



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT



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February 23, 2024

Chairperson Valerie Armento, Esq. and Members of the Hearing Board
Bay Area Air Quality Management District
375 Beale St., Suite 600
San Francisco, CA 94105

Re: Docket No. 3750
FERMA Corporation – Application for Variance

Dear Chairperson Armento and Members of the Hearing Board:

On behalf of the Bay Area Air Quality Management District and the Air Pollution Control Officer (collectively, “District”), this letter responds to the above-mentioned Application for Variance by FERMA Corporation (“FERMA”).

In consultation with FERMA, the District has prepared a set of conditions, attached hereto as Attachment A, that it proposes should accompany the variance. FERMA has advised that it assents to complying with these conditions. Please note that there are two outstanding technical questions in the conditions that remain to be resolved—both in condition 2.a—but the parties are confident that they will be able to resolve these questions in advance of the February 27, 2024, hearing. The parties will inform the Board of their resolution at the hearing.

In light of FERMA’s assent to comply with these conditions, the District does not anticipate opposing the requested variance. The District reserves the right to withdraw its non-opposition should FERMA or the Hearing Board propose alterations to the proposed conditions.

The District also wishes to inform the Hearing Board that it has no reason to anticipate significant public comment at the hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Dhawan-Muren".

Greg Dhawan-Muren
Assistant Counsel

cc: Nicholas W. van Aelstyn
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Attachment A

Before the Hearing Board of the Bay Area Air Quality Management District

In the Matter of the Application of FERMA Corporation

Docket No. 3750

Filed February 23, 2024

Hearing scheduled for February 27, 2024

PROPOSED OPERATING CONDITIONS

Definitions

1. The definitions applicable to and included in Bay Area Air Quality Management District Regulation 11, Rule 2, apply to these Conditions.
2. Demolition-related activities that may expose or release RACM: Any demolition-related activities that may reasonably be expected to result in ACM that was previously covered or encapsulated becoming uncovered and unencapsulated. These activities include, without limitation, the use of an excavator to manipulate and demolish the roof of Hangar 3, and any manipulation of waste debris from the roof of Hangar 3.
3. End of the project: The date on which the APCO approves the worksite pursuant to Condition 11
4. FERMA: FERMA Corporation
5. Hangar 3: Hangar 3 at Moffett Field, CA 94035
6. PAMP: Rincon's Perimeter Air Monitoring Plan for the project, submitted by FERMA as Exhibit A-1. Any future revisions to Rincon's Perimeter Air Monitoring Plan do not alter the meaning of these Conditions.
7. Project: The demolition of the roof of Hangar 3
8. Term: The period from the first day on which FERMA conducts demolition-related activities that may expose or release RACM until the end of the project
9. Work day: Any day during which personnel are present at Hangar 3 conducting activities relating to the project

Conditions

1. On days during which demolition activities are conducted that may expose or release RACM, if wind speeds exceed 25 miles per hour (mph), or if gusts exceed 30 mph, FERMA shall pause demolition activities that may expose or release RACM until wind

speeds have declined to below 25 mph and gusts have declined to below 30 mph. Wind and gust speed shall be measured based on the higher of two sources: (a) readings at the Moffett Field weather station KCAMOUNT440, as reported at <https://www.wunderground.com/dashboard/pws/KCAMOUNT440>; and (b) a wireless wind speed sensor that will be mounted on a crane near the location of active demolition.

2. FERMA shall not commence demolition-related activities that may expose or release RACM until DevCon Construction, Inc., has contracted with an independent third party to conduct perimeter air monitoring for asbestos in accordance with the practices and processes described in sections 4.3.2 and 4.4 of the PAMP. Notwithstanding any statements to the contrary in the PAMP, throughout the entire term, FERMA shall ensure perimeter air monitoring for asbestos is conducted for at least eight hours every work day, including at all times when personnel are present at Hangar 3 conducting demolition-related activities that may expose or release RACM, unless and until the APCO approves an alteration to the project's perimeter air monitoring schedule or procedures pursuant to Condition 2.b below. FERMA shall ensure that at least three perimeter air monitoring stations for asbestos are installed: one upwind and two downwind stations shall be positioned within approximately 300 feet of the active demolition area on both the east and west sides of the hangar. Perimeter air monitoring stations shall include both PM10 monitors and asbestos sampling pumps.
 - a. FERMA shall send all PCM and TEM laboratory results to the APCO on the same business day it receives the results. Results shall be sent via email to srueda@baaqmd.gov and kpham@baaqmd.gov. If a PCM sample exceeds the clearance criteria of 0.01 fibers per cubic centimeter (f/cc) it shall be reanalyzed via TEM using *[one of either a modified Yamate method or NIOSH Method 7402]*¹. If a TEM analytical result exceeds *[one of either 70 structures/mm² or 0.01 f/cc]*², the APCO may require, in its sole discretion, that FERMA halt any activities that involve manipulating or demolishing the roof of Hangar 3 unless and until FERMA receives the APCO's consent, in writing, to continue such activities. FERMA shall ensure that it generally receives any PCM and TEM analytical results no more than 3 business days after the end of the sample collection period at issue. It shall not be a violation of these Conditions, however, if FERMA receives a test result later due to unexpected exigencies beyond FERMA's reasonable control, such as a delay in laboratory processing, so long as FERMA receives the test result within 5 business days after the end of the sample collection period.

¹ The parties are engaging collaboratively in technical consideration of whether a modified Yamate method or NIOSH Method 7402 is the appropriate test method. The parties anticipate resolving this question prior to the February 27, 2024, hearing and will inform the Board of their resolution at the hearing.

² The parties are engaging collaboratively in technical consideration of whether 70 structures/mm² or 0.01 f/cc is the appropriate standard. The parties anticipate resolving this question prior to the February 27, 2024, hearing and will inform the Board of their resolution at the hearing.

- b. FERMA shall ensure any alteration of the perimeter air monitoring schedule or procedures for asbestos takes place only to the extent explicitly approved in writing by the APCO. FERMA may request that the APCO approve alterations to the perimeter air monitoring schedule or procedures for asbestos, including decreases in the number of monitors or the frequency of monitoring. Any such requests shall be submitted to the APCO via email at srueda@baaqmd.gov, kpham@baaqmd.gov, and gdhawanmuren@baaqmd.gov. The APCO may, in its sole discretion, approve or deny such requests.
3. Continuously during any activities that involve manipulating or demolishing the roof of Hangar 3, FERMA shall ensure that the truss bay that is being manipulated or demolished and the immediately adjacent truss bay, as well as the air and ground underneath the truss bays, is sprayed by water at a level sufficient, in the APCO's sole discretion, to ensure that any RACM that is not covered by other materials will be immediately adequately wetted if either truss bay collapses.
4. At all times throughout the term, FERMA shall ensure that all RACM that is not adequately wetted or being sprayed with water is encapsulated with material. If exposed RACM is not adequately wetted during off hours, it shall be encapsulated with material.
5. At or before the end of each work day, FERMA shall capture all water run-off, pump it to Baker tanks, and filter it prior to disposal.
6. During the entire term, FERMA shall continuously maintain a secure perimeter around the worksite to ensure there is no public access. To maintain this secure perimeter, FERMA shall, without limitation, ensure the site is surrounded by fencing that is not reasonably capable of being climbed or otherwise easily penetrated, and shall ensure that all points of entry are either locked or actively monitored at all times such that only authorized individuals have access.
7. At the end of each work day, FERMA shall walk the perimeter of the worksite to look for, collect, and dispose of any asbestos debris. The collection and disposal of any asbestos debris shall be carried out in accordance with all applicable laws.
8. FERMA shall plane any beams and cross braces intended to be salvaged for reuse 6 sides in containment before these materials are removed from the premises for any reason or extent of time. FERMA shall collect all shavings and treat them in accordance with all applicable legal requirements for disposal of contaminated debris.
9. FERMA shall pressure wash all equipment used in demolition-related activities, including the shoring system, before the equipment is removed from the premises for any reason or extent of time.

10. FERMA shall provide the APCO with access to the worksite during any work day to observe any demolition-related activities associated with the project.
11. When the project is complete, FERMA shall notify the APCO, via email to srueda@baaqmd.gov, kpham@baaqmd.gov, and gdhawanmuren@baaqmd.gov. The APCO shall then conduct a visual inspection to determine whether, in the APCO's sole discretion, to approve the cessation of oversight over the project under Regulation 11-2, and may, in the APCO's sole discretion, require FERMA to perform additional clean-up activities.
12. FERMA shall handle all friable asbestos-containing waste material, including pre-existing debris, in accordance with these Conditions and Regulations 11-2-303 and 11-2-304, except Regulations 11-2-303.1, 303.3, 303.4, 303.5, 303.6, 303.7, 303.10, and 304.1.
13. FERMA shall fully comply with Regulations 11-2-303.10 and 11-2-304.1.1, except to the extent that it is infeasible to place the hangar into containment pursuant to Regulation 11-2-303.6.