

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

Summary of Board of Directors  
Stationary Source Committee Meeting  
Thursday, September 29, 2011  
9:30 a.m.

**1. CALL TO ORDER:** Chairperson Gayle B. Uilkema called the meeting to order at 9:33 a.m.

Roll Call: Present: Chairperson Gayle B. Uilkema, Vice Chairperson John Gioia, Directors John Avalos, Susan Garner, Dave Hudson, Carol Klatt, Jim Spering, and Eric Mar were present.

Absent: Director Johanna Partin was absent.

Also Present: Director Scott Haggerty

**Pledge of Allegiance:** Chairperson Uilkema led the Pledge of Allegiance.

**2. Public Comments:** Chair Uilkema opened the public comment period. There were no comments made.

**3. Approval of Minutes of July 7, 2011**

**Committee Action:** Director Hudson moved to approve the minutes of July 7, 2011. The motion was seconded by Director Spering and carried unanimously without opposition.

**4. Draft Regulation 12, Rule 13: Metal Melting and Processing Operations**

Henry Hilken, Director of Planning, Rules and Research, introduced Dan Belik, Air Quality Program Manager, who gave the presentation on Draft Regulation 12, Rule 13: Metal Melting and Processing Operations. Mr. Belik provided a brief summary of the background of the industry, described what was included in the first draft of Regulation 12, Rule 13 which was presented in June of 2011, reported on two workshops which were held in July 2011, and described the final steps in the rule development process.

Mr. Belik illustrated and discussed the primary processes in the industry. This measure is part of the 2010 Clean Air Plan. This industry generates odors, some amounts of VOC's, toxic air contaminants in the metals and odor that are emitted. This led to the promulgation of the draft rule to target the largest thru put sources and those with the highest toxic risk. The draft rule has some emission limits, opacity limits, organic compound limits, and a list of four odorless substances that would likely be emitted in this industry with specific limits for each of these substances. The draft rule also has a comprehensive compliance plan as well as monitoring, recordkeeping, and source testing requirements.

Mr. Belik stated two public workshops were held in Oakland and Redwood City. Most public comments focused on economic impacts, concern for jobs, and emission concerns during the workshops. An additional 453 written comments were received from industry workers, families, children, and neighbors. Mr. Belik provided a brief summary of the comments received.

Mr. Belik stated that the Air District is continuing to consult with the industry and community. The Air District will reevaluate the standards based on the comments received and continue to work on developing a second draft. A public hearing on the final draft is anticipated to take place at the end of the first quarter of the year 2012.

Jean Roggenkamp, Deputy Air Pollution Control Officer, reiterated that this is a brand new rule for the Air District. The Air District will continue to meet with the community and provide the committee with regular updates.

**Committee Member Comments:**

Chair Uilkema stated that she receives written comments on an ongoing basis. Chair Uilkema welcomes comments from all interested parties and asks that they be directed to the Air District staff or her office.

Director Sperring requested background as to what is the difference between what the Air District is trying to accomplish and what currently exists in the State and Federal regulations that control this industry. Director Sperring is concerned about the economic impacts and how they should be weighed.

Director Gioia requested a summary of what emission reduction would be gained by this rule and what the cost impacts would be to the industry. He is requesting this information be included in the presentation.

Director Mar requested that communities heavily impacted by this industry be identified. Director Mar also requested information on fugitive emissions.

**Public Comments:**

Chair Uilkema opened the public comment period.

Ray Rodriguez, CASS, Inc., described the company he works for and discussed how CASS, Inc. already complies with several existing regulations and how this new regulation is very cost prohibited and the impacts it will have on CASS, Inc.

James Simonelli, California Metals Coalition, stated that Federal rules already regulate many of the same items that Draft Regulation 12: Rule 13 propose to regulate. Mr. Simonelli recommends that the Committee receive an analysis which compares existing Federal rules and Draft Regulation 12: Rule 13 in an effort to avoid redundancy.

Chris Chan, Pacific Steel, stated that Pacific Steel does not understand what this rule is trying to accomplish and how this rule differs from current Air District regulations and EPA NESHAP. The regulation should be based on good science and data. This rule should not be "one size fits all". This rule will also put workers at risk.

Dave Robinson, AB&I, spoke in regards to his family-owned business having the best emission controls in the country and how this draft rule is based on odors and throws out all exemptions.

Charles McIntyre, West Coast Protective League, opposes these rule changes due to the loss of jobs and economic impacts these changes may have on the industry.

**Committee Comments/Questions:**

Director Spering discussed the idea of comparing Federal and State regulations and identifying any changes. He requests that any findings in the comparison also provide a “why” column to describe why changes are being made. As economic impacts are being discussed there is a need to measure these impacts and its benefits. Director Spering asks what potential regulatory requirements mean?

Ms. Roggenkamp explains that there are existing regulations of the maximum standards at the Federal level and Air District staff needs to look at what the Air District needs to achieve beyond these standards. How does the Air District define what is the benefit for this rule and what is the Air District trying to achieve beyond the maximum standards.

Director Spering asked if Air District is also evaluating what the industry is currently doing and how they are meeting the Federal and State requirements. Director Spering requested a meeting with Ms. Roggenkamp and representatives from the industry to hear both sides and obtain further clarification on this issue.

Chair Uilkema stated that the Committee is very interested in a visual depiction of the implementation of the implementation of the Air District’s Clean Air Plan. Chair Uilkema is requesting this be presented at the next meeting.

**Committee Action:**

None; receive and file.

**5. Draft Regulation 8, Rule 53: Vacuum Truck Operations**

Henry Hilken, Director of Planning, Rules and Research, introduced William Saltz, Air Quality Specialist, who gave the presentation and background on Draft Regulation 8, Rule 53: Vacuum Truck Operations. Mr. Saltz will discuss Vacuum Truck Operations; describe the basis for a vacuum truck, how emissions are generated, and why trucks that transfer organic liquids should be regulated. A summary of the highlights of the regulatory proposal, public workshops and comments received, compliance cost associated with this rule and the emission inventory development that is currently ongoing was also presented.

Mr. Saltz stated the draft rule for vacuum truck operations is a result of the control measure SSM5 of the 2010 Clean Air Plan. Regulation 8, Rule 53 will control the emission from vacuum trucks which result from the transfer of organic liquids. The emission limits of this rule will apply to five types of facilities: petroleum refineries, bulk plants, bulk terminals, marine terminals, and organic liquid pipeline facilities.

Air District staff believes that the majority of organic vapor emissions from Bay Area vacuum truck operations occur at these types of facilities. Vacuum trucks can release organic emission from three different ways: from the trucks barrel exhaust, from equipment liquid leaks, and from equipment vapor leaks. All of these emissions are currently uncontrolled.

Mr. Saltz continued the presentation by describing how Regulation 8, Rule 53 will control vacuum truck emissions by establishing limits. An organic concentration standard of 500 parts per million will apply to vapor emissions from vacuum truck exhaust ports, as well as, vacuum truck equipment vapor leaks. Also, a liquid leak standard of 3 drops per minute will apply to vacuum truck equipment.

As part of this rule development effort, Air District staff communicated with the Regional Water Quality Board, California State Lands Commission, South Coast AQMD, Texas Commission on Environmental Quality, and the New Jersey Department of Environmental Protection. Air District staff has met with refineries, terminals, and vacuum truck operators.

**Committee Member Comments:**

Chair Uilkema asked for further clarification on the frequency of which the Air District would be testing or monitoring the vacuum trucks.

Mr. Saltz stated that the determination would be made by the Compliance and Enforcement Division.

Chair Uilkema also requested further clarification on the cost analysis and the impacts businesses may face going forward. Chair Uilkema asked if the Air District has any intention to deal with railroads.

Brian Bunger, Legal Counsel, stated no. The Air District already regulates the emissions from loading and unloading tank cars.

Director Garner recommended that the Board consider regulating vacuum trucks where oil companies, in particular, are relying on vacuum trucks to clean up ground water.

Mr. Belik responded that the type of operation that takes place at gas stations is already controlled under a rule specific to removal of underground storage tanks and also cleanup of contaminated soil. Removal of materials from the tanks is regulated even though conducted through a vacuum truck.

Director Garner asked if only the vacuum trucks being used at a service stations site to clean up floating water they are required to control emissions and not at refineries.

Mr. Belik stated that in other instances the vacuum truck operators do use emission controls.

Chair Uilkema requests further discussion of this item at a future committee meeting.

**Public Comment:** None.

**Committee Comments/Questions:** None.

**Committee Action:** None; receive and file.

**6. Committee Member Comments/Other Business:**

Director Sperring suggested that the Air District be careful how the Air District characterizes who attends the committee meetings.

**7. Time and Place of Next Meeting:** At the call of the Chairperson.

**8. Adjournment:** Meeting adjourned at 10:59 a.m.

*/s/ Maricela Martinez*

Maricela Martinez  
Executive Secretary