

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

APPROVED MINUTES

Summary of Board of Directors
Stationary Source Committee Meeting
9:30 a.m., Monday, December 3, 2007

1. **Call to Order – Roll Call:** Chairperson Scott Haggerty called the meeting to order at 9:38 a.m.

Present: Scott Haggerty, Chair, John Gioia, Jerry Hill, Nate Miley, Michael Shimansky, John Silva, Pamela Torliatt.

Absent: Chris Daly, Jake McGoldrick.

Also Present: Mark Ross, Board Chair.

2. **Public Comment Period:** There were none.
3. **Approval of Minutes of October 29, 2007:** Director Shimansky moved approval of the minutes; seconded by Director Torliatt; carried unanimously without objection.
4. **Status Report on Proposed Regulation 6; Rule 2: Commercial Cooking Equipment:** *The Committee received a status report on proposed Regulation 6; Rule 2: Commercial Cooking Equipment. A public hearing on the rule is scheduled for December 5, 2007.*

Henry Hilken, Director of Planning, Rules & Research, introduced the item and stated that staff has been working on Regulation 6, Rule 2 and that the regulation would control emissions from charbroilers.

Virginia Lau, Senior Air Quality Specialist presented the report and provided information on the regulatory history and background regarding the rule and stated that three other air districts have rules on chain-driven charbroilers. The Air District staff has met with a number of restaurant associations and other agencies, held six public workshops, and presented reports at six Stationary Source Committee meetings. Ms. Lau provided an overview of the health impacts of Particulate Matter (PM) exposure and stated that restaurants produce a significant amount of PM.

The requirements in the proposed rule for chain-driven charbroilers and under-fired charbroilers were provided to the Committee. The effective date for chain-driven charbroilers is January 1, 2009; January 1, 2010 for new under-fired charbroilers; and January 1, 2013 for existing under-fired charbroilers. Ms. Lau provided examples of restaurants that would be subject to the rule; reviewed emissions from Bay Area restaurants and the anticipated emission reductions; and provided information on the cost of the different types of abatement equipment.

An overview of the October workshop comments and the Air District responses was provided to the Committee. Comments and responses were incorporated into the Staff Report, and the public hearing for the proposed rule is scheduled for December 5, 2007. Staff will continue outreach to the affected sources.

The following individual spoke on this agenda item:

Jenny Bard
American Lung Association
Santa Rosa, CA 95407

The Committee discussed the changes made to the proposed regulation potentially lowering the threshold at some point in the future and the difference between PM₁₀ and PM_{2.5}. It was noted that the Air District is keeping the restaurants involved in the process.

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

5. Status Report on the Draft Wood Smoke Regulation 6; Rule 3: Wood-Burning Devices:
The Committee received a status report on the seven public workshops for draft Regulation 6, Rule 3: Wood-Burning Devices.

Eric Pop, Air Quality Specialist, presented the report and stated that wood smoke is the largest contributor of winter PM_{2.5} and provided information on the Bay Area locations that exceed the Environmental Protection Agency (EPA) PM_{2.5} air quality standard. Mr. Pop presented a chart that tracked the PM_{2.5} levels December 3 through December 7, 2006 at the Vallejo, San Francisco, Livermore, Redwood City and San Jose Central monitoring stations and noted that the peak events were in the evenings.

Mr. Pop reviewed a chart on contributors to PM_{2.5} excesses which indicates that wood burning is a high contributor. The National 24-hours standard is 35/ug/m³ and the chart shows that wood burning is above that standard. Mr. Pop discussed the health effects of exposure to PM, including the proportion of population affected and the adversity of effects. A list of health studies relating to PM was presented to the Committee.

A wood smoke rule is needed because in December 2006, the EPA lowered the standard for PM_{2.5}; the Bay Area exceeds that standard on average 20-30 days per year; and the largest contributor to wintertime PM is wood smoke. The proposed rule would:

- Prohibit burning on nights with high PM forecast,
- Limit smoke from burning in wood-burning devices (WBDs),
- Require cleaner burning technology for WBD sales,
- Require cleaner burning technology for WBDs in new construction,
- Prohibit burning garbage in WBDs, and
- Require seasoned wood sales and solid fuel labeling.

Mr. Pop stated that the rule would contain exemptions for sole source of heat and for unavailability of natural gas. With the adoption of the proposed new rule, changes would be needed to two existing rules, Regulation 1, General Provisions and Regulation 5, Open Burning.

Kelly Wee, Director of Compliance and Enforcement, provided an overview of the public workshops and the media coverage that the Air District received on the topic. Mr. Wee reviewed the concerns raised at the workshops and stated that the public comment period is open to December 10, 2007. Mr. Wee stated that the District will respond to comments received and will revise the draft regulation as appropriate. Additional workshops will be held in late February or early March 2008 and a public hearing for adoption of the rule could be held in mid-2008.

During discussion the Committee provided direction to staff to increase the effectiveness of the public outreach and suggested improvements for the draft regulation. There was also discussion on enforcement of the regulation once it is adopted and penalties for violation of the regulation.

The following individual spoke on this agenda item:

Jenny Bard
American Lung Association
Santa Rosa, CA 95404

There was additional discussion from the Committee on fines for violating the regulation, educating school children, that the Air District have a consistent message, whether EPA stoves should be exempt, and getting the message out that air pollution can trigger health issues.

The following individual spoke on this agenda item:

Ken Mandelbaum
Mill Valley, CA 94941

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:** At the Call of the Chair.
8. **Adjournment:** The meeting adjourned at 11:16 a.m.

/s/Mary Romaidis
Mary Romaidis
Clerk of the Boards