



CATHY A. RAEVSKY, DIRECTOR

MARK A. LUNDBERG, M.D., M.P.H., HEALTH OFFICER

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202 MIRA LOMA DRIVE, OROVILLE, CA 95965

## HAZMAT ADVISORY GROUP

# MINUTES

JULY 10, 2015

TAHOE ROOM \*\* 202 MIRA LOMA DRIVE, OROVILLE

### I. Preliminary Items

#### A. Call to Order

Brad called the meeting to order at 10:10 a.m.

#### B. Roll Call and Determination of Quorum

Scott Steele, Keven Lemos, Jim Murray, Josh Hubbard, Bud Caldwell, and Malcolm Maxwell were present. Charina Gaspay, Susan Ricketts, Curt Josiassen, Russ Fowler, and Robyn DiFalco were absent.

A quorum was established.

#### C. Introduction of guests

Kayla Zilch (Butte County Farm Bureau) attended as a guest. Mike Huerta and Brad Banner attended on behalf of Environmental Health.

#### D. Review of minutes

Malcolm made a motion to accept the minutes as written. Bud seconded the motion and the motion passed unanimously.

#### E. Agenda review

No changes to the agenda were requested.

#### F. Public comments and input

There was no public comment.

### II. Action Items

#### A. Adoption of by-laws

1. The group reviewed the draft by-laws. Jim asked for additional clarification of the advisory group's purpose. Brad explained the importance of seeking input and advice from stakeholders when Environmental Health develops



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new programs and policies. Jim asked for contact information for members of Environmental Health's other advisory committees. Brad said that he would provide that information.

2. **Malcolm made a motion to adopt the by-laws as written. Bud seconded the motion and the motion passed unanimously.**

### B. Election of officers

**Malcolm agreed to serve as Chair and Bud agreed to serve as Vice-Chair. The committee supported by consensus the two in their new positions.**

### C. Review of draft Formal Enforcement Policies and Procedures

1. Malcolm stated that there should be consistency of terms and the appropriate definitions should be used in the document.
2. Jim stated that the policy and procedure needs to be available on the Division's website for transparency. He also stated that consistency is needed when applying penalties.
3. Brad and the group discussed ways to simplify the penalty matrix. Jim stated that use of antidotes as examples of how the matrix would be applied would be helpful.
4. Bud stressed that too much flexibility is not a good thing because enforcement of regulation can be misused by regulators. He provided a number of disturbing examples.
5. **Brad said that he would update the policy and procedure with simplified penalty matrices and more explanation about their potential application for further discussion at the next meeting.**

### D. Review of regulations related to Agricultural Handlers and Exemptions available

1. The committee reviewed the document Analysis of Statutory Requirements for CUPA Regulation of Farms, dated July 10, 2015. Brad explained that the document was a combination of research by Mike Huerta and Tom Parker and information in a guidance document from CalEPA.
2. Mike explained that there were regulatory threshold quantities of hazardous materials where Federal requirements have been established and exemptions cannot be given. Likewise, there are lower regulatory thresholds, below which hazardous materials (with the exception of hazardous wastes) are not regulated. There are a number of exemptions (with qualifications and conditions) that can be applied by the CUPA for



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facilities with amounts of hazardous materials and handling practices that fall between the upper (Federal) and lower (State) thresholds.

3. The question of how many Agricultural Handlers might be in the county was asked and Mike responded that it could be as many as 2,000. Kayla suggested that her office could possibly assist with a survey.
4. [The committee suggested that CUPA and Agriculture Commissioners from Yuba and Yolo be invited to attend the next meeting.](#)

### III. Informational Non-Action Items

- A. Future issues raised by concerned stakeholders
  1. Bud inquired whether business plans could be simplified to avoid redundant entry of almost identical materials in the inventory, for example. Malcolm pointed out that listing materials was only required when the quantity exceeded thresholds.
  2. Scott inquired whether the CUPA was now providing First Responders with the information needed regarding hazardous materials and wastes at facilities. Mike responded that CERS now has current information that First Responders can access for about 80% of facilities, but the information will not be easy to access until First Responders become familiar with the use of the CERS Responder Pulldown function. Training will be provided on that in the future.

### IV. Agenda Preparation for Next Meeting

The next meeting is planned for the second Friday [of September \(September 11\) at 10:00 a.m.](#) Brad will confirm the meeting room location. The group will invite Matt Tennis to attend, representing smaller farms, and also CUPA and Agriculture Commissioners from Yuba and Yolo Counties.

### V. Adjourn

The meeting adjourned at 12:10 p.m.

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Submitted by Brad Banner



**Public Health Department**

Cathy A. Raevsky, Director

Mark A. Lundberg, M.D., M.P.H., Health Officer

**Environmental Health**

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## Hazmat Advisory Group Sign-In Sheet

**Date:** July 10, 2015

**Location:** Tahoe Rm, 202 Mira Loma Dr., Oroville

Working Group Member	Initials
<b>Reliance Propane</b> Scott Steele	SS
<b>PNP Chico #82</b> Charina Gaspay	
<b>Lundberg Family Farm</b> Keven Lemos	KL
<b>Chico Metal Finishing</b> Jim Murray	JM
<b>ARCO AM/PM #82605</b> Josh Hubbard	JH
<b>Northgate Petroleum</b> Bud Caldwell	BC
<b>Butte County Rice Growers Association</b> Susan Ricketts	
<b>Josiassen Farms, Inc</b> Curt Josiassen	
<b>Cal Fire/Butte Fire</b> Russ Fowler	
<b>NRC</b> Malcolm Maxwell	M.M.
<b>Butte Environmental Council</b> Robyn DiFalco	

Guest Name	Business Name	Email Address
Mike Huerta	EH	
Brad Banner	EH	
Kayla Zitch	BCFB	Kayla@buttefarmbureau.com