



B A Y A R E A
A I R Q U A L I T Y
M A N A G E M E N T
D I S T R I C T

BOARD OF DIRECTORS
STATIONARY SOURCE COMMITTEE MEETING

COMMITTEE MEMBERS

SCOTT HAGGERTY – CHAIRPERSON MICHAEL SHIMANSKY - VICE CHAIRPERSON
CHRIS DALY
JERRY HILL JOHN GIOIA
NATE MILEY JAKE MCGOLDRICK
PAMELA TORLIATT JOHN SILVA

MONDAY
DECEMBER 3, 2007
9:30 A.M.

4th FLOOR CONFERENCE ROOM
DISTRICT OFFICES

AGENDA

1. **CALL TO ORDER - ROLL CALL**
2. **PUBLIC COMMENT PERIOD** (*Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3*)
Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's authority. Speakers will be limited to three (3) minutes each.
3. **APPROVAL OF MINUTES OF OCTOBER 29, 2007**
4. **STATUS REPORT ON PROPOSED REGULATION 6; RULE 2: COMMERCIAL COOKING EQUIPMENT**
H. Hilken/4642
hhilken@baaqmd.gov

The Committee will receive a status report on proposed Regulation 6; Rule 2: Commercial Cooking Equipment. A public hearing on the rule is scheduled for December 5, 2007.
5. **STATUS REPORT ON THE DRAFT WOOD SMOKE REGULATION REG 6, RULE 3: WOOD-BURNING DEVICES**
K. Wee/4760
kwee@baaqmd.gov

The Committee will receive a status report on the seven public workshops for draft Regulation 6, Rule 3: Wood-Burning Devices.
6. **COMMITTEE MEMBER COMMENTS/OTHER BUSINESS**
Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2).
7. **TIME AND PLACE OF NEXT MEETING – AT THE CALL OF THE CHAIR**
8. **ADJOURNMENT**

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

(415) 749-4965

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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
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, October 29, 2007

1. **Call to Order – Roll Call:** Chairperson Scott Haggerty called the meeting to order at 9:39 a.m.

The Committee recited the Pledge of Allegiance.

Present: Scott Haggerty, Chair, Chris Daly, John Gioia, Jerry Hill, Jake McGoldrick (9:48 a.m.), Nate Miley, John Silva, Pamela Torliatt.

Absent: Michael Shimansky.

Also Present: Mark Ross, Board Chair.

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

Francisco Da Costa
Environmental Justice Advocacy

Mr. Da Costa spoke regarding air quality standards in the South East sector of San Francisco.

3. **Approval of Minutes of September 17, 2007:** Director Torliatt moved approval of the minutes; seconded by Director Ross; carried unanimously without objection.

4. **Status Report on Lennar Bayview-Hunters Point Parcel A: Naturally Occurring Asbestos Dust Mitigation Plan:** *The Committee received a status report regarding a redevelopment project on Parcel A at Bayview-Hunters Point.*

Director Daly stated that staff has been working on the issue of dust mitigation at the Hunters Point shipyard site, the Lennar Project, for a number of years. Director Daly provided information on violations of the Lennar Dust Mitigation Plan, the inoperative air monitors during the most significant grading taking place at the site, and the health risks associated with exposure to asbestos (a known carcinogen) in an area that has sensitive receptors.

Director Jake McGoldrick arrived at 9:48 a.m.

In response to a question from Director Torliatt, Kelly Wee, Director of Compliance and Enforcement, stated that the San Francisco Redevelopment Agency is the lead agency for this

project. Mr. Wee added that the Redevelopment Agency has a separate and independent authority and that the San Francisco Department of Public Health has taken several enforcement actions.

Mr. Wee presented the report and provided information on the Lennar Bayview-Hunters Point Parcel A Project. An Asbestos Dust Mitigation Plan (ADMP) was received from Lennar in May 2005, as required by the statewide Air Toxic Control Measuring for Naturally Occurring Asbestos (ATCM). The Air Pollution Control Officer (APCO) required that an ambient air monitoring plan be included due to nearby sensitive receptors. Mr. Wee provided information on naturally occurring asbestos (NOA) found in Serpentine rock, which, when crushed, emits asbestos.

An overview of the regulatory background and NOA ATCM requirements was provided to the Committee. Mr. Wee discussed the Lennar Bayview-Hunters Point final ADMP that was approved in October 2005. A map with the location of the air monitors was shown to the Committee as well as a schematic of the asbestos monitoring apparatus. Continuing, Mr. Wee stated that the Air District set two action levels to protect public health at Parcel A. The action levels are conservative, are health protective and provide a significant margin of safety. A graph showing the Bayview-Hunters Point monitoring data from October 28, 2006 through October 14, 2007 was provided to the Committee along with a comparison to other locations throughout the state. Mr. Wee stated that Lennar did exceed the "Stop Work Level" on 16 days.

Mr. Wee discussed the health risks and stated that a health risk assessment (HRA) was conducted and that the risks are less than three in a million. This is within the Air District's guidelines. With respect to compliance assurance, the Air District staff conduct surveillance at the site on a daily basis to make sure Lennar follows measures in the ADMP. Two violations have been documented and two additional violations are under review. A Notice of Violation was issued in October 2006 for non-compliance with the ADMP.

In summary, Mr. Wee stated that major grading is completed and the project is moving into utility installations. Regular compliance inspections will continue and the Air District will continue to require stringent dust controls. Asbestos ambient monitoring will continue with expansion of the network and the Air District is requiring enhancements to the ADMP. The Bayview-Hunters Point is a focus area under the Air District's CARE Program and the Air District is continuing to look at the air pollution impacts to this area.

Chair Haggerty called for public testimony and the following individuals spoke on this agenda item:

Francisco DaCosta
Environmental Justice Advocacy
San Francisco, CA 94124

Espanola Jackson
Bayview resident
San Francisco, CA 94124

Al Norman (Distributed flyer)
Bayview merchant
San Francisco, CA 94124

Scott Madison
HP Shipyard Citizens Advisory Comm.
San Francisco, CA 94188

Vivian Donahue
POWER

Larry Lattimore
POWER

San Francisco, CA 94124

San Francisco, CA 94103

Jesse E. Tello
POWER
San Francisco, CA 94124

Marcia Dale-LeWinter
HP Shipyard Citizens Advisory Comm.
San Francisco, CA 94115

Marie Harrison
Green Action
San Francisco, CA 94103

Lynne Brown (Copy of Complaint)
CARE
San Francisco, CA

JoAnn L. Sanders
POWER
San Francisco, CA 94115

Christoper Muhammad
Bayview-Hunters Point Community
San Francisco, CA

Enyese Joshua
Hunters Point
San Francisco, CA 94124

Rev. Arelious Walker, African American
Community Revitalization Consortium
(Copy of Community Health Update)
San Francisco, CA 94124

Amy Brownell
San Francisco Dept. of Public Health
San Francisco, CA 94102

Angelo P. King
Bayview-Hunters Point/PAC-NJI
San Francisco, CA 94124

Jaron Browne
POWER
San Francisco, CA 94103

Alicia Schwartz
POWER
San Francisco, CA 94103

Archbishop King
A.O.C.
San Francisco, CA 94115

Adela A. Flores-Bolanos
Bayview-Hunters Point Resident
San Francisco, CA 94124

Daniel Landry

The members of the public expressed their concerns over the naturally occurring asbestos dust emissions from the grading operations, past violations cited by the Air District, and general health concerns expressed by residents of the Bayview-Hunters Point area. Direction was given to staff to pursue penalties for Lennar's violations of Air District requirements. The Air District will be enhancing air monitoring and amending the Asbestos Dust Mitigation Plan.

Jeff Austin of Lennar confirmed that none of the dirt removed from the grading operation was taken to a landfill; all of the dirt remained on the site.

Committee Action: The Committee received and filed the report.

- 5. Proposed Amendments to Regulation 9; Rule 6: Nitrogen Oxides from Natural Gas-Fired Heaters:** *Staff reported on the proposed amendments to Regulation 9; Rule 6: Nitrogen Oxides from Natural Gas-Fired Water Heaters. A public hearing on the proposed amendment is scheduled for November 7, 2007.*

Mr. Broadbent provided a brief overview of the proposed amendments to Regulation 9, Rule 6. The amendments will tighten the rule and target manufacturers of water heaters. Workshops were held and changes were made to the rule based on comments received at the workshops. The public hearing on the amendments is set for the November 7, 2007 Board meeting.

There were no public comments on this agenda item.

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

6. **Committee Member Comments/Other Business:** There were none.
7. **Time and Place of Next Meeting:** 9:30 a.m., Monday, December 17, 2007, 939 Ellis Street, San Francisco, CA 94109.
8. **Adjournment:** The meeting adjourned at 12:01 p.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: November 20, 2007

Re: Proposed Regulation 6, Rule 2: Commercial Cooking Equipment

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

On May 16, 2007, the Board of Directors conducted a public hearing to consider adoption of proposed Regulation 6, Rule 2: Commercial Cooking Operations. The Board referred the item to the Stationary Source Committee for further discussion. Staff conducted a survey to gain further data on the number, size, and type of charbroilers operated in restaurants within the District and types and amounts of meats cooked. Based on analysis of the survey results, staff revised the proposed rule and conducted a public workshop on October 23, 2007. Staff has addressed the public comments received during and following the workshop. A public hearing is scheduled on the proposed rule for December 5, 2007.

DISCUSSION

In this report, Staff will present information on:

- Background;
- Proposed Regulation 6, Rule 2;
- October 23, 2007 workshop comments and responses; and
- Next steps in the rule development process.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Virginia Lau
Reviewed by: Henry Hilken

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: November 20, 2007

Re: Status Update on the Wood Smoke Rule Development

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

Last winter, the District experienced 27 days over the new $35 \mu\text{g}/\text{m}^3$ 24-hr $\text{PM}_{2.5}$ National Ambient Air Quality Standard (NAAQS) that was adopted by U.S. EPA in December 2006. Ambient air monitoring results indicate that wood smoke contributes up to 33% of peak winter $\text{PM}_{2.5}$ levels.

On September 10, 2007, proposed Regulation 6, Rule 3, "Wood-Burning Devices", and Cleaner Burning Technology Incentives Program was presented to the Committee. Since that date, Staff has completed the draft rule and conducted seven (7) public workshops at locations in Oakland, Santa Rosa, San Jose, Concord, Vallejo, Redwood City and Livermore. The Air District is continuing to receive comments and feedback on the draft regulation until December 10, 2007.

DISCUSSION

Staff will provide the Committee with the following information:

- Review of proposed new Regulation 6, Rule 3: Wood-Burning Devices;
- Summary of the public workshop comments and responses; and
- Next steps in the rule development process

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Paul Hibser
Reviewed by: Kelly Wee