

Bay Area Air Quality Management District  
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## **APPROVED MINUTES**

Summary of Board of Directors  
Stationary Source Committee Meeting  
9:30 a.m., Monday, December 13, 2010

**Call to Order – Roll Call:** Chairperson Gayle Uilkema called the meeting to order at 9:30 a.m.

**Present:** Gayle B. Uilkema, Chairperson; and Directors Susan Garner, John Gioia, Carole Groom, David Hudson, Scott Haggerty

**Absent:** Vice Chair James Sperring; and Directors Carol Klatt and Nate Miley

**Also Present:** Board Chairperson Brad Wagenknecht and Director Mark Ross

**Public Comment Period - None**

### **3. Approval of Minutes of September 27, 2010**

**Committee Action:** Director Groom made a motion to approve the Minutes of September 27, 2010; Director Gioia seconded the motion; approved unanimously without objection.

### **4. Status Report on Petroleum Refinery Flare Minimization Plan Annual Updates**

Air Quality Program Manager, Wayne Kino, gave the staff presentation and third annual update of the Petroleum Refinery Flare Minimization Plans (FMP). He gave a background of what each plan must include, noted the initial FMPs were approved July 16, 2007 with annual updates provided since that time on April 17, 2009 and December 29, 2009. The activity covered is on a fiscal year basis, and includes District analysis and a public comment period.

Mr. Kino described the fuel gas recovery system and triggers that would breach normal pressure levels. While there have been significant decreases in flaring, it still occurs and monitoring occurs. Prevention and minimization focuses on source reduction, vent gas compressor capacity, fuel gas balance, and scrubbing sour gases, each of which he briefly described.

Mr. Kino then presented refinery vent gas volume flared from 2004-2010 by refinery, methane (CH<sub>4</sub>) emissions by refinery, hydrocarbon (NMHC) emissions, sulfur dioxide

(SO<sub>2</sub>) emissions, and vent gas volume showing the annual total and the portion associated with maintenance procedures from 2006 through 2009. He said the flare minimization plans look at emergencies, and the shut down and start-up emissions are something the District would like reduced and controlled further. He presented maintenance flaring by facility from 2006-2009 showing annual total flow.

Next steps include:

- Consideration of public comments received;
- Review and evaluate FMPs for approval;
- District final action by January 25, 2011;
- Improvements to minimize “maintenance” flaring

The third annual updates will be approved at the end of January 2011.

#### Committee Comments/Discussion:

Director Gioia questioned and confirmed differences between the volume for emergency flaring and totals shown in blue and orange on Slide 12, and requested that staff provide a similar slide showing emergency flaring. Chair Wagenknecht requested staff also provide the cost refineries are putting into flare minimization, which Mr. Kino agreed to provide.

Chair Wagenknecht referred to improvements shown for Shell Refinery from 2006 and 2009 and Mr. Kino explained how that refinery has addressed flaring through slowdown of start-ups and control of sources going into flare systems, which has added costs.

Director Garner referred to ConocoPhillips’ trends, and hoped they could improve to the level of Shell Refinery. Director Gioia suggested the data may have been attributable to ConocoPhillips’ 2009 start-up of their new hydrogen project.

**Committee Action:** None; informational only.

## **5. Status Report on Lennar BVHP Redevelopment Project**

Director Haggerty confirmed that Bayview Hunters Point (BVHP) community members were noticed of the meeting and informed that this item would be heard this date, and voiced surprise there were no representatives present. Mr. Broadbent stated there has been dialogue back and forth and a separate meeting with them is scheduled to be held the next day.

Air Quality Program Manager John Marvin gave the staff presentation and overview of Lennar BVHP Redevelopment project. He presented an aerial view of Parcel A, a background of the future site of 1600 attached single family homes on 75 acres located in an area that contains Naturally Occurring Asbestos (NOA). Grading and construction activities are subject to State Air Toxics Control Measure and he said any project greater than one acre must have an asbestos dust mitigation plan with air monitoring for ambient asbestos.

Mr. Marvin presented a map of Parcel A's ambient asbestos (District) monitors and (San Francisco Department of Public Health) community monitors. The project has been on-going since 2006, and from data gathered, staff can determine an average annual calculation and project it out to arrive at a risk analysis, which he presented for the District's monitors. He noted this shows a monitored cancer health risk of less than 10 in a million. He then presented community monitors showing calculated cancer health risk is all less than 10 in a million.

Mr. Marvin gave a project update, stating that in August 2009 the District requested Lennar revise their dust mitigation plan and include 14 additional NOA dust mitigation measures. He stated the District has augmented an additional 4 community air monitors and has also incorporated U.S. EPA dust mitigation suggestions. There have been no elevated readings since February 2010 and health risks remain less than significant.

He reviewed construction activities, said the District continues to conduct daily site inspections to ensure compliance, and reported on the following work:

- Major grading and excavation work is completed
- Utilities infrastructure installation
- Roadways paved
- Installation of electrical cable lines

He presented a series of pictures showing the street pavement on Parcel A, installation of curb and gutters, infrastructure, and said the project is ready for its second phase.

Mr. Marvin said BVHP voiced concern about airborne metals and the soils and bedrock of Parcel A containing naturally occurring metals. He said the Navy remediated the site to background levels of metals and lead contamination has been cleaned up, including arsenic, chrome VI and manganese. The particulate monitoring indicates no significant health risks associated from inhalation of airborne metals at Parcel A.

Mr. Marvin then reviewed future redevelopment projects, the expected transfer dates of the Navy's remediation and turnover to the City and thereafter, turnover to Lennar for redevelopment.

#### Committee Comments/Questions:

Director Haggerty questioned with Mr. Marvin instances where the monitoring data has been higher, noting the situation varies day to day. He noted that calculations are based on an average since 2006.

Mr. Broadbent acknowledged that there have been days where monitors have recorded high levels. The Asbestos Dust Mitigation Plan (ADMP) requires Lennar to stop grading and activities by the next day. He said the inspector is there full-time dedicated to the community and staff believes the environment is well controlled. He also noted that the risk associated is based on a 70-year lifetime average. When questioned about the need for additional monitors, Mr. Stevenson added that analysis is expensive to identify asbestos fibers and there are sources from other locations and exposures in residential

areas near major rail lines and highways. The level of exposure is dependent upon land usage, the environment and activities in the area.

Mr. Broadbent reported there are areas with naturally occurring asbestos up and down along the Bay Area peninsula, and Chair Uilkema voiced interest in having this information presented at a future meeting.

Chair Wagenknecht questioned whether CEQA guidelines help with projects coming in that may stir up naturally occurring asbestos. Mr. Hilken explained there are new thresholds for developments. Chair Wagenknecht confirmed with Mr. Marvin that the BVHP monitoring data are collected daily, results are revealed the next day, and they only monitor asbestos. Mr. Marvin discussed soil samples taken from the Navy's remediation project and said the soil from grading excavation had the same concentrations. From this, the District was able to estimate that airborne concentrations were less than significant.

Chair Wagenknecht questioned the District's protocol during spiking periods where there is increased dust. Mr. Marvin said the project would stop the next day if levels get over 16,000 structures per cubic meter and would not be able to restart until all monitors fall below this trigger, which translates to 100 in 1 million cancer risks over a 70 year lifetime. He said the District works with Lennar to determine what has occurred and actions taken when elevated readings are seen. Mr. Broadbent also noted that ADMP calls for the halting of a project if wind speed exceeds 25 mph.

Director Groom questioned what would be done for monitor levels showing 10 in 1 million. Mr. Marvin stated the District would provide notification to do some amount of watering to lower dust; however, the District does not enforce mitigation action until it is over 100 in 1 million.

Director Groom questioned the gap in response and asked why SFPHD's monitors all register higher numbers. Mr. Stevenson said this is most likely due to sites located close to a roadway, and attributable to bus traffic and properties managed by the Navy, which is the case for sites identified on Slide 7 showing 3.7 in 1 million and 4.5 in 1 million.

Director Groom questioned whether there is need for additional monitors. Mr. Broadbent discussed on-going communication with the Bayview Hunters Point community. He said much of the grading and utility work has been completed and dust generation should be reduced further. He pointed out that the area is slated for future development which is described in Slide 12, and said there will continue to be complaints where the District will need to respond and take action. He said comments today will be helpful in requiring as much monitoring as possible in the future.

Chair Uilkema summarized the theme of comments by Directors as the desire to look at ways to respond more actively and immediately when it is obvious there is a violation rather than the next day. Director Haggerty questioned and confirmed that the District must approve the monitors Lennar installs and Lennar must report out information.

Director Garner referred to the SFPHD's community monitor data registering higher figures and questioned the need for a background asbestos monitor. She cited the District's inability to distinguish between naturally occurring asbestos versus what is coming from surrounding areas and future planned development in the vicinity, all of which would benefit from additional monitors. Mr. Broadbent said staff could provide background levels of asbestos and suggested returning with information for the Committee.

Director Garner questioned whether Navy remediation projects are being monitored. Mr. Broadbent stated the superfund site is remediating metals and solids, and oversight is provided by the U.S. EPA and the Department of Toxics and Substance Control. Much of the work has been completed and a significant amount of soil has been removed.

In summary, Mr. Broadbent said the Parcel A Redevelopment Project is an ongoing effort. Staff will brief the Committee in the future and the Committee will most likely hear comments and requests for more stringent efforts at upcoming Board meetings. He reported a number of efforts are underway with use of the settlement funds, such as air filtration systems for five schools in BVHP and a Breathe Mobile.

Chair Uilkema cited the value of periodic briefings, voiced concern that the BVHP community is not present, and suggested that materials presented be made available to them. She supported the request made of Director Garner for additional off-site monitoring, and Mr. Broadbent stated that staff would look into this.

Director Hudson referred to Slide 12 and questioned the significance of future redevelopment projects labeled "F". Mr. Bunger replied that the area delineated by the dashed line is inclusive of the superfund site. There has been dredging around the area to pull up deposited materials, and both water line and land portions will be transferred once remediated.

Public Comments: None

Chair Uilkema asked that presentation materials be documented and incorporated into the record, acknowledged that the District is trying to be interactive with the BVHP community, but reiterated the fact that there was no public comment received.

**Committee Action:** None; informational only.

## **6. Report on the District's Odor Evaluation Technical Conference**

Air Quality Program Manager John Marvin gave a staff presentation on the District's Odor Evaluation Technical Conference, held August 2, 2010 at the MTC Auditorium in Oakland. He provided a background of the District's review of its odor complaint process where several initiatives have resulted in incorporating new technologies for odor assessment and measurement, developing a new rule for the metal melting industry, improving customer feedback, and providing additional odor complaint training for staff.

Mr. Marvin reviewed odor assessment and measurement challenges, discussed the science of odors and gave an overview of speaker presentations, involvement of community activists, odor evaluation and monitoring technologies. He described and presented examples of:

- Measuring ambient odor;
- An odor wheel application;
- zNose, a portable device used to detect and analyze odorous compounds;
- Community-based odor sampling programs in the Bay Area; and
- OdoWatch, real-time odor emissions and impact monitoring using electronic noses

Next steps include evaluating new and innovative ways to improve the air quality in neighborhoods through the use of science and the application of science to air pollution odors.

#### Current Efforts Include:

- Odor sensitivity testing of inspection staff;
- Field testing Nasal Ranger Field Olfactometers;
- Attending demonstrations on portable GC/MS (Gas chromatograph / mass spectrometer);
- Designing sampling project for odorous facility

#### Public Comments:

James Simonelli, Executive Director, California Metals Coalition, spoke of the diverse technical speakers, said they will work with staff during the review period, and expressed some concern by small businesses regarding the pending draft metal melting rule, noting their organization introduced legislation this year signed into law which focuses on types of odor complaints that are repeated and unwarranted.

#### Committee Comments/Questions:

Chair Uilkema thanked staff for the presentation and noted Directors often receive comments about odors and it is difficult to determine what is or could be dangerous.

Director Gioia agreed; there are odors that are nuisances and public health issues, some harmful and some not, and asked that the PowerPoint presentation be emailed to him. In response to questions regarding the odor wheel applications, Mr. Marvin discussed determination of categories, rating scales of intensities, and priority for addressing odors that affect the most downwind populations.

Mr. Broadbent said the metal melting rule will be brought for consideration in April/May timeframe of next year and heard by the Stationary Source Committee. It is part of the Clean Air Plan and thinks the Committee will hear a lot of discussion about odors. Staff is also looking at holding another conference in the future.

**Committee Action:** None; informational only.

**7. Proposed Regulation 11, Rule 17: Limited Use Stationary Agricultural Engines**

Victor Douglas, Acting Manager for Rule Development, gave the staff presentation regarding the proposed Regulation 11, Rule 17, a background of CARB's Air Toxic Control Measure (ATCM), amendments to include agricultural engines and pending compliance deadlines. He reviewed registration statistics, engines replaced early with District funding, specifics of the proposed regulation, exemptions, incorporation of an Alternative Compliance Plan, and presented a chart which showing that the proposal achieves greater reductions than the ATCM.

He reviewed costs per engine size, the current Tier 3 in the ATCM, and the proposed Interim Tier 4 cost. He said the District conducted extensive outreach in all 9 Bay Area counties with farm bureaus, grape growers associations, California Poultry Federation, and the Western United Dairymen's Association. Staff is working with agricultural communities to schedule workshops.

Next Steps include:

- Draft Rule and workshop report finalized
- ARB supports approach
- 8 workshops in January in 8 counties
- EIR Notice of Preparation and Initial Study prepared
- Public Hearing proposed in March

Committee Comments/Questions: None

Public Comments: None

**Committee Action:** None; informational only.

**8. Committee Member Comments/Other Business:** Chair Uilkema thanked staff for presentations of the Committee, and members for their participation. Directors repeated their observation that no representatives were present from the BVHP community, and asked that materials from the meeting be made available to them.

**9. Time and Place of Next Meeting:** At the Call of the Chair

**10. Adjournment:** The meeting adjourned at 11:29 a.m.

*LS/ Lisa Harper*

Lisa Harper  
Clerk of the Boards