

**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, March 17, 2008

1. Call to Order – Roll Call: Vice-Chairperson Michael Shimansky called the meeting to order at 9:36 a.m.

Present: Scott Haggerty, Chair (9:44 a.m.), Jake McGoldrick (10:00 a.m.), Nate Miley (9:44 a.m.), Mark Ross, Michael Shimansky, Pamela Torliatt, Gayle B. Uilkema.

Absent: John Gioa, John Silva.

2. Public Comment Period: There were none.

4. Update on Regulation 6, Rule3: Wood Burning Devices: *The Committee received a status report on revisions to the draft Regulation 6, Rule 3: Wood Burning Devices and discuss the upcoming information public meetings.*

Kelly Wee, Compliance and Enforcement Director, introduced the item and stated that staff would provide a status report on the draft regulation. Mr. Wee stated that the Environmental Protection Agency (EPA) lowered the 24 hour national fine PM standard from 65 micrograms to 35 micrograms in December 2006.

Mr. Wee continued stated that PM 2.5 is fine particulate that is 170th the size of a cross section of human a hair, and is inhaled deep in the lungs and cause adverse health affects.

Health effects include:

- Aggravated asthma;
- Hospital admissions; and
- Increase pre-mature death

Source proportion of PM 2.5 comes from the following:

- Wood Smoke – 33%;
- Cooking – 7%;
- On-Road – 23%;
- Off-Road – 20%;
- Refining – 7%;

- Power Plants – 3%;
- Aircraft – 3%;
- Marine – 1 %; and
- Other – 3%

Both Directors Miley and Haggerty arrived at 9:44 a.m.

Director Torliatt requested to that Committee Member be provided a copy of the chart, respective to their County. Mr. Wee responded to Director Torliatt that it would take time to have the analysis completed.

Mr. Wee continued stating that a survey was conducted and based respondent's results on how often they are burning, and the relative emission rates of the devices, it was estimated that of the 1/3 of PM seen on the filters, about 24% fireplaces, 4% from non-certified stoves, an additional 4% from certified stoves and 1% from pellet stoves.

Distribution of Wood Smoke:

Fireplaces – 28 lbs/MMBTU
 Non-Certified – 4.6 lbs/MMBTU;
 Certified – 1.4 lbs/MMBTU; and
 Pellet – 0.49 lbs/MMBTU;

Mr. Wee stated that fireplaces are definitely the largest component of the woodsmoke filter catch and are the highest emitted. The hourly air monitoring stations show a multi-day event. The micrograms of PM per day vary. When there is 3 days of no rain, winds less than 5 mph, typically more out of the east, there is an overall buildup of PM.

Wood Smoke Inventory Consists of the following:

- 2.5 Million households;
- ~1.2 Million households with fireplaces & wood burning devices;
- 1.1 M fireplaces, 140k are stoves, 130k pellet stoves;
- 33% of peak PM2.5 is wood smoke;
- ~20% of households burn on a STAT; and
- ~4% of PM2.5 is from EPA-certified devices, up to 8% if non-certified devices are included

This information was provided from 3,000 respondents that participated in a telephone survey.

Mr. Wee introduced Eric Pop, Air Quality Specialist, which continued the presentation. Mr. Pop stated that curtailment included in the proposal.

Proposed Requirements:

- Prohibit burning on nights with high PM forecast.
- Limit visible emissions from wood burning devices.
- Require cleaner burning technology for sale of new and used devices.
- Require cleaner burning technology in new construction.
- Prohibit burning garbage in WBDs.

- Require seasoned wood sales, with a moisture content of 20% or less and solid fuel labeling.

Director Shimansky asked how is the public be notified. Mr. Wee responded to Director Shimansky that telephone calls or a telephone subscription network so individuals are aware of the Spare the Air Tonight. This would be done in conjunction with the freeway message boards, news releases to both radio and television.

Director McGoldrick arrived at 10:00 a.m.

Public Workshops:

- 7 Public Workshops held in Oakland, Santa Rosa, Concord, Vallejo, Redwood City, San Jose, & Livermore with live Webcast.
- Approximately 150 people attended, 40 registered via Webcast & about 300 sent emails.
- 48 TV, Radio & Print interviews; 100 print articles; 75 phone calls.

Comments received include:

- EPA-certified devices and pellet stoves should be allowed to burn during curtailments.
- Smaller curtailment areas within District.
- Sole Source of Heat exemption needs clarification / Consider a low income exemption.
- Curtailment threshold needs to be explicit.
- How is the District going to enforce a curtailment?
- How will the public know of a mandatory curtailment?
- Public outreach and information on curtailment.
- Labeling requirement cost for solid fuel products.
- Is the mandatory curtailment constitutional?

Proposed changes to draft rule include:

- Clarification of natural gas unavailability.
- Exemption for electrical power service unavailability.
- Clarification of curtailment threshold.
- Clarification of the requirements for seasoned wood.
- Evaluating masonry heaters as approved devices.
- Considering labeling for state-wide uniformity.

Next steps:

- Finalize Draft Regulation
- Complete EIR
- Hold Informational Meetings in April
- Public Hearing for adoption in mid 2008

Outreach informational meetings will be held in the following cities in April.

Santa Rosa	Vallejo
San Jose	Fairfield
Livermore	Concord
Redwood City	Oakland

Napa

Mr. Pop concluded his presentation.

The following individual spoke on this agenda item:

Patricia Briskih
1591 Claremont Drive
San Bruno, CA 94066

Joyceanne Beachem
779 Crossbrook Dr.
Moraga, CA 94556

Susan Goldsborough
49 Castle Rock
Woodacre, CA 94973

John Crouch
HPBA
7840 Modia Ave. #2044
Citrus Heights, CA 95621

Jenny Bard
American Lung Association of CA
115 Talbot Ave.
Santa Rosa, CA 95404

Three members of the public expressed their support on Regulation 6, Rule 3 and hopes this is fully enforced and provide the public with greater information on this rule. One member expressed concern on the wood smoke distribution chart.

Director Ross asked about the timeframe and the zoning issue. Mr. Broadbent stated that the Air District will need to phase in the enforcement and Mr. Wee continued stating that letters will be mailed providing warning letters to individuals and allowing ample time to check with the Air District by calling the 800 number prior to burning on winter nights November through February. Warning letters will be sent prior to be cited. Mr. Broadbent stated that the Air District disagrees with zoning issue by breaking it. Mr. Broadbent continued stating that there is enough information showing that Marin County contributes to San Jose and vice-versa.

Director Uilkema asked about the warning and how will this information be verified and what are the next steps. Mr. Broadbent responded to Director Uilkema stating that should an individual be indentified who is indeed in violating the opacity standards, the Air District will inform them via the mail as the first step informing them that the individual had been observed burning on a no-burn day. Mr. Broadbent continued that many individuals will heed the warning and if those individuals choose to ignore the Air District, those are the ones that would see the next level which is considered a violation.

Brian Bunger, Legal Counsel continues to explain the process to Director Uilkema stating that the first time an incident is reported or observed, the report would be verified if there is smoke from the chimney on a no-burn night that constitutes a warning letter. The warning letter know give the individual direct information from the Air District about how to verify if it is indeed a no-burn night and that they were burning improperly. Mr. Bunger continued stating that if there

is an additional report or observation independent of the initial report and it is verified, then that person would be issued a NOV from the Air District, which would be followed up with penalties. In each case, the Air District will verify by having an individual go out to observe that there was smoke from their chimney at an improper time. Mr. Bunker also stated that the inspectors would be responsible for verifying this, as they do now with all enforcement issue at the Air District.

Director Uilkema continued asking if the Air District feels that there will be any need for an increase number of inspectors in order to be able to complete this. Mr. Broadbent responded to Director Uilkema stated that there were 6 to 7 days where there was Spare the Air Nights and the plan at this time is to develop an enforcement deployment plan, which will be brought back to the Committee. Mr. Broadbent continued that inspectors will be out on the Spare the Air Nights and deployed to be able to enforce this. Mr. Broadbent also stated that at this time the Air District will use its existing resources and deploy a plan that will maximize their coverage of the Bay Area.

Director Uilkema asked what are the projected costs for this enforcement. Mr. Broadbent responded to Director Uilkema that there are 2 issues that will be brought back to the Committee at a future date, is the enforcement of the program; how to deploy the inspectors and outreach; which will be presented at a future Public Outreach Committee. Mr. Broadbent continued that those 2 elements as the Air District moves forward with the rule making, as it makes sense to discuss the summer.

Director Uilkema also asked if the Board of Directors has approved the fine and fee schedule for the NOV's. Mr. Broadbent responded to Director Uilkema that the Board of Directors would not approve and fines and fees, as this is set forth in state laws. Director Uilkema requested a copy of the potential fines.

Director Torliatt asked what is the definition of Cleaner Burning Technology. Mr. Wee explained that it refers to EPA certified stoves and pellet stoves. Director Torliatt continued by asking if the Air District is allowing EAP certified stoves and if this would preempt wood smoke ordinances that are anticipated for passing in the city and counties. Mr. Wee responded to Director Torliatt stating this no, this is complimentary if the local city or county decides it should have a more stringent ordinances would supersede the Air District's regulation.

Director Torliatt continued stating that the Air District needs to continue to educate the various municipalities about the health affects until they are presented with the facts. Director Torliatt asked if this could be a component at the next Public Outreach Committee meeting and how the health issue will be addressed. Director Torliatt also suggested that the letter provide information on how to sign up for alerts for Spare the Air Nights, the health affects, etc. Director Torliatt suggested that staff obtain addresses for the 9 bay area counties that notices could be sent to informing them of this issue, as this could be handled from a public outreach perspective as this may educate individuals that are not burning on the Spare the Air Nights.

Mr. Broadbent responded to the Committee that on a Spare the Night, that the Air District would have a program requesting individuals not burn, as this is the easiest message that is easily enforceable. As questions have been raised by individuals that have purchased EPA certified stove, feel that they have invested the money and should be able to use them. Mr. Broadbent suggested that the Air District move towards a no burn approach for this rule.

Chair Haggerty suggested that he would like to also see an offer of an incentive included in the letter to assist the individuals with getting where the Air District would like them to be. Perhaps providing an incentive with the installation of a natural gas stove.

Director Miley also suggested that there be an incentive for the change out to natural gas.

Mr. Broadbent concluded that staff will move forward with the proposal that on a Spare the Air Night, that there will not be any burning. Mr. Broadbent continued by stating that this would include anyone with an EPA certified stove.

Director Uilkema stated that she feels that the Air District is not ready to go live with the proposed change. She continued stating that the Air District should show samples of the fee schedule at the public hearing along with a draft letter as well as the next steps.

Committee Action: None. This report was received and filed.

3. **Approval of Minutes of December 3, 2007:** Director Shimansky moved approval of the minutes; seconded by Director Ross; carried unanimously without objection.
5. **Discussion of Proposed Amendments to Regulation 9, Rule 7: NO_x and CO from Industrial, Institutional, and Commercial Boilers, Steam Generators and Process Heaters:** *The Committee received a report on the proposed amendments to Regulation 9, Rule 7 which limits NO_x and CO emissions from combustion devices such as boilers, steam generators and process heaters.*

Henry Hilken, Director of Planning and Research introduced Julian Elliot, Senior Air Quality Engineer presented the report and stated that the presentation is an update on the ongoing amendment of Regulation 9, Rule 7.

The background includes:

- Limits NO_x & CO from boilers, steam generators and process heaters
 - Hot water in schools, hotels, hospitals, office buildings, shopping centers
 - Steam in hospitals and industrial settings
 - General industrial process heat
- Last amended in 1993

Mr. Elliot continued stating that the 2 most common devices covered the rule is a fire tub boiler and the water tub boiler. The fire tube boiler has the hot combustion air goes through the tubes and out of the stack. The water tube boiler is named as such as the tube has water and the hot combustion gases are on the outside of the tubes.

Bay Area 2005 Ozone Strategy, Control Measure SS 12:

- Reduce NO_x limits to reflect current control technology
- Extend NO_x limits to gas-fired devices <10 MM BTU/hr

The rule development process included:

- Initial Workshop: June 2007
 - 2nd generation rule equivalent to recent San Joaquin APCD & Sacramento AQMD rules
- Contract with URS GHG mitigation study for Reg 9-7 devices: April 2008
- San Joaquin APCD draft 3rd generation rules: October 2007; 2nd draft: March 2008
- South Coast AQMD draft 3rd gen rules: November 2007, March 2008

Energy efficiency requirements include:

- Greenhouse Gas Mitigation – Phase 1
 - Insulation requirement
 - Exposed surfaces limited to 120°F
 - Annual inspection and tune-up
 - Minimize excess air
 - Minimize liquid blow down
- Greenhouse Gas Mitigation – Phase 2
 - Stack Gas Temperature Limitation
 - High-efficiency devices:
 - require periodic cleaning of heat transfer surfaces
 - Medium-efficiency devices:
 - may require turbulator or economizer retrofit
 - Low-efficiency devices:
 - may need to be extensively retrofitted or replaced

Next steps include:

- Continue to work with rule developers at San Joaquin, South Coast Air Districts;
- Continue to consult with affected Bay Area industry;
- Second Public Workshop: early April;
- Complete Staff Report, CEQA Analysis, Socio-Economic Analysis; and
- Public Hearing: Summer 2008

Mr. Elliot concluded his presentation.

Director McGoldrick asked how heat is recovered. Mr. Elliot responded to Director McGoldrick stating that some of the wasted heat could be recovered with the use of an economizer.

Chair Haggerty thanked Mr. Elliot for the detailed report.

Committee Action: None. The Committee received and filed the report.

6. **Proposed Amendments to Regulation 8, Rule 20: Graphic Arts Printing and Coating Operations:** *The Committee received a report on the proposed amendments to Regulation 8, Rule 20: Graphic Arts Printing and Coating Operations.*

Henry Hilken, Director of Planning and Research introduced William Thomas Saltz, Air Quality Specialist presented the report which will provide an overview on Bay Area graphic arts operations, which are subject to Regulation 8, Rule 20.

The 5 types of traditional technology include:

- Letterpress – oldest form of printing;
- Lithographic – offset printing (ink is applied to a roll, before being transferred to a substrate);
- Gravure – (ink applied into a etched well, below the surface of the engraved cylinder)
- Flexographic – (raised image on plane plate cylinder); and
- Screen Printing – (images or letters are applied to a substrate by placing a screen that contains an image over the substrate)

The total VOC emissions rate of 5.2 tons per day, lithographic printers account for 80% of the emissions from permitted sources in the graphic arts industry. Mr. Saltz also stated that over 50% of emissions are from cleaning products.

Proposed amendments include:

- Lower VOC Limit Flexographic Ink
- Cleaning Products
 - Lower VOC limits for existing cleaning products
 - New VOC limits for other cleaning products
- New Exemption Limit for Low Emitting Facilities
- Registration Program for Low Emitting Facilities
- Labeling Requirements for Inks & Cleaning Products

A registration program will be established in an effort to streamline the process of incorporating low emitting facilities into the system with out requiring them to get a permit. Facilities that emit VOC's at a rate between 75 and 400 lbs. per month will register their operations. Registering an operation will save money for those operations that otherwise are required to apply for a permit to operate.

The purpose of a registration program is to fast track the application process and to provide the Air District with the ability to recover costs involved in administrating the process. The initial registration fee is \$215 and the annual fee thereafter will be \$135.

The proposed reductions in emissions will total 1.6 tons per day, which is approximately 1/3 of the current emissions from the bay area graphic arts industry.

Next steps include:

- Workshop - Spring 2008
- Receive comments, continue to work with graphic arts industry
- Staff Report, including socioeconomic analysis and CEQA documents
- Public Hearing – July 2008

Mr. Saltz concluded his presentation.

Chair Haggerty thanked Mr. Saltz for his presentation.

Committee Action: None. The Committee received and filed the report.

7. **Committee Member Comments/Other Business:** There were none.
8. **Time and Place of Next Meeting:** At the Call of the Chair.
9. **Adjournment:** The meeting adjourned at 11:06 a.m.

/s/Vanessa Johnson
Acting Clerk of the Board