

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109  
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## APPROVED MINUTES

Summary of Board of Directors  
Stationary Source Committee Meeting  
9:30 a.m., Monday, April 20, 2009

**Call to Order:** Chairperson John Gioia called the meeting to order at 9:34 a.m.

**Present:** Chairperson John Gioia; Vice Chairperson Carol Klatt; Committee Members Susan Garner, Scott Haggerty, Nate Miley, Mark Ross, Michael Shimansky and Gayle B. Uilkema

**Absent:** Brad Wagenknecht

**Public Comment:** None

**Approval of Minutes of January 12, 2009:** Director Shimansky moved approval of the minutes of January 12, 2009; seconded by Director Klatt; carried unanimously without objection.

**Overview of 2008/2009 Woodsmoke Reduction Program** – *Jack Broadbent, Executive Officer/APCO and Kelly Wee, Director of Compliance and Enforcement*

### Overview of Wood Smoke Strategy:

Mr. Broadbent discussed the Woodsmoke Reduction Program's success, stating that Bay Area residents heeded warnings and reduced wood burning. Air quality analyses will continue as the Air District fine-tunes the program through modeling/data analysis, forecasting, outreach and enforcement strategies.

Mr. Broadbent presented a chart showing percentages of peak winter PM 2.5, stating that woodsmoke contributes to about one-third of all winter PM 2.5. In response to a question from Chairperson Gioia, Mr. Wee explained that the time period of information gathered is based on monitoring of 24-hour data from different locations throughout the Bay Area; from mid-November through the beginning of March.

### Woodsmoke Rule (adopted July 9, 2008):

- Prohibits burning on nights with high PM forecast;
- Limits visible emissions from wood burning devices;
- Requires cleaner burning technology for sale of new and used devices;
- Requires cleaner burning technology in new construction and remodels;
- Prohibits burning garbage in wood burning devices;
- Requires seasoned wood and solid fuel labeling.

Mr. Wee discussed extensive outreach efforts conducted by the Air District, which was discussed at the April 2<sup>nd</sup> Public Outreach Committee meeting and included television broadcasts, cable television, print, online, Clover Milk and radio advertisements. He noted that the Air District held 17 public meetings between November 2007 and April 2008 in all 9 Bay Area counties.

Outreach resulted in:

- Doubling of email *AirAlert* sign-ups from 50,000 to 100,000;
- 12,000 residents signed up for phone alerts;
- 877-4-NO BURN received 500,000 calls;
- Four TV news feature segments at + 5 minutes each;
- 80 print articles, 6 opinion/editorial articles;
- Rebate program for gas-stoves and gas-inserts.

Survey results showed:

- 77% supported the no-burn policy/regulation;
- 74% are aware of "Check Before You Burn";
- 69% of Bay area adults understand that there are negative health effects of wood smoke;
- 50% reduction in number of people burning on the previous night from last season.

Regarding enforcement for 2008/09, staff received 1,500 complaints, sent out nearly 1,550 direct mail woodsmoke information packets, inspectors conducted patrols in high priority areas for curtailment enforcement, 254 first-time warning letters were issued, and one case is under investigation for possible citation.

For 2009/10:

- Warning letters from 2008/2009 to remain active;
- First notice of violation is a \$400 penalty;
- Notice of violation fines will be progressive;
- Focus inspection patrols in high priority areas based on complaints/non-compliance;
- Enforcement case development for repeat violators.

Mr. Wee presented exceedances of PM 2.5, noting that trends are downward. Staff believes woodsmoke strategies are working and benefits are being seen. He then presented 2008/09 winter readings at various air monitoring stations and contributors to PM 2.5 excesses. Staff conducts ongoing analysis of PM sources through analysis of filters from monitoring stations, computer modeling of PM formation and transport, statistical analysis of meteorology promoting high PM levels, compares burn versus non-burn days and compares multiple years.

He discussed forecasting and said for 2008/2009, *AirAlerts* were issued when forecasting predicted exceeding 35 ug/m<sup>3</sup>. The alerts were declared at 10 AM for the same day and curtailment ran noon to noon, or until lifted. For 2009/2010, declared *AirAlerts* will use prior day afternoon forecast and curtailment will run midnight to midnight/entire day, or until lifted.

In going forward, Mr. Wee said staff plans to expand advertising and outreach campaign, continue analysis of monitoring data and refine models on PM 2.5, fine-tune enforcement response with penalties for repeat violators, and provide prior day forecasting for WSTA Alerts for more advance notice to the public. He displayed contact and sign up information for Check Before You Burn messages and email/telephone signups.

Committee Discussion/Comments:

Committee members voiced the need for better refinement to address problem areas, given staff resources, and Mr. Broadbent agreed that certain areas do and will require more attention. He discussed future neighborhood meetings and outreach to emphasize the public health value of the wood smoke program and suggested Board of Directors' assistance in providing information to their respective agencies. He confirmed that complaints can be made to 1-877-

4NO-BURN and staff will be developing future capabilities for complainants to email complaints and comments.

Committee members asked District staff to not only stress the importance of the public health message but also the reality that transportation dollars could be jeopardized if the Air District does not fulfill its responsibilities of the Clean Air Plan. It was suggested that cities and counties could provide assistance by including information on their respective local government agendas and possibly at County Mayors' Conferences, CSAC and Special Districts, and that additional outreach and information be included in telephone books, on overpasses and on radio.

Committee members further discussed PM 2.5 filter-based monitor results, clarified that information for some station locations was posted on the District's website and reiterated the need for a balanced approach to enforcement while at the same time garnering acceptance of the Rule.

In response to a question regarding documented enforcement and overtime costs, Deputy APCO Jeff McKay reported that the overall enforcement budget was estimated at \$200,000, which has been reduced for the current budget. Overtime costs totaled \$25,000 and field staff time costs were \$100,000.

Mr. Broadbent concluded by briefly discussing forecasting of weather using prior day afternoon information. Staff is refining their analyses and an update should be ready to present in October.

Public Comments: None

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

**Status Report on the Flare Minimization Plan First Annual Updates under Regulation 12, Rule 12: Flares at Petroleum Refineries – Senior Advanced Projects Advisory Alex Ezersky**

Overview/Background:

Mr. Ezersky presented a status report on the Flare Minimization Plan First Annual Update. He reported that Regulation 12, Rule 12 was adopted on July 16, 2007 which regulates flares at refineries and requires a Flare Minimization Plan (FMP) which includes:

- Information regarding design and operation of the facility as it relates to flaring;
- Description of the prevention measures previously taken that permanently capture current emission reductions and planned measures to further reduce flare emissions at the refinery; and
- Commitments to implement all additional feasible prevention measures expeditiously.

The Rule is prescriptive regarding the annual update process; it includes extensive engagement with District and refinery staff. Each refinery was required to develop such a plan to make permanent reduction achievements. The plan includes commitments to implement prevention measures expeditiously and an extensive public process and engagement with refineries. Over 50 new prevention measures were identified between June 2006 to May 2008 and additional summary emission and trend data has been included in the FMP's.

Mr. Ezersky said that during the 30-day public comment period, one comment was received from PEHAB which requested the District improve presentation of the information so that it is user-friendly and more easily understood. The District evaluated the Annual FMP and thereafter approved it on April 17, 2009.

Additional Prevention Measures:

- Additional compressor upgrades to increase capacity;
- New process unit designed with flare minimization;
- Utilization of low-Btu gas for refinery fuel;
- Planned installation of scrubber for sour gases;
- Enhanced monitoring for early detection.

Mr. Ezersky then presented frequency of flaring events and trends of methane and non-methane hydrocarbons which show dramatic reductions since 2005. He commented that the increase in 2008 for SO<sub>2</sub> emissions was attributed to two events. However, there is still an overall 37% reduction.

Next Steps:

Futures efforts will focus on maintenance activities such as compressor capacity, source reduction efforts, adequate gas scrubbing capacity and unit startup/shutdown. The second annual update is due October 1, 2009.

Director Comments/Discussion:

Committee members discussed flaring events and their relationship with maintenance activities, the comprehensiveness of the annual update process, the plan's focus on continuous improvements in flare reduction and maintenance, the use of low Btu gas, and suggested the next annual update include scheduled versus non-scheduled maintenance activities due to the correlation in maintenance driving flaring events. Mr. Broadbent agreed to again update the Committee when the wood smoke program is reviewed in October.

Public Comments: None

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

**Status Report on the California Air Resources Board Enhanced Vapor Recovery April 1, 2009 Deadline – Kelly Wee, Director of Compliance and Enforcement**

John Marvin, AQ Program Manager and Chair of the Statewide EVR Technical Committee, provided an update on the EVR Phase II requirement and said the Board of Directors was also given a presentation at their March 18, 2009 Board meeting.

***EVR Phase II – April 1, 2009 Deadline:***

- Requires all gas stations with underground tanks to upgrade to new hanging hardware and new tank pressure management systems;
- Phase I Controls – April 1, 2005 (Completed);
- ORVR Controls – March 2006 (Completed);
- Phase II Controls – April 1, 2009: New tank pressure management systems (VST Membrane; Healy Pressure Tanks, VST Carbon Canister);
- In-Station Diagnostics (ISD) Monitoring/Instrumentation:
  - September 1, 2009 (large stations)
  - September 1, 2010 (mid-size stations)

***Enforcement Strategy:***

- Reasonable and Measured:
  - District will enforce April 1 deadline
  - Will work with non-complying gas stations

- Compliance and Settlement Agreements
- Compliance Schedule to attain compliance
- Penalties – tiered for station size and circumstances; fair to complying stations
- Station Tag-out reserved for most egregious violators

***Vapor Recovery History:***

- 1973: District adopts vapor recovery regulation at gas stations
- 1975: State (CARB) adopts vapor recovery certification program
- 1999: State Implementation Plan (SIP) Settlement Agreement
- 2000: CARB adopts EVR requirements

***Enforcement Status:***

- 2,059 Gas Stations:
  - 124 exempt from requirements
  - 90% Filed for necessary air permits
  - 55% installed and in compliance or exempt
  - 9% failed to file for necessary air permits
  - 370 facilities have contacted the District for compliance schedules

Public Comments: None

Committee Comments/Discussion:

Director Shimansky confirmed that large stations were those with a throughput of 1.8 million gallons/year; mid-size stations were those with throughput greater than 600,000 gallons/year and less than 1.8 million gallons/year; and small stations or those under 600,000 gallons/year are exempt.

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

**Committee Member Comments/Other Business:** There were none.

**Time and Place of Next Meeting:** Monday, 9:30 a.m., July 20, 2009.

**Adjournment:** The meeting adjourned at 10:58 a.m.

*Lisa Harper*  
Clerk of the Boards