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DEPARTMENT OF
PUBLIC WORKS

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December 15, 1987

Transportation and Community Development Committee
Sacramento, California

Honorable Members in Session:

Subject: REPORT RECOMMENDING SUPPORT FOR A REGIONAL TOXIC SUBSTANCES ADVISORY BOARD

SUMMARY

In January, 1988, the City's eleven member Toxic Substances Commission is scheduled to present the City Council with a final report, based upon its revised work program. Staff recommends that the Commission be allowed to sunset upon completion of its work program, and that the City Council express support for a regional toxics substances advisory body consisting of both City and County representatives.

BACKGROUND

In developing its recommendations, staff analyzed a number of alternatives for the future of the Toxic Substances Commission. A detailed discussion of these options is included in the attached report to the City Council.


FINANCIAL

There is no direct financial impact as a result of this recommendation. Implementation of the regional advisory body is not anticipated to require additional City staff or funding.

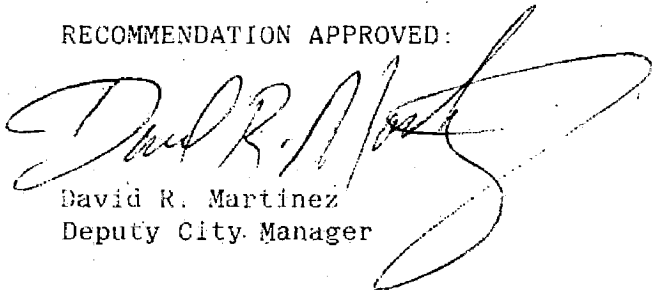
RECOMMENDATION

It is recommended that the Transportation and Community Development Committee forward the attached report to the City Council with a recommendation to support the concept of a regional toxic substances advisory body, and to direct staff to meet with County staff to develop recommendations regarding advisory body representation, organization, and jurisdiction.

Respectfully submitted,


Melvin H. Johnson
Director of Public Works

RECOMMENDATION APPROVED:


David R. Martinez
Deputy City Manager

December 15, 1987
All Districts



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Subject: REPORT RECOMMENDING SUPPORT FOR A REGIONAL TOXIC SUBSTANCES ADVISORY BOARD

SUMMARY

The Toxic Substances Commission was formed in November of 1985 to advise the City Council regarding matters involving the generation, handling, storage, treatment, and disposal of toxic substances. In January 1988, the Commission will present the City Council with a final report based on its revised work program. The question now facing the City is whether to extend the Toxic Substances Commission beyond January of 1988. Staff recommends that the Commission be allowed to sunset upon completion of its work program and that the City Council express support for a regional toxic substances advisory body consisting of both City and County representatives. This report was considered by the Transportation and Community Development Committee at its December 15, 1987 meeting.

BACKGROUND

In response to growing concerns regarding the hazards presented by toxic substances in the community, the City Council passed Ordinance 85-075 on July 23, 1985. The Ordinance established a nine (9) member advisory Toxic Substances Commission. (The Commission was later expanded to include eleven members.) By resolution, the Council also established a long-term work plan, outlining specific tasks to be completed by the Commission within eighteen months. At which time the Commission was to sunset.

The Commission held its first meeting on January 13, 1986. In March, the Commission presented the City Council with a revised, and expanded, work program. (A copy of the work plan is attached.) The work plan was divided into six (6) elements, each with its own completion date. During the past 24 months, Commission subcommittees have been working to complete the identified tasks. In addition, the Commission has considered other issues either referred by the City Council or at the suggestion of Commission members themselves. Examples are the series of hearings held on the question of whether to ban the use of plastic pipe, review of the McClellan sewer main installation, and scheduling of a hearing on the City's actions to implement Proposition 65.

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While the Commission has made a few informational reports to the City Council, and has on occasion commented (through the City Council) to other agencies on such things as the Aerojet cleanup decree and the proposed Hazardous Materials Element of the County's General Plan, the major work product will be the Commission's final report. The report was originally scheduled for completion in June of 1987 and is now expected in January 1988.

DISCUSSION

The publication of the Toxic Substances Commission's final report will signal the completion of its official duties as envisioned in the enabling legislation. However, the City Council may decide to continue the Toxic Substances Commission in some form, and the Commission itself may recommend an ongoing advisory body in its final report. In order that provisions may be made for adequate and appropriate staffing and funding, alternative directions for the Commission have been evaluated by staff. The following possible "missions" for a Toxic Substances Commission have been identified:

- The Commission could serve as an advisory body to the Planning Commission, reviewing those land use issues with toxics or hazardous materials implications.
- The Commission could be advisory to the City's Safety Officer, reviewing City operations to insure employees are protected from exposure to hazardous substances.
- As the Fire Department is the lead agency for the majority of City toxic programs (Right-to-Know, Underground Storage Tank Removal, etc.) the Commission could serve as an advisory body to the Fire Department in the area of hazardous response, implementation of State-mandated programs, etc.
- If a broader, less focused purpose is desired by the Council, the Commission could continue to function as a general advisory body, reporting to the City Council and staffed by an appropriate City Department.
- Finally, when the City Toxic Commission's report is complete, the toxics oversight function could be handled by a joint City/County advisory body. In its final report to the Board of Supervisors, the County Toxic Task Force recommended that the existing Air Pollution Control District Advisory Board become the permanent toxics advisory panel for Sacramento County. Membership on the board could be modified to include City Council appointees.

Each of these options is discussed in greater detail below.

I. Planning Focus

As development occurs, businesses utilizing and/or disposing of hazardous materials will locate in the City. In addition, potential sites for development (such as the U.P. shops Area) may require toxic investigations or cleanup. A Toxic Substances Advisory Board could be established to advise the Planning Commission in the land use area, similar to the Architectural Advisory and Design Review Boards.

Planning staff and some Planning Commissioners feel this would be an unnecessary step in the review process, creating further delays, more work for staff, and duplication. The environmental review process, as well as other mechanisms in the existing regulatory process provide sufficient opportunities for identification and remediation of toxics problems.

II. SAFETY FOCUS

Some members of the City work force are exposed to toxic substances in the course of performing their official duties. The Commission could be established as an advisory body to the City Safety Coordinator, Jack Anderson, to review City operations and practices to insure employee safety.

While it might be of value for the City Manager and City Council to be aware of potential hazards faced by City employees, this approach would involve an advisory body directly in City operations. Recommendations for changes based on perceived needs could be costly, and this approach has the potential to create employee relations problems, particularly during labor negotiations. Finally, toxics issues are certainly not confined to City operations; establishing a separate commission solely to monitor internal practices might be a waste of expertise.

III. ADVISORY BODY TO THE FIRE DEPARTMENT

The City Fire Department is the lead agency for many of the City's toxic programs - underground storage tank identification and permitting, implementation of the Right-to-Know ordinance, hazardous materials response, etc. Working closely with the County Health Department, the Fire Department is responsible for implementing numerous state mandated programs. The Commission could provide oversight and direction to the Department in carrying out many of these functions.

However, the Department generally does not have a great deal of latitude in implementing these mandated programs. The Commission's advisory role would necessarily be limited, and the value of a commission dedicated solely to a "watchdog" role over the Fire Department is questionable.

IV. GENERAL ADVISORY APPROACH

The Toxic Substances Commission work plan covered a variety of diverse elements, from the development of a hazards map/comprehensive data base to review of cleanup activities at Aerojet and McClellan Air Force Base. If this varied and broad approach is preferred, the Commission could be staffed out of an appropriate City department, as its role would involve almost every City department (Fire, General Services, Planning and Development, Public Works, and Parks and Community Services in particular). The required staff could be limited to administrative and clerical support, and technical expertise provided by both outside experts and appropriate departmental staff.

This approach does little to provide a more specific focus for the Commission, and would likely require additional staff. It has been suggested that the Commission contract for technical expertise, and this could be quite expensive. The key to this approach is identifying the appropriate City department to assume primary staff support responsibility. If the Commission's role is to be more general, various departments will be called upon from time to time to provide support as necessary. While many toxics issues may impact one department (water quality, household hazardous waste, etc.) others will affect another (emergency response, pesticide regulations, underground storage tanks, etc.). The issues are by no means limited to a single department; regardless of which department has primary staff responsibilities, the Commission may continue to be somewhat frustrated by a perceived lack of staff support if other departments are not directly accountable to provide support as requested.

V. REGIONAL APPROACH

The County of Sacramento has formed three separate advisory bodies to advise the Board of Supervisors in the toxics area. A technical advisory committee has been formed with the specific task of assisting County staff in preparing the County Waste Management Plan as mandated by AB 2948. The Air Pollution and Hazardous Materials Advisory Board is a standing citizens group initially organized to advise the Air Pollution Control District (APCD). The third group was an ad-hoc Toxics Task Force with a one year term. The task force issued its final report in July of 1987. The report contained a number of recommendations for revamping the County organization to improve coordination and control. The final report recommended combining the APCD and the Environmental Health Branch of the County Health department to form an Environmental Protection Department (EPD). This department would be divided into three sections, Air, Toxics, and Environmental Health. The report called for the existing Air Pollution and Hazardous Materials Advisory Board to provide guidance to EPD staff. The County Executive's Office is preparing a report regarding implementation of these recommendations; the report is scheduled to be heard by the Board of Supervisors on January 12, 1988.

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Should the Board approve implementation of the Task Force recommendations, the existing Air Pollution and Hazardous Materials Advisory Board will be expanded to provide the expertise necessary to deal with a broad range of environmental health issues. The City Council could recommend to the Board of Supervisors that the board be regional in scope, including both City and County representatives as well as members from Folsom, Isleton, and Galt.

There are a number of advantages to a regional approach. Toxics issues are seldom confined within jurisdictional boundaries, and the County is the lead agency for a number of toxics programs, including implementation of the disclosure provisions of Proposition 65.

As staff would be provided from the County's Environmental Protection Department, there should not be a significant City workload impact. An advisory board such as this would probably have a broad policy focus, and Toxics is surely one area where conflicting City and County policies and practices could be extremely detrimental.

The primary disadvantage of the joint City-County alternative is a lack of direct involvement in the decision-making process on the part of the City. However, the board would be advisory only, and any recommendations affecting the City would have to be brought before the City Council for approval. City and County staff would work together to prepare necessary reports, and it might be advisable to designate one or more City employees to serve as formal liaison to the Advisory Board.

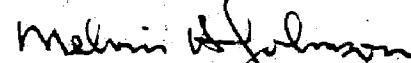
FINANCIAL

There is no direct financial impact as a result of this recommendation. Implementation of the regional advisory body is not anticipated to require additional City staff or funding.

RECOMMENDATION

It is recommended that the City Council support the concept of a regional toxic substances advisory body, and direct City staff to meet with County staff to develop recommendations regarding advisory body representation, organization, and jurisdiction.

Respectfully submitted,



Melvin H. Johnson
Director of Public Works

RECOMMENDATION APPROVED:

Walter J. Slipe
City Manager

December 15, 1987
All Districts