



PUBLIC WORKSHOP NOTICE

October 2, 2007

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

TO: INTERESTED PARTIES
FROM: EXECUTIVE OFFICER / APCO
SUBJECT: **SIXTH PUBLIC WORKSHOP - PROPOSED
REGULATION 6, RULE 2: COMMERCIAL
COOKING EQUIPMENT**

The Bay Area Air Quality Management District will conduct a public workshop to present, discuss and receive input on revisions to proposed Regulation 6, Rule 2: Commercial Cooking Equipment. The District will hold the public workshop from **10:00 am to 12:00 noon on Tuesday, October 23, 2007** in the 7th Floor Board of Directors meeting room at the District office located at 939 Ellis Street, San Francisco.

During 2006 and 2007, District staff conducted a rule development process for Regulation 6, Rule 2. This process included extensive outreach to restaurants, industry groups and other interested parties, and included review of proposed regulatory language at five public workshops and a public hearing before the District Board of Directors.

At the May 16, 2007 public hearing, the District Board directed staff to conduct additional research on certain questions. Since then, staff has conducted a survey of Bay Area restaurants, focusing on under-fired and chain driven (conveyorized) charbroilers. Based on the survey data and additional research, a revised proposal for Regulation 6, Rule 2 is now being presented for review and input. This proposal focuses on the largest, high volume restaurants with the highest emissions. Exemptions are provided for any restaurant that may have the physical facilities of a large, high volume restaurant but do not actually cook enough meat to generate large emissions.

This public workshop notice summarizes the revisions to the proposal and supplements the staff report developed for the initial public hearing in May. Interested parties are encouraged to review a copy of proposed Regulation 6, Rule 2 dated May 4, 2007, and the staff report dated April, 2007.

PUBLIC TRANSPORTATION

**MUNI - #47 AND #49 NORTH AND SOUTH ON VAN NESS AVENUE
#38 EAST AND WEST ON GEARY BOULEVARD/O'FARRELL STREET
BART - CIVIC CENTER STATION, 8th AND MARKET STREETS**

Attendees are encouraged to ride public transit, rideshare, bicycle, walk or use other non-motorized modes to and from the District

These documents are available on the District's website at: http://www.baaqmd.gov/pln/ruledev/regulatory_public_hearings.htm. For questions or comments on the proposed rule, please contact Virginia Lau, Senior Air Quality Specialist, at (415) 749-4696 or via e-mail at vlau@baaqmd.gov. All written comments on the proposal should be submitted by Friday, October 26, 2007.

BACKGROUND

Every day in the Bay Area, commercial cooking operations collectively emit into the atmosphere an estimated 3.35 tons of particulate matter ("PM") and 1.32 tons of smog-forming volatile organic compounds ("VOC"). Breathing these air contaminants may result in damage to the respiratory tract and aggravation of respiratory illnesses. The District committed to evaluate restaurant emissions as part of its Senate Bill 656 Particulate Matter Implementation Schedule adopted in 2005, and in Further Study Measure 3 from the Bay Area 2005 Ozone Strategy. The District is proposing Regulation 6, Rule 2 in order to reduce PM and VOC emissions from chain driven and under-fired charbroilers.

Under-fired charbroilers are responsible for over 80% of the overall emissions associated with commercial cooking. The District's research found that substantial emission reductions can be achieved if proven control technologies were installed to control large under-fired charbroilers. Several control technologies are currently available that can reduce emissions of particulate matter from 0.3 microns to 10 microns in diameter (PM₁₀) by up to 90%. In addition, several other air districts in California have implemented controls for chain driven charbroilers. Further emission reductions would result from implementation of similar requirements for chain driven charbroilers.

PROPOSED REGULATION 6, RULE 2: COMMERCIAL COOKING EQUIPMENT:

New revisions to proposed Regulation 6, Rule 2 would:

- **Apply only to restaurants with chain driven charbroiler(s) that purchase 500 lbs. of beef or more per week.** Restaurants with chain driven charbroilers that purchase a significant amount of beef (500 pounds or more per week) would be required to install control equipment. Beef products have the highest emissions of both PM and VOC's, so this focuses the requirements on restaurants with the highest emissions. Purchase invoices could be used to verify the applicability of this rule, at an inspector's request.
- **Apply only to restaurants that have under-fired charbroiler(s) and that purchase 1000 lbs. of beef or more per week.** Restaurants with large under-fired charbroilers that purchase a significant amount of beef (1000 pounds or more per week) would be required to install control equipment.
- **Provide an exemption to any restaurant that has a chain driven charbroiler and that purchases more than 500 pounds of beef per week, but does not**

cook at least 400 lbs. of beef per week on their charbroiler. This exemption provides for a restaurant with a chain driven charbroiler, but that does not cook a significant amount of beef on their charbroiler. The restaurant operator would be responsible for keeping sufficient records to verify the amount of beef cooked on the charbroiler.

- **Provide an exemption to any restaurant that has under-fired charbroiler(s) and that that purchases more than 1000 pounds of beef per week, but does not cook at least 800 lbs. of beef per week on their charbroiler(s).** This exemption provides for a restaurant with a large under-fired charbroiler, but that does not cook a significant amount of beef on their charbroiler. The restaurant operator would be responsible for keeping sufficient records to verify the amount of beef cooked on the charbroiler.
- **Eliminate the requirement for new under-fired charbroiler installations to use a listed ventilation hood.** The previous requirement that certain facilities install listed hoods has been removed from the current proposal.

The previous requirements for proposed Regulation 6, Rule 2 that are retained include:

- **Restaurants that operate chain driven (conveyorized) charbroilers that are subject to the Rule, as provided above, would be required to install a catalytic oxidizer.** A catalytic oxidizer is designed to fit directly on top of the unit and operate without using additional power. This standard would be effective **one year** after the rule is adopted. Alternative types of controls could be installed if the manufacturer of the control certifies, subject to District review, that emissions will be reduced to no more than 0.74 lbs of PM₁₀ and 0.23 lbs of organic compounds per 1000 lbs of meat cooked (an effective reduction of 90%). The purpose of this standard is to allow a choice of control technologies best suited to the site needs and to encourage development of emerging technology that may achieve greater emission reductions in the future. The proposed rule stipulates testing methodology to verify this standard.
- **Restaurants that operate under-fired charbroilers with an aggregate grill surface area of ten (10) square feet or more that are subject to the Rule, as provided above, would be required to exhaust the cooking emissions through a control technology that is certified by the manufacturer to emit no more than 1.9 lbs of PM₁₀ per 1000 lbs of meat cooked.** A variety of technologies have been demonstrated to meet the required standards. In restaurants, electrostatic precipitators and High Efficiency Particulate Air (HEPA) filters have been used successfully to reduce emissions. This standard would be effective **two years** after the rule is adopted for new installations of under-fired charbroilers that meet the criteria and **five years** after the rule is adopted for existing under-fired charbroilers that meet the criteria. Alternatively, other lower-emitting cooking equipment could be used in lieu of an under-fired charbroiler such that this requirement does not apply. The standard would yield a 90% reduction in PM₁₀ charbroiler emissions from under-fired charbroiling restaurants.

The proposed standard focuses on reducing emissions from high-production restaurants that are responsible for the majority of emissions.

- **Restaurant would be required to register with the District if the control requirements of Regulation 6, Rule 2 apply.** The restaurant owner will be required to register their equipment and emissions control equipment. The District will implement a web-based registration process. Controls for chain driven and under-fired charbroilers that have already been approved for use in the Bay Area by the APCO will be listed on the District website. Restaurant owners subject to the rule will be assessed a registration fee and annual fee to offset the costs of administering and enforcing the rule. The proposed fee is \$475 for the initial registration and \$135 annually thereafter. Interested parties are also encouraged to review information on the District's Regulation 3: Fees at <http://www.baaqmd.gov/dst/regulations/index.htm>.

WORKSHOP DISCUSSION:

Staff will discuss the current draft proposal for Regulation 6, Rule 2 with attendees and invites all interested parties to comment on the proposal. The workshop draft of proposed Regulation 6, Rule 2 contains strike-throughs and underlines to highlight the changes since the May 4, 2007 draft. Staff is available to discuss this proposal prior to the workshop, and interested parties are encouraged to contact staff as soon as possible to express concerns or ask questions. This notice and the draft proposal can be found at <http://www.baaqmd.gov/pln/ruledev/workshops.htm>. Questions or comments should be directed to Virginia Lau, Senior Air Quality Specialist, at (415) 749-4696 or via e-mail at vlau@baaqmd.gov. Subsequent to the workshop, staff will accept written comments until **Friday, October 26, 2007**.

If you require translation services, please contact Virginia Lau at 415-749-4696 so that we can make appropriate arrangements to accommodate your request.