

CONTACT CLERK OF THE BOARD - 939 ELLIS STREET SF, CA 94109

(415) 749-4965

FAX: (415) 928-8560

BAAQMD homepage:

www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given at least 3 working days prior to the date of the meeting, so that arrangements can be made accordingly.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Scott Haggerty and Members
of the Stationary Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 5, 2007

Re: Stationary Source Committee Draft Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Stationary Source Committee meeting of September 17, 2007.

DISCUSSION

Attached for your review and approval are the draft minutes of the September 17, 2007, Stationary Source Committee meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

**Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 771-6000**

DRAFT MINUTES

Summary of Board of Directors
Stationary Source Committee Meeting
9:30 a.m., Monday, September 17, 2007

1. **Call to Order – Roll Call:** Chairperson Scott Haggerty called the meeting to order at 9:34 a.m.

Present: Scott Haggerty, Chair, Jake McGoldrick (9:50 a.m.), Nate Miley, Michael Shimansky, Pamela Torliatt (9:38 a.m.), Gayle B. Uilkema.

Absent: John Gioia, Jerry Hill, John Silva.

Also Present: Mark Ross, Board Chair.

2. **Public Comment Period:** The following individual spoke under the Public Comment Period:

Greg Karras
CBE

Mr. Karras spoke regarding mercury emissions from refineries.

3. **Approval of Minutes of June 15, 2007:** Director Shimansky moved approval of the minutes; seconded by Director Ross; carried unanimously without objection.

4. **Proposed New Regulation 6; Rule 2: Commercial Cooking Equipment:** *Staff reported to the Committee on questions regarding Regulation 6; Rule 2: Commercial Cooking Equipment that arose at the May 16, 2007 public hearing and described proposed next steps.*

Jack Broadbent, Executive Officer/APCO introduced the item and stated that it was brought back to the Committee at the Board of Directors' request.

Director Pamela Torliatt arrived at 9:38 a.m.

Guy Gimlen, Air Quality Engineer, presented the report and stated that progress is being made on commercial cooking equipment. Mr. Gimlen provided background information to the Committee, including health impacts from particulate matter, reduced visibility and restaurants as sources of different types of emissions. Mr. Gimlen stated that a survey of Bay Area restaurants was conducted by the District. The survey collected information about grill sizes, types and quantities of meat cooked, and impacts of the regulation on small businesses. Mr. Gimlen reviewed the results of the survey.

Director Jake McGoldrick arrived at 9:50 a.m.

Mr. Gimlen stated that staff will continue discussions with the affected parties, revise the rule language, and conduct another workshop with the affected parties. The public hearing for Board approval of the proposed regulation will be held in late 2007.

The following individual spoke on this agenda item:

Johnnise Downs
California Restaurant Association
Sacramento, CA 95829

The Committee discussed the issue of affordability of control equipment, the impact on small businesses, and the feasibility of a grant program to assist facilities comply with the regulation.

Committee Action: The Committee received and filed the report.

5. **Status Report on Wood Smoke Reduction Program:** *Staff presented an update on the Wood Smoke rule development and the Cleaner Burning Technology Incentives Program that will reduce emissions of PM2.5.*

Janet Glasgow, Air Quality Program Manager, presented the report and highlighted the new Regulation 6; Rule 3 requirements. There are three general requirements areas: 1) mandatory curtailment; 2) operation of wood-burning devices; and 3) cleaner burning technology. Ms. Glasgow provided an overview of each of the general requirement areas. The next steps for the rule development include several public workshops in late October 2007 and the public hearing for Board approval of the new rule would be held in early 2008.

Ms. Glasgow reviewed the Cleaner Burning Technology Incentives Program. This program will provide financial incentives for Air District residents to upgrade conventional fireplaces and uncertified wood stoves to cleaner burning technology.

The Committee discussed enforcement of the rule, the difficulty of identifying the alleged source, the issue of fire pits in back yards, and the labeling of wood for sale. Director Haggerty brought up issues associated with burning pallets and Mr. Broadbent stated that the rule will be more specific regarding pallets.

There were no public comments on this agenda item.

Committee Action: None. This report provided for information only.

6. **Proposed Amendments to Regulation 9; Rule 6: Nitrogen Oxides from Natural Gas-Fired Water Heaters:** *Staff reported on the proposed amendments to Regulation 9; Rule 6: Nitrogen Oxides from Natural Gas-Fired Water Heaters. The rule is the subject of a control measure in the 2005 Ozone Strategy.*

Mr. Gimlen presented the report and provided background information on the rule. The proposed amendments would reduce residential water heater NOx limits; include larger water

heaters and small boilers up to 2MM Btu/hr, and incorporate energy efficiency into the NOx limit. In addition to lowering the NOx standard for home water heaters, the rule will also apply to small heaters and boilers. The California Environmental Quality Act and socio-economic analyses are complete and the public hearing for Board approval of the amendments will be held in November 2007.

Committee Action: None. This report provided for information only.

7. **Status Report on Flare Minimization Plans Required Under Regulation 12; Rule 12: Flares at Petroleum Refineries:** *Staff presented an update on the approval of Flare Minimization Plans submitted by refineries to reduce the frequency and magnitude of flaring, discussed compressor operation and redundancy, and discussed the focus of future flaring minimization efforts.*

Wayne Kino, Air Quality Program Manager, presented the report and provided an update on the approval of the Flare Minimization Plans (FMPs) submitted by the refineries. Mr. Kino discussed compressor redundancy and operation, including backup compressor startup time for each of the refineries. The activity during the FMP final action period was reviewed and Mr. Kino stated that the FMPs were approved by the Air Pollution Control Officer on July 16, 2007. The FMP updates are due July 16, 2008.

The following individual spoke on this agenda item:

Greg Karras
CBE

Chair Haggerty commented on flaring at a waste water treatment facility and requested that the District consider investigating this flare.

8. **Committee Member Comments/Other Business:** There were none.
9. **Time and Place of Next Meeting:** At the Call of the Chair
10. **Adjournment:** The meeting adjourned at 11:05 a.m.

Mary Romaidis
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Stationary Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 22, 2007

Re: Status Report on Lennar Bayview Hunters Point Parcel A: Naturally
Occurring Asbestos Dust Mitigation Plan

RECOMMENDED ACTION:

Informational Report. Receive and file.

BACKGROUND

Naturally occurring asbestos (NOA) is a term used for several types of fibrous minerals found in ultramafic and serpentine rock. NOA is released and can become airborne when land is disturbed during operations such as construction, grading, quarrying, and surface mining. The California Air Resources Board developed a statewide Air Toxic Control Measure (ATCM) for NOA in order to protect the public from asbestos released during these operations. The ATCM:

- Requires prior notification of projects to local Air Districts;
- Requires submittal of formal Dust Mitigation Plans subject to Air District approval for large construction projects (> 1 acre) and quarrying and surface mining operations;
- Requires dust mitigation practices sufficient to reduce visible emissions to within the project boundaries;
- Defines air monitoring and bulk sampling methodologies, if air monitoring is required by the APCO;
- Requires reporting and recording of air monitoring and bulk sampling, if air monitoring is required by the APCO.

The ATCM was adopted into California law in July 2002 (Title 17, California Code of Regulations Section 93105), and the District began implementation of its enforcement program in November, 2002.

LENNAR PROJECT

The redevelopment project on Parcel A at Bay View Hunters Point comprises 75 acres located in the northern portion of the Hunters Point Shipyard. Lennar Bay View Hunters Point, LLC (Lennar BVHP) plans to construct approximately 1600 attached single family homes. Lennar BVHP submitted a draft Asbestos Dust Mitigation Plan (ADMP) to the Air District in May 2005. Lennar specified dust mitigation measures in its ADMP, for example, watering or using chemical dust suppressants during earth moving activities, covering or watering soil storage piles, prevention of dust track out onto public roads, dust mitigation for offsite transport of soil, and a post-construction stabilization plan. The APCO required ambient air monitoring at the Lennar BVHP Parcel A project in addition to the measures outlined in the ADMP because of Parcel A's proximity to sensitive receptors like schools and playgrounds. At the Air District's request, Lennar's consultants revised the ADMP to include an air monitoring plan and the ADMP was approved in October 2005. Lennar began ground clearing and surface soil disturbance in January 2006.

In order to protect public health and lacking any state guidelines, the Air District set two action levels based on health risk assessment protocols established by the State Office of Environmental Health Hazard Assessment (OEHHA). The first action level at 1,600 asbestos structures per cubic meter requires Lennar to notify the Air District and implement more stringent dust control measures. The second action level at 16,000 asbestos structures per cubic meter requires Lennar to stop work until asbestos levels have declined to below 16,000 structures. The Air District considers these action levels conservative and health protective because they are based on annual average concentrations and assume continuous exposure over a 70 year lifetime, whereas the actual length of exposure is much less.

The monitoring conducted at the site during initial major earthmoving activities exceeded established action levels on a number of occasions over a period of about a year and a half. The Air District has analyzed the monitoring data, and had concluded that the levels of asbestos present in the air did not constitute a significant public health risk.

Air District staff conducts surveillance at the Lennar BVHP Parcel A site on a daily basis. Staff documented the following two violations in September 2006:

- Failure of Lennar's ambient monitoring network due to inoperative equipment and improper quality control procedures, as reported to the Air District by Lennar.
- Failure to have adequate dust trackout prevention at an egress to a public roadway.

A Notice of Violation was issued in October 2006 for noncompliance with Lennar's ADMP.

The major grading at Lennar BVHP Parcel A is complete, and Lennar is currently trenching and preparing foundations for utility installations. Air District staff will continue to conduct regular inspections and require stringent dust mitigation measures until the project no longer disturbs NOA.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vicki Dvorak
Reviewed by: Kelly Wee

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Scott Haggerty and Members
of the Stationary Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 22, 2007

Re: Proposed Amendments to Regulation 9, Rule 6: Nitrogen Oxides from
Natural Gas-Fired Water Heaters

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

The 2005 Ozone Strategy Control Measure SS-13 identified Regulation 9, Rule 6 as an area of opportunity for further NO_x reductions from residential water heaters. Staff has scheduled a public hearing on the proposed amendments for November 7, 2007.

DISCUSSION

In this report, Staff will present information on:

- Background on water heaters and small boilers;
- Proposed amendments to Regulation 9, Rule 6;
- Potential NO_x emission reductions and costs; and
- Rule development process and comments received.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

None

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Guy Gimlen
Reviewed by: Henry Hilken