spill Mitigation (Chevron and Contractors)
 - Boom Deployment
 - Around the compromised portion of pipeline under the wharf
 - Sensitive receptor sites (sensitive wildlife populations and/or significant economic impact)
 - Shoreline Cleanup Assessment Technique Teams
 - Cleanup Using Hydrophobic Oil Absorbent Pads
 - Skimmers were deployed, but not used
- Termination of the Incident – 2 Days Without Observed Sheening



Richmond Eel Grass Beds

Incident Location
 Latitude: 37° 55' 37.236" N
 Longitude: 122° 24' 07.704" W

- Legend**
- ★ Incident Location
 - Ⓢ Staging
 - Sorbent Boom
 - Roll Off Box
 - Environmental Sensitive Sites
 - Operational Divisions
 - COTP Zone
 - ▭ USCG Sectors
 - ▭ Marine Protected Areas
 - ▭ County
 - ICS 232 Resources at Risk**
 - Completed



122°28'0"W 122°26'0"W 122°24'0"W 122°22'0"W 122°20'0"W

72 Hour Report Submitted

- Required by the Hazardous Materials Incident Notification Policy
- <https://cchealth.org/hazmat/>
- Received Feb. 12th

For CCHS Use Only:

Received By: _____

Date Received: _____

Incident Number: _____

Copied To: _____

Event Classification Level: _____

ATTENTION: Matt Kaufmann
Hazardous Materials Program Director
Contra Costa Health Services Department
4333 Pacheco Boulevard
Martinez, CA 94553

INCIDENT DATE: February 9, 2021
INCIDENT TIME: 14:36
FACILITY: Chevron Richmond Refinery

PERSON TO CONTACT FOR ADDITIONAL INFORMATION: Patricia Roberts
Phone Number: (510) 890-5677

I. SUMMARY OF EVENT

At approximately 14:36, the Refinery Shift Leader (RSL) received a call from a private citizen that there was a sheen observed in the water near the Chevron Richmond Long Wharf. Notifications were made to Long Wharf operations, Chevron Fire Department and Wharf supervision. Operations immediately began investigation into a potential release to the water. Operators in a boat were able to identify a leak in an overhead line. Wharf operations immediately took actions to set up a boom in the water around the leak and to isolate and de-inventory the line. The line was observed to no longer be leaking at 16:30.

II. AGENCIES NOTIFIED, INCLUDING TIME OF NOTIFICATION

After making a determination of potential off-site consequences from a release to the water, in accordance with the Contra Costa County Health Services (CCHS) incident notification policy, a CWS Level 2 notification was sent.

Primary: Community Warning System (CWS):

- Level 2 CWS activated at approximately 15:43
- CWS Level Update @ 16:05
- CWS Level Update @ 16:30
- CWS Level Update @ 16:54
- CWS Level Update @ 17:37

Incident Investigation

- Incident Investigation, Including a Root Cause Analysis by Third Party
 - Scope of Work to Include Notification Procedures
 - Third-Party Incident Investigation Process will be Discussed Next
- All costs are paid for by the responsible party

1.0 PROCESS FOR PERFORMING A THIRD-PARTY INCIDENT INVESTIGATION

- The Hazardous Materials Programs staff will be responsible for hiring and overseeing the work of a third-party contractor. To assist the Hazardous Materials Programs staff, an oversight committee will be formed. The committee will assist the Hazardous Materials Programs staff in developing the scope of work, the request for proposal, selection of the contractor(s), review the final draft of the evaluation report and provide comments on the report.

1.1 OVERSIGHT COMMITTEE MEMBERS

The Oversight Committee members will be made up of the following:

- Up to three local community members
- Stationary Source representative
- Stationary Source employee representative
- City of Richmond staff if the stationary source is located in Richmond
- Hazardous Materials Staff (Chair)

If a vacancy occurs on the Oversight Committee a replacement will follow the same method.

1.1.1 COMMUNITY MEMBERS

The community members should include a Hazardous Materials Commission representative, and members of the local community.

The Hazardous Materials Programs staff will be responsible for selecting the community members. The Hazardous Materials Programs staff will consult with the County Supervisor that represents the area where the stationary source is located, and the City of Richmond, the stationary source, and the Hazardous Materials Commission.

1.1.2 COMPANY REPRESENTATIVE

Company representative will be selected by the stationary source.

1.1.3 EMPLOYEE REPRESENTATIVE

Employee representative, will be selected by the collective bargaining unit representatives for those that have a collective bargaining unit. If the stationary source does not have a Collective Bargaining Agreement, the representative will be an hourly member of the Health and Safety Committee.

1.1.4 HAZARDOUS MATERIALS PROGRAMS REPRESENTATIVE

The Director of Hazardous Materials Programs will select the staff representative.

1.1.2.5 CITY OF RICHMOND REPRESENTATIVE

A representative from the City of Richmond will be selected by the City Manager or their designee.

1.2 OVERSIGHT COMMITTEE RESPONSIBILITIES

The primary responsibility of the Oversight Committee is to assist the Hazardous Materials Programs' staff in assuring that the incident investigation is open, transparent, and that the end product will make a difference in the process safety of the stationary source that is being evaluated. Specifically the oversight committee will assist the Hazardous Materials Programs in developing a scope of work, selecting the contractor or contractors, receive and comment on periodic updates from the contractor, and review and comment on the final draft of the safety evaluation report.

1.3 REQUEST FOR PROPOSAL

The request for proposal will include the scope of work and a timeline to complete each portion of the work.

1.3.1 SCOPE OF WORK

The scope of work will be an investigation of the incident that will include determining the root causes of the incident. The scope of work will include public interaction, the draft and final report makeup, and overseeing the stationary source's development of an action plan to address the recommendations and findings from the report.

1.3.1.1 PUBLIC INTERACTION

The public plays a critical role in the overall transparency of the investigation. The scope of work will state the specific areas of interaction with the Oversight Committee that includes the following:

- Updates to the Oversight Committee,
- At least one public meeting to present the draft of the final report,
- Addressing the public comments by the contractor in the final report,
- Presentation by the contractor of the proposed final report to the County's Board of Supervisors and the Richmond City Council for acceptance, and

- Publishing of the final report by the Department.

1.3.1.2 FINAL REPORT

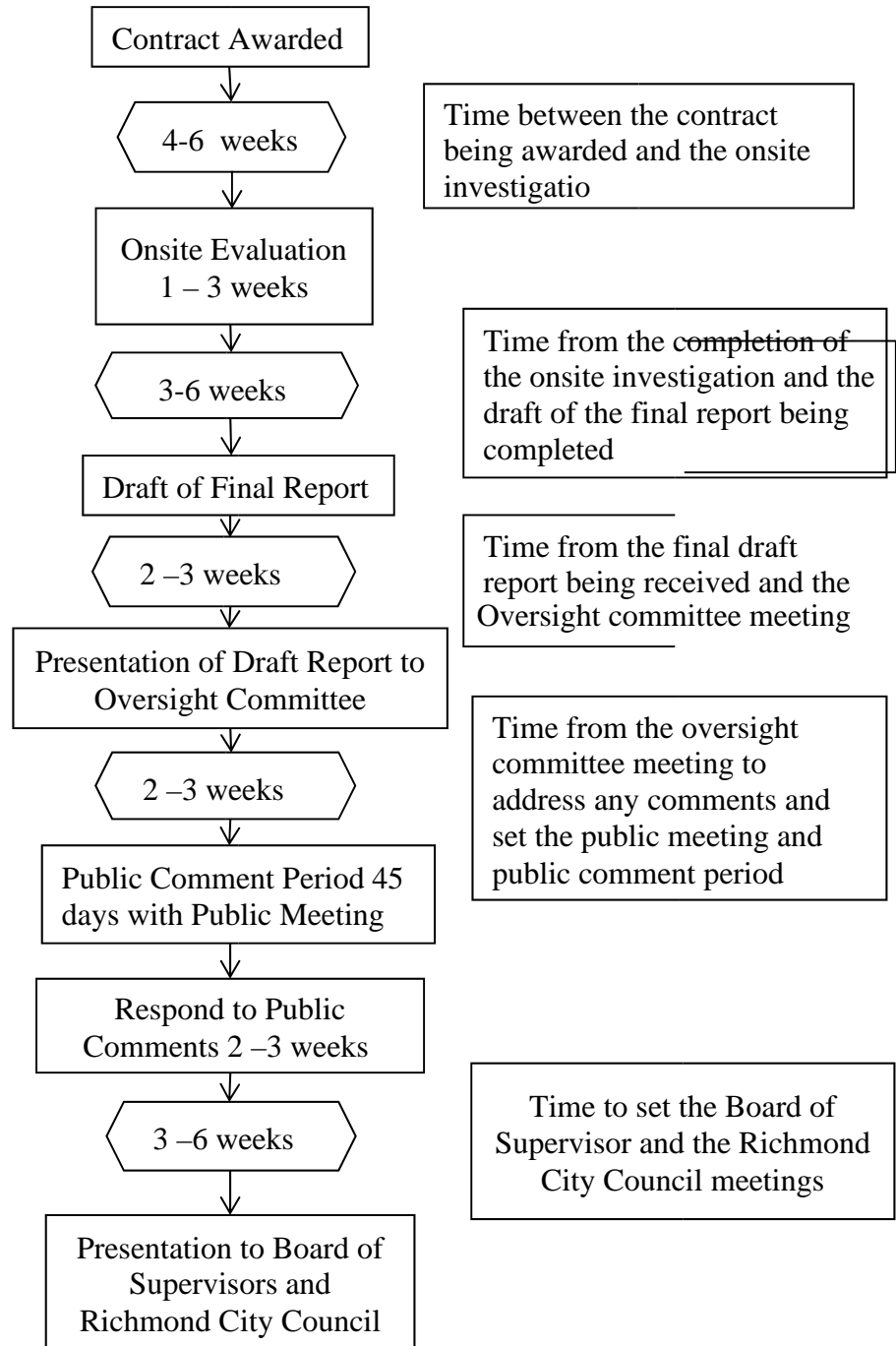
The final report will describe how the investigation was performed, the findings of the investigation, and recommendations to address any findings. The final report will also include the comments that were received from the public and the response by the contractor to address these comments.

1.3.1.3 ACTION PLAN

The contractor will work with the stationary source in developing an action plan that will address the findings of the report that will consider the recommendations from the contractor. The action plan will include the actions that will be taken and the schedule to complete these actions.

1.3.2 TIMELINE

The proposal will include a timeline to complete the incident investigation. Below are the expected steps to complete the project with times for each step.



1.4 THIRD-PARTY CONTRACTOR SELECTION CRITERIA

This subsection will discuss the criteria that will be used to send proposals for and selecting the third-party contractor or contractors. When the proposals have been

submitted for consideration, the third-party contractor selection will be done by the Hazardous Materials Programs staff working with the Oversight Committee. The Oversight Committee will have the opportunity to review all submitted proposals and request interviews with the top three or four contractors based on their proposals. The Oversight Committee will state their preferred contractor to the Hazardous Materials Programs staff for their final selection.

There are a limited number of contractors who have the expertise to competently perform this type of investigation. The Hazardous Material Staff in developing the list of contractors to send the request for proposal, will research the credentials of each contractor before sending the request for proposal.

Following are the criteria that will be used to assist in selecting the third-party contractor:

1.4.1 CONTRACTOR EXPERIENCE

The selection process will consider the experience that the contractor and subcontractor have in performing incident investigation, including the team members performing the investigation and their experience.

1.4.2 PREVIOUS WORK PERFORMED

The selection process will include the contractor's work in leading and participating in incident investigation and root cause analysis. The root cause method that will be used by the contractor.

1.4.3 EXAMPLES OF PREVIOUS WORK AND THE ABILITY TO PERFORM THE WORK

The proposals that are received should include examples of previous work performed by the contractor and their subcontractor. A summary of the pertinent work performed similar to this proposal. This may include reports, papers, books, and anything else that will give the Oversight Committee and the Hazardous Materials staff the ability to evaluate the experience and assess competency of the contractor. The contractor will submit a protocol on how they would perform the evaluation.

1.4.4 EMPLOYER, EMPLOYEE, AND EMPLOYEE REPRESENTATIVE ROLES

The proposal will include the contractor's expectation of the employer, employees, and the employee representative in assisting in the evaluation.

The protocols will have a section that acknowledge employee's rights to have someone present during third-party or the Hazardous Materials interviews involving employees. The protocol will allow for the presence of the stationary source escort that will not interfere with the process.

1.4.5 Standard That Will be Used to Perform the Evaluation

The proposal will include the standards that the contractor will use in the evaluation. This may include using American Petroleum Institute recommended practices, OSHA requirements, Center for Chemical Process Safety literature or American Chemistry Council guidance. Standards should be appropriate for the stationary source being evaluated.

1.4.6 EVALUATION FOR CONFLICT OF INTEREST

Any work in the previous three years that the contractor has performed for the company where the evaluation is occurring will be a criterion that is evaluated. The proposal will request the type of previous work performed for the company in the previous three years. The specific area that will be considered in the selection process is if the contractor has done any work pertaining to safety and more specifically process safety.

1.5 PUBLIC INTERACTION

A public process will provide for transparency of the evaluation and the ability for the public to learn and comment on the work. Outside of working with the Oversight Committee, the contractor will present their work at a public meeting, and presentations to the County's Board of Supervisors and the Richmond City Council.

1.5.1 PUBLIC COMMENT PERIOD – PUBLIC MEETING

A public meeting will be held during the 45-day public comment period. The purpose of the meeting is to present the final draft of the report including the work that was performed, the findings and the recommendations, and the plan moving forward; respond to questions; and receive comments from members of the public. A response to each written comment or question that is received during the public comment period along with the comments and questions will be included in the final report.

1.5.2 PRESENTATION TO THE BOARD OF SUPERVISORS - RICHMOND CITY COUNCIL

The County's Board of Supervisors and the Richmond City Council will be interested in the outcome of the evaluation and will want to understand the findings. When the final report is complete, including the public comments, the contractor will present the report to the County's Board of Supervisor and the

Richmond City Council. The presentation should include the process that the contractor used in performing the investigation, what the contractor found and the recommendations. The presentations should also include what is being done to move the plan forward. The Board and the City Council will decide to accept or not accept the report.

1.6 ACTION PLAN

An action plan needs to be developed by the stationary source and reviewed by the contractor to determine if the action plan addresses the findings. The action plan must include a schedule for completion of the actions including milestones to demonstrate progress on the action plan. If the stationary source decides not to implement a specific recommendation but has an action that will address the finding, the contractor shall review to determine if the stationary source's action does address the finding. If the action does not address the finding, then the contractor will work with the stationary source on an appropriate action to take to address the finding.

Contra Costa Health Services Hazardous Materials Programs staff will review the final plan and give any comments that they may have to the contractor and the stationary source. The contractor will work with the Contra Costa Health Services Hazardous Materials Programs staff to see if any changes should be made in the action plan based on the comments. If there are changes that are appropriate, the Contra Costa Health Services Hazardous Materials Programs staff will set up a meeting with the stationary source and contractor to resolve any outstanding issues.

The final action plan will be amended to the final report.