

# Community Emission Reduction Plan (CERP) Community Steering Committee Meeting #9

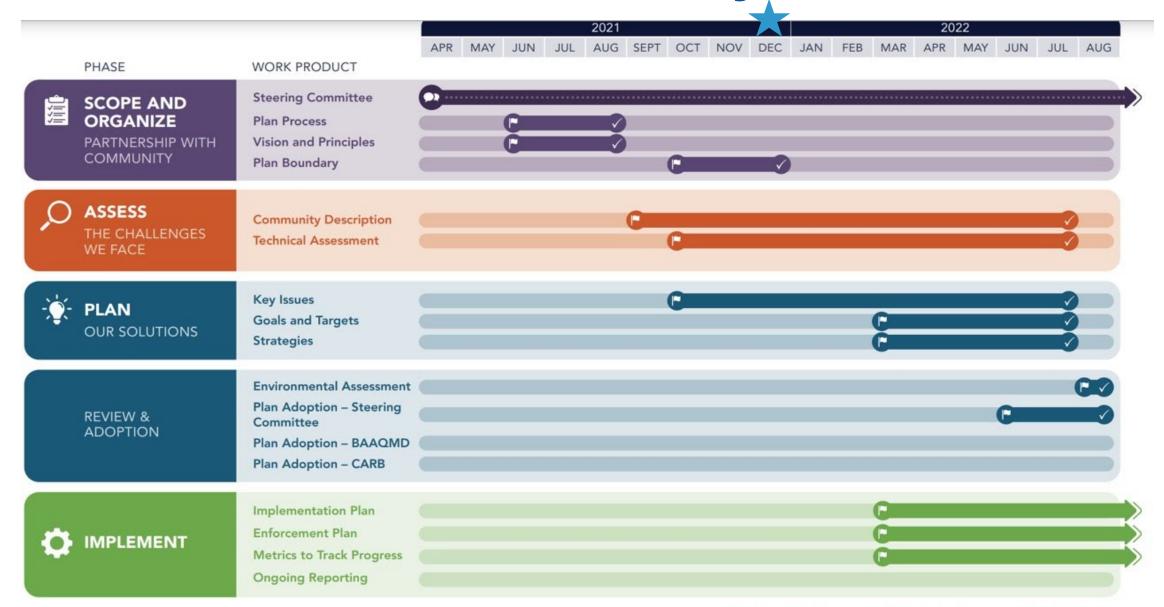
**December 13, 2021** 

# Today's Agenda

- 1. Roll Call
- 2. Approval of November 15, 2021, Meeting Minutes
- 3. Confirm Community Emissions Reduction Plan (CERP) Boundary
- 4. Rules 101 Introduction to Rule Development and Strategic Policy
- 5. Permitting 101/Engineering (with Permitting Q&A)
- 6. Community Assets and Air Pollution Mapping Project Update
- 7. Public Comment on Non-agenda Items and Next Steps



# Timeline: Where are We Today?



# Welcome!



# Approval of November 15, 2021 Meeting Minutes



## **Public Comment**

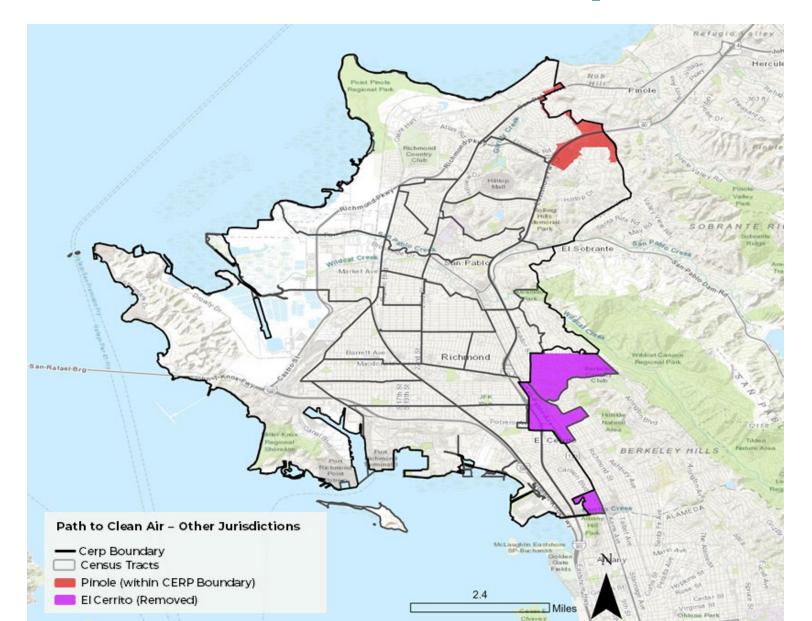


# **CERP Boundary Approval**

Kelly Malinowski, Senior Environmental Planner <a href="mailto:kmalinowski@baaqmd.gov">kmalinowski@baaqmd.gov</a>

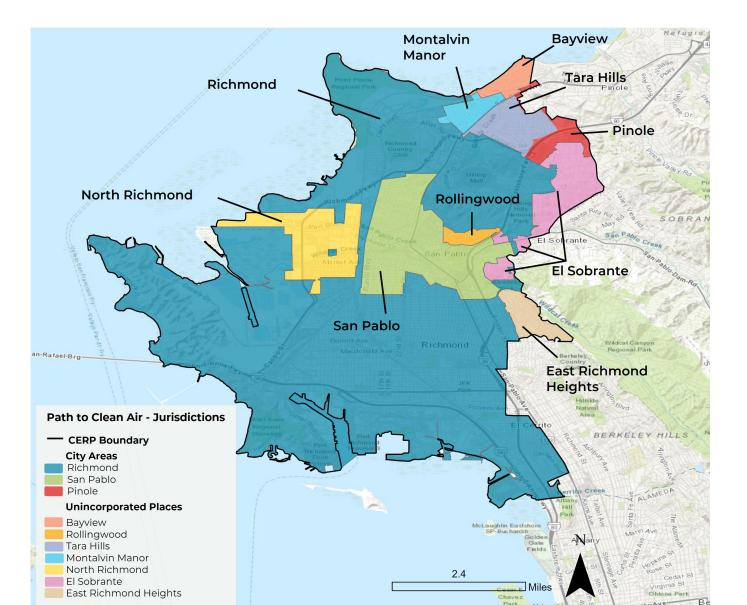


# Revisions Made to Proposed Boundary



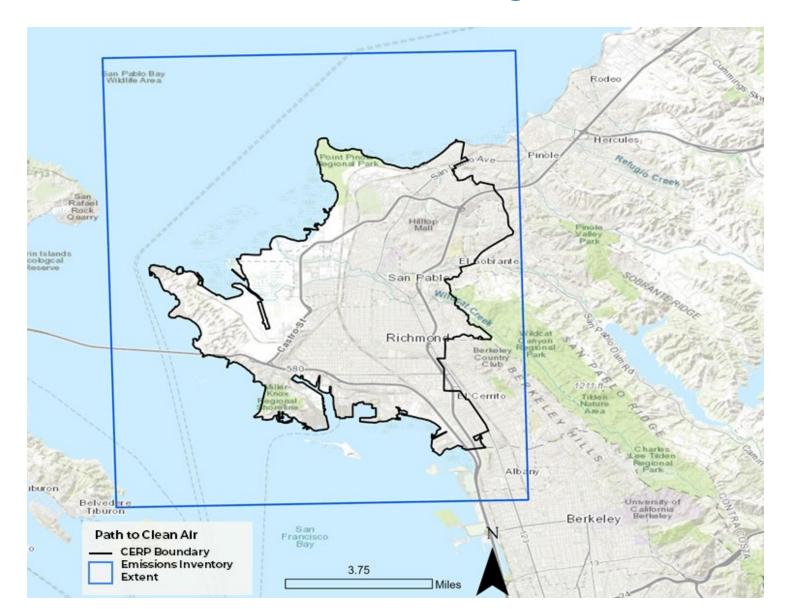


## Cities and Places in the CERP Boundary





# **Emissions Inventory and CERP Boundary**





## **Public Comment**



# Steering Committee Questions and Discussions



# Rules 101 - Introduction to Rule Development and Strategic Policy

Laura Cackette, Senior Air Quality Specialist <a href="mailto:lcackette@baaqmd.gov">lcackette@baaqmd.gov</a>



# Rule Development and Strategic Policy Division



Our Division

Statutory Authority Rule Development Process

**Current Rules** 

Rules Under Development



# Rule Development and Strategic Policy Division

#### REGULATION 1 GENERAL PROVISIONS AND DEFINITIONS

#### **INDEX**

1-101	Description
1-102	More Than One Emission Standard
1-103	Violations Not Authorized
1-104	Circumvention Not Permitted
1-105	Regulations Not Intended to Apply to Workroom Atmosphere
1-106	Separation of Emissions
1-107	Combination of Emissions
1-108	Metric Governs
1-109	Severability
1-110	Exclusions
1-111	Deleted, October 7, 1998
1-112	Breakdown
1-113	Discretionary Enforcement, Breakdown
1-114	Exemption, Uncombined Water
1-115	Exemption, Modification To Meet Emission Standards
1-200	DEFINITIONS
1-201	Air Contaminant or Air Pollutant
1-202	Air Pollution Control Equipment
1-203	APCO

GENERAL



### **Air Pollutants**

#### Criteria Pollutants (Regional)

- Federal and California: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter, lead
- California only: sulfates, hydrogen sulfide, vinyl chloride

#### Air Toxics (Local / Community Level)

- Federal: hazardous air pollutants (HAPs)
- California: toxic air contaminants (TACs)
- e.g.: diesel PM, asbestos, lead, perchloroethylene, benzene, arsenic

#### Greenhouse Gases (GHGs) (Global)

• e.g.: carbon dioxide, methane, nitrous oxide



# **Governing Authorities**

- Federal Regulations
- State Regulations
- Local Air District Regulations



# **Air District Authority**

 Primary responsibility: control of air pollution from stationary sources





# STATIONARY SOURCES REGULATED BY THE AIR DISTRICT





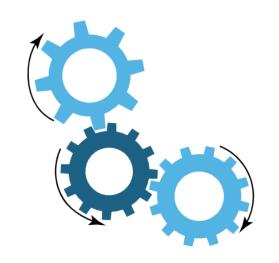
## Air District Regulated Stationary Sources

#### **Examples of Facilities with Stationary Sources:**

- Oil Refineries
- Chemical plants
- Solid / Organic Waste facilities
- Wastewater treatment facilities
- Auto Body operations
- Metal foundries
- Cement & asphalt plants
- Printing operations
- Gas stations
- Asbestos remediation
- Etc.



## THE RULE DEVELOPMENT PROCESS



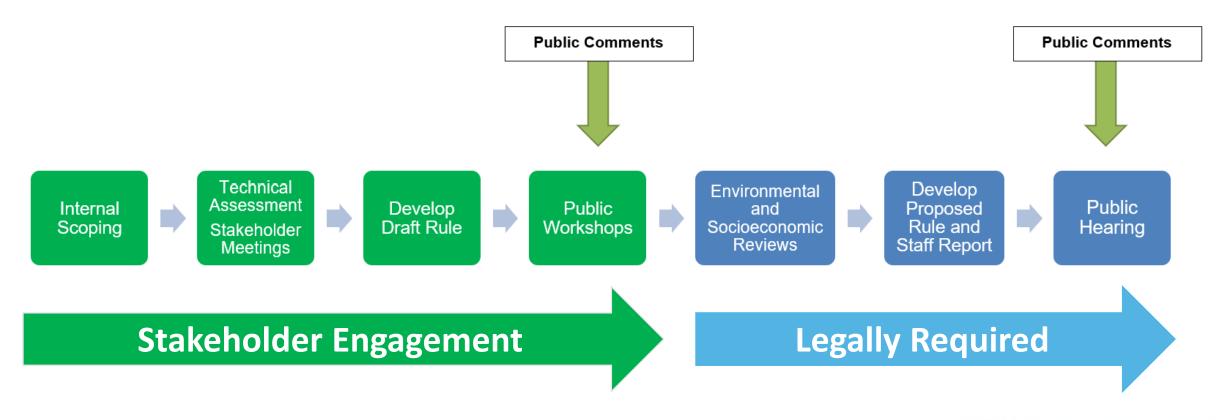


#### Legal requirements

- Public Notice
- Analysis of
  - Socioeconomic and Environmental Impact
  - Cost Impacts
  - Overlapping requirements
  - Requirements of necessity, authority, clarity, consistency, nonduplication, and reference
- Public Hearing

Stakeholder engagement & outreach







#### **Initial Steps**



Internal Scoping /

White Paper









Stakeholder Engagement





#### **Next Steps**

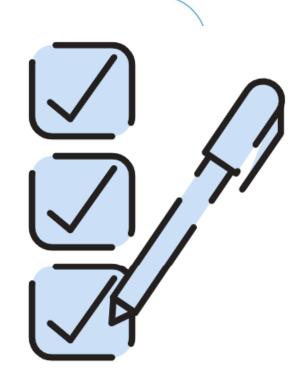
- 1. Prepare Draft Regulatory Language
- 2. Hold Public Workshops
- 3. Review Public Comments
- 4. Evaluate Environmental and Socioeconomic Impacts



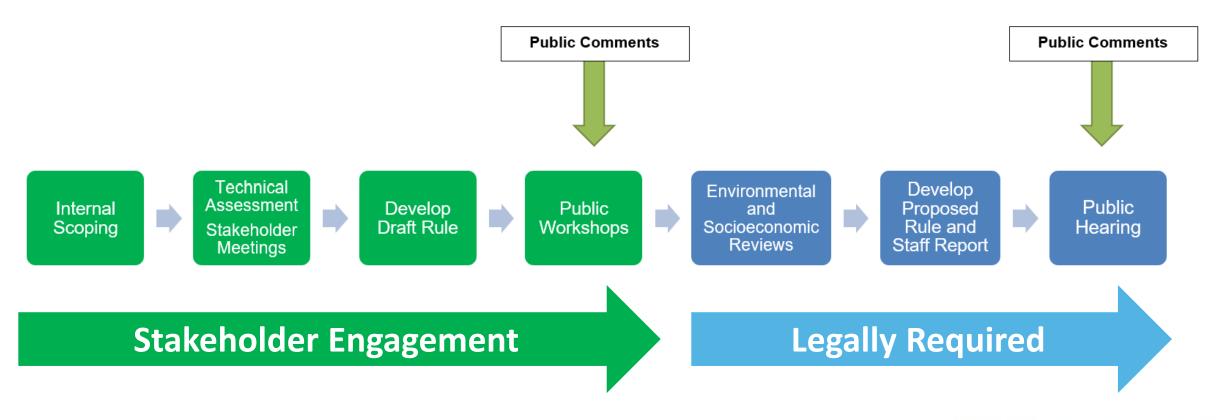


#### **Final Steps**

- 1. Proposed Regulatory Language
- 2. Staff Report
  - Technical Analysis
  - Environmental and Socioeconomic Analyses
  - Response to Comments
- 3. Public Hearing
  - Public Comments and Board Consideration









# CURRENT RULES and RULES UNDER DEVELOPMENT





# **Current (Adopted) Rules**

	Rule # 💠	Rule Name 💠	Adopted \$	Amended \$
Regu	llation 1	General Provisions & Definitions	9/4/1979	5/4/2011
Adopted		Rule Language	Contact Compliance & Enforcement General Compliance Information 415.749.4795 compliance@baaqmd.gov	
		General Provisions and Definitions (76 Kb PDF, 12 pgs, revised 4/24/2018)		
provisi	ovisions and definitions in this Regons and definitions in individual Rulures, definition of terms, registrat	gulation are applicable to all District Requiles and Regulations. Regulation 1 incluion, right of access, sampling facilities, r	des sections on exclusion	ons, breakdown
Regu	alation 1, Rule 2	Notice to Comply	2/3/1999	N/A
	lation 1, Rule 2	Notice to Comply  Permits Adopted	2/3/1999 N/A	N/A N/A
Regu				
Regu	llation 2	Permits Adopted	N/A	N/A
Regu Regu Regu	llation 2	Permits Adopted  General Requirements	N/A 12/31/1979	N/A 12/5/2017
Regu Regu Regu Regu	ulation 2, Rule 1 ulation 2, Rule 2	Permits Adopted  General Requirements  New Source Review	N/A 12/31/1979 7/16/1991	N/A 12/5/2017 12/5/2017

https://www.baaqmd.gov/rules-and-compliance/current-rules



# Rules Under Development

- Rule Development Projects Initiated via
  - Clean Air Plans
  - Statutory mandates (e.g., Air Toxic Control Measures)
  - Identified Issues (Metal Rules and Odors Issues)
- Now, New Statutory Mandates and Community Partnerships
  - AB 617 Expedited BARCT Schedule
  - Community Emissions Reduction Plans
    - Path to Clean Air Strategies
  - Community Knowledge and Concerns (e.g., Permit Reform)





# Thank you! Questions?

Laura Cackette <u>lcackette@baaqmd.gov</u> (415) 749-4628



## **Public Comment**



# Steering Committee Questions and Discussions



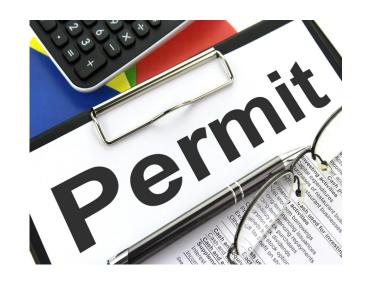
# Permitting 101/Engineering (with Permitting Q&A)

Barry Young, Senior Advanced Projects Advisor <a href="mailto:byoung@baaqmd.gov">byoung@baaqmd.gov</a>



## **Topics for this Presentation**

- Overview of Air District Permitting
- Who needs Air District permits?
- Why require air quality permits?
- Evaluating and Issuing Permits
- CARB/CAPCOA Permitting Q&A Webpage
- Public Comment







# Overview of Air District Permitting



### **Air District Permitting**

#### The Air District began issuing permits in 1972.

Description	Number
Permitted facilities	~10,000
Permitted devices and operations	~24,000
Permit applications received per year	~1,100 to 3,000

#### Common permit document types:

- Authority to Construct (ATC)
- Permit to Operate (PTO)
- Certificate of Registration
- Certificate of Exemption
- Major Facility Review (Title V) Permits



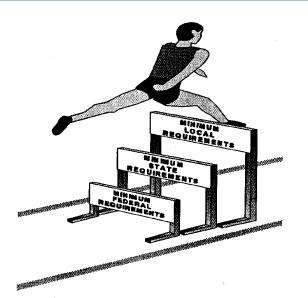
# **Engineering Division Issues Air Quality Permits**

- Conduct 300 health risk assessments per year for permit applications
- Maintain Federal Title V Permits for 83 facilities
- Maintain emissions inventory for permitted facilities for greenhouse gases (GHG), criteria pollutants, and toxics
- Protect public health by setting stringent health risk action levels for new and modified sources and existing facilities



### **Legal Basis and Authority**

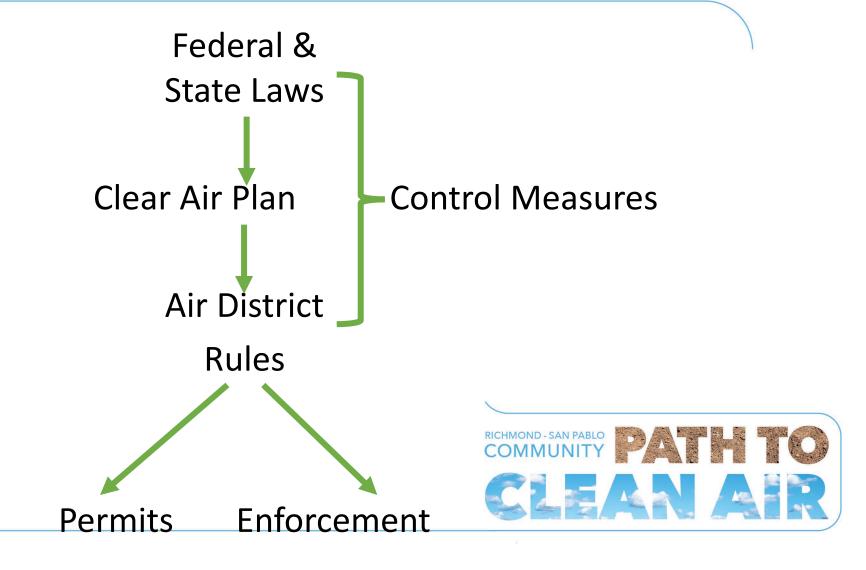
- Federal, state and local laws set the standards.
  - Clean Air Act Permitting (Federal)
    - https://www.epa.gov/nsr
  - California law (State)
    - https://ww2.arb.ca.gov/permitting
  - BAAQMD rules and regulations (Local)
    - Regulation 2
    - https://www.baaqmd.gov/rules-andcompliance/current-rules



State and Local Laws
Can Be More Stringent
Than Federal Laws.



## **Legal Basis and Authority**



### Air District Permit Program Rules

Regulation 2 includes these rules that shape the Air District's permitting program:

Rule	Description
1	General Permit Requirements
2	New Source Review
3	Power Plants
4	Emissions Banking
5	New Source Review of Toxic Air Contaminants
6	Major Facility Review (Title V) – Federal Operating Permit
7	Acid Rain
9	Interchangeable emission reduction credits
10	Large Confined Animal Facilities



### **Interaction Opportunity**

 Can anyone think of a permit that has been issued by the Air District that you are aware of?

What interested you in that permit issuance?





## Who needs Air District permits?

### Who needs a permit?

- Purpose of permit
  - Gives the applicant permission to construct and/or operate equipment
- Facilities that emit air pollution require a permit, unless:
  - Source is specifically exempt from permitting under Regulation 2-1
    - Examples: Small coffee roasters, Small painting operations, Small wipe cleaning
    - But not exempt from applicable emissions control regulations that apply to these sources
  - Source is specifically excluded under Regulation 1-110
    - Examples: Motor vehicles, Aircraft, Residential Cooking Fires
    - Air District regulations and permitting do not apply to excluded operations



### Registrations

 Registration applies to a limited number of sources. These sources are not large enough to permit individually, but are significant as a group:

- Small boilers, heaters and steam generators
- Charbroilers
- Dry Cleaners
- Graphic Arts Operation
- Auto Body Shops
- Agricultural Diesel Engines





 By granting a permit, the Air District indicates that a facility's operating equipment should be able to comply with all federal, state, and district air quality rules and regulations





- Evaluate projects that may impact air quality.
  - New sources
  - Modification of sources
  - Abatement equipment
- Verify a project's ability to comply with all applicable requirements, including:
  - Rules and regulations
  - Best Available Control Technology (BACT)
  - Health Risk Assessments for Air Toxics
  - California Environmental Quality Act (CEQA)
  - Emissions Offsets
  - Permit Conditions





- Allow for a public participation
  - 10-day public participation period for permit applications
  - 30-day public comment period for certain projects
- Track facilities to verify compliance
  - Inspections
  - Source Testing
- Monitoring of emissions
  - Track emissions
  - Reporting to other agencies
  - Further rule making







## **Evaluating and Issuing Permits**

### **Example – Air Permit**

- A company applied for wipe cleaning at a new facility for mass-producing test cartridges used for COVID-19 sampling
  - Maximum usage of 600 gallons per year of isopropyl alcohol
  - Emissions did not trigger a health risk assessment
  - Determined compliance with Regulation 8, Rule 4 and BACT:
    - VOC emissions limit of 5 tons per year
    - Emissions control measures required through permitting:
      - Minimizing use of solvents
      - Solvent-impregnated clothes and papers not in active use to be kept in closed containers
      - Use of lowest practical vapor pressure solvents
      - Use of controlled flow solvent dispensers (e.g. squeeze bottles)
      - Use of closed containers for solvent storage
    - Recordkeeping and control measure requirements are in permit conditions
- Air District issued an Authority to Construct to allow the project to be installed and constructed





### **Issuing Permits**

- Issue Authority to Construct (AC)
  - To give the applicant permission to construct and/or operate equipment
  - Valid for 2 years initially.
  - Operator submits startup notification before scheduled initial operation
- Convert AC to Permit to Operate (PO)
  - Once all AC requirements have been met, the AC is converted to a PO, which will be valid for 1 year before requiring renewal.

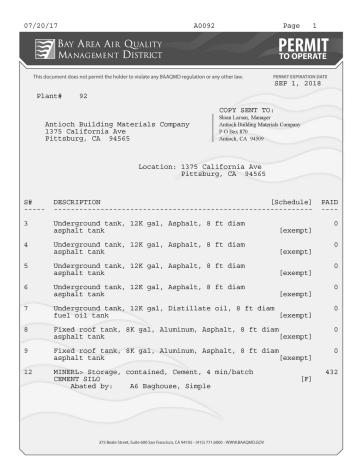




## Finalizing and Issuing Permits

- Other possible outcomes of an application besides AC/PO issuance:
  - Applicant withdraws or cancels application
  - Air District issues registration certificate
  - Air District issues exemption certificate
  - Air District denies permit







# Permitting Q&A Webpage

# New CARB/CAPCOA Permitting Q&A Webpage

- To help the public understand how air quality permitting works in California
- In September 2021, Environmental Justice representatives from across the state met with CARB to share questions related to the permitting process
- This resulted in over 160 questions that ranged from simple to complex topics.
- In response, CARB and <u>CAPCOA</u> formed a subgroup to develop responses to each question.
- CARB and CAPCOA will continually add new responses to these questions as they are developed.



### Webpage Example Q&A



ABOUT OUR WORK RESOURCES SERVICES RULEMAKING NEWS EQUITY

#### Stationary Source Permitting - Community Questions

#### **Community Air Protection Program Resource Center**

About

Introduction to Community Air Quality

Strategy Development

Technical Assistance

AB 617 Implementation

Community Air Protection Program

Subscribe

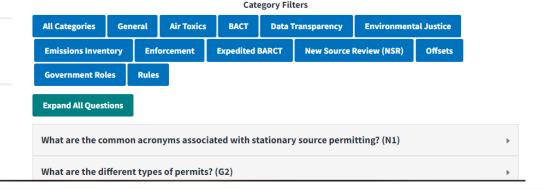
#### CONTACT

Email CommunityAir@arb.ca.gov

The purpose of this webpage is to help the public understand how stationary source air quality permitting is conducted in California relevant to the jurisdiction of the 35 local air districts and the California Air Resources Board (CARB). In September 2021, Environmental Justice representatives from across the state met with CARB to share questions related to the stationary source permitting process. This effort resulted in over 160 unique questions that ranged from requests to provide clear definitions of commonly used terms to clarifying the original intent of complex regulatory programs. In response, CARB and the California Air Pollution Control Officers Association (CAPCOA), which is an association that represents the air districts throughout California, formed a temporary subgroup to develop responses to each question.

We intend to provide answers to the remaining questions provided by community members and will continually add new responses as they are developed. Therefore, this draft webpage will be updated by CARB and CAPCOA over time. This webpage does not, and is not intended to, describe all aspects of air quality regulations and law related to stationary source permitting. This webpage is informational only and does not, and is not intended to, describe interpretations of regulations or law by air districts or CARB that apply to stationary sources.

For more information on this effort, or to submit additional questions, please use our webform.







### Webpage Link

The webpage went live on November 18, 2021

 Here is the link to the webpage: <u>https://ww2.arb.ca.gov/Permitting-Questions</u>







# Extra Slides – Only if needed

# Staff Evaluation based on Regulations In Effect

- Air District BAAQMD Regulation 2, Rule 1
  - General Requirements for new and modified sources of pollutants
    - Permit Exemptions
    - Pre-Construction and Operational Permitting Requirements
    - Administrative Requirements
- BAAQMD Regulation 2, Rule 2
  - Control requirements on new and modified sources of criteria pollutants
    - Best Available Control Technology
    - Emissions Offsets
- BAAQMD Regulation 2, Rule 5
  - Permitting requirements on new and modified sources of toxics





### Who Needs A Permit?

### Registration vs Permit vs Major Facility (Title V) Permit

District Registration	District Permit	Title V Permit
Lists small number of registration requirements	Lists enforceable permit conditions to ensure compliance	Compilation of all federally enforceable requirements
Public notice never required	Public notice may be required	All proposed permits undergo public notice and EPA review
Registration must be renewed every year	Permits must be renewed every year	Permits must be renewed every 5 years
Records maintained on site	Records maintained on site	Monitoring summary report submitted every six months
No data submitted	Throughput data submitted annually	Compliance certification submitted annually





### **Permit Denials**

- Denying an AC or PO
- Requirements are contained in Regulation 2, Rule 1
  - Section 2-1-304 Denial, Failure to Meet Emission Limitations
  - Section 2-1-315 Denial, Failure to Mitigate Significant Adverse Environmental Impacts
- For permit applications where the project will comply with all existing air quality laws and regulations, the Air District is obligated to issue the permit.
- The Air District cannot deny a permit based solely on public opposition to a project.



## **EJ Organization Participants**

REGION	ORGANIZATION	NAME
Statewide	n/a	Richard Grow
South Coast	Coalition for Clean Air	Chris Chavez
	PSR-LA	Martha Arguello
	PSR-LA	Paula Torrado
	East Yard Communities	Laura Cortez
	East Yard Communities	Janet Valenzuela
	Coalition for a Safe Environment	Jesse Marquez
San Joaquin	CVAQ	Catherine Garoupa White
	CCEJN	Nayamin Martinez
	CCAC	Kevin Hamilton
	CCAC	Tim Tyner
	Leadership Council	Ivanka Saunders
	Catholic Charities	Jonathan Pruitt
San Diego	EHC	Joy Williams
	EHC	Danny Serrano
Bay Area	All Positives Possible	LaDonna Williams
	Clean Air Health Alliance	Dr. Raymond Tompkins
	WOEIP	Ms. Margaret



### **Public Comment**



# Steering Committee Questions and Discussions



# Community Assets and Air Pollution Mapping Project Update

Kevin Olp, Senior Policy Advisor kolp@baaqmd.gov



### **Community Co-Leading the Process**

**Steering Committee** 

31-member group of local leaders to co-develop the Community Emissions Reductions Plan

Community
Organizing
Grants
for local
organizations to
identify community
concerns, record

Community Assets and Air Pollution Mapping Project

Interactive mapping platform to gather community input to prioritize resources



### Focus on Quality of Outreach

- Reaching out to frontline communities:
  - Communities susceptible to air pollution because of pre-existing health conditions
  - Neighborhoods near sources of pollution
- Groups historically excluded or underrepresented. Examples include:
  - Young people
  - Monolingual non-English speaking households
  - Unincorporated areas
  - Geographically underrepresented areas
- Focus on high quality of outreach



### Why do we need community input?

Sharing power

Local knowledge

Diverse perspectives

The experiences and input of marginalized communities are often disputed or disbelieved by institutions of power

*Principles of Mobility Justice*, 1<sup>st</sup> ed. (Atlanta: The Untokening, 2016), http://www.untokening.org/updates/2017/11/11/untokening-10-principles-of-mobility-justice



### What Information are we Collecting?



Air Pollution Concerns



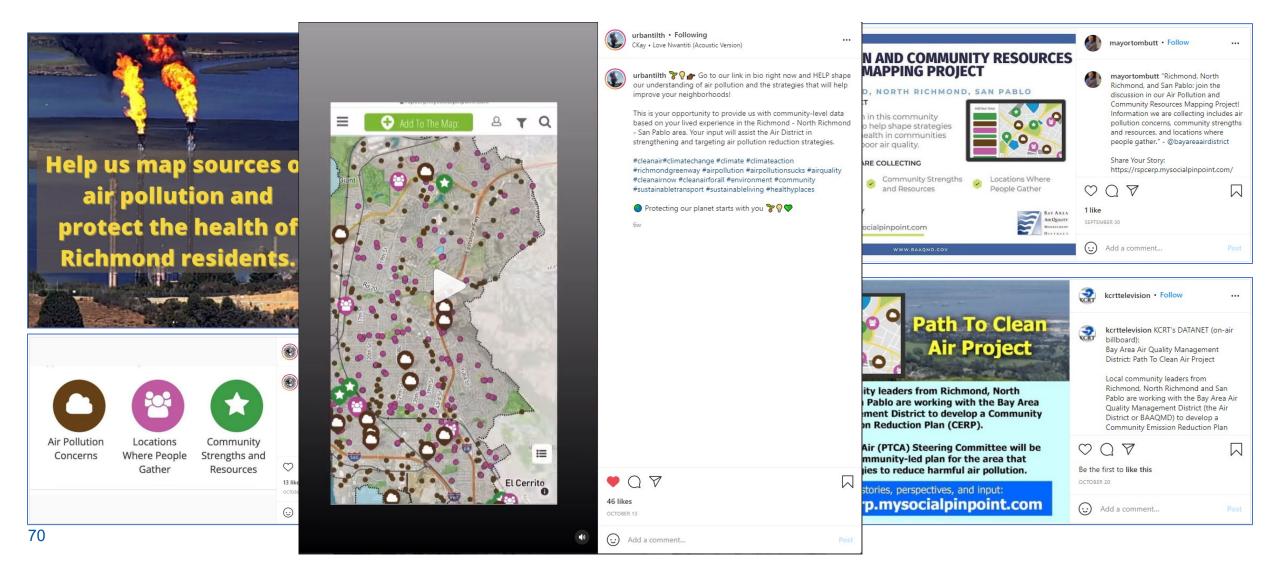
Locations Where People Gather



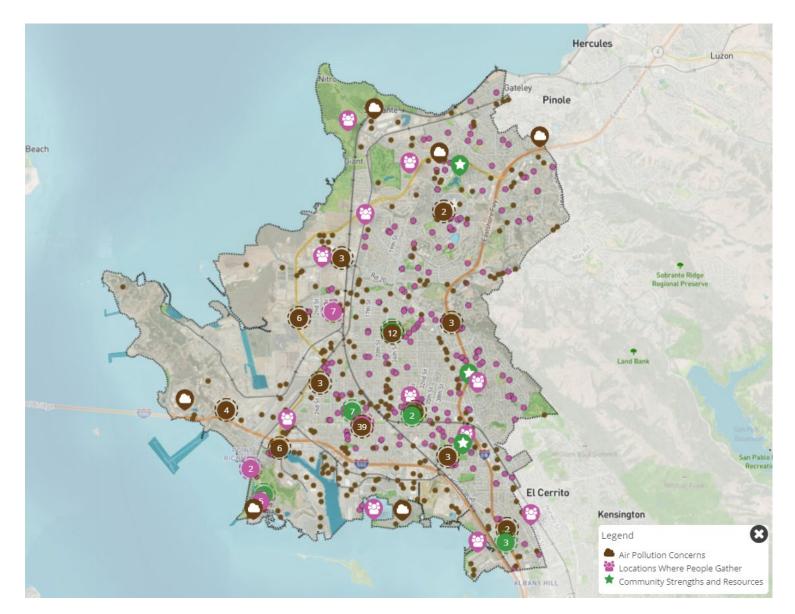
Community Strengths and Assets



### **Sharing it Through Local Social Media**



## **Summary of Community Feedback**





### Summary of comments through 11/20

- 478 comments
  - 241 air pollution concerns
  - 88 community strengths and resources
  - 149 places where people gather
- Over 800 unique visitors have visited the site

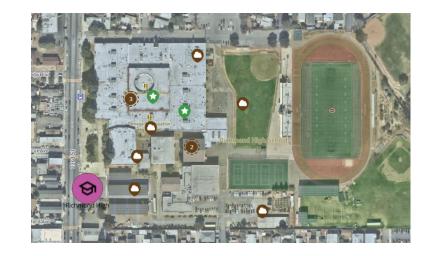
(Link: https://rspcerp.mysocialpinpoint.com/ptca-mapping-project#/)



#### **Recurring Community Concerns**

## Odor Issue at Richmond Schools 10/25 & 10/28 (11 comments) —

- "There was a gas leak in our community which caused our school to shut down and prevent us from learning. It was on Monday morning and today, Thursday October 28."
- "On Monday, Oct 25, 2021, there was a mysterious gas leak here at Richmond high school. Inside the school the smell was really strong, it was so strong I could smell it from outside. This happened around 8 am."





Chevron/refinery (119 tags): Chevron (53), refinery (40), refineries (5) flare/flaring (21)

- "I've observed 2 flare ups when driving by the parkway."
- "Last Sunday and Monday Chevron was flaring all over Richmond and San Pablo couldn't leave my windows open."
- "Most nights I can smell nasty stuff in the air, I live right across from Chevron."



Odor/Smell (128 tags) smell (73), gas (32), chemical (9), fumes (5), sulfur (4), eggs (3)

- "Chemical smells, smog from cars"
- "The last few days it smelled like gas."
- "I smell rotten eggs at times. The air is always congested when it doesn't rain."



Vehicle and Truck Traffic (79 tags): cars (19), truck (9), freeway (13), smog (7), traffic (6), idle/idling (5), congestion (5), parkway (4), Cutting blvd (3)

- "Weekday morning commuters idling on Tewksbury, thinking they would avoid the 80 backup and spending MORE time idling, not less."
- "Heavy trucks and construction vehicles plow through, usually on their way to infrastructure and construction projects or deliveries -- EBMUD, PGE, ATT, Amazon, UPS, FedEx etc etc."
- "We could also plant more trees as there is lots of congestion of cars there."



Rail/Train (35 comments): Train (20), railroad (6), BART (7), coal (2)

- "A lot of dark smoke and a strong smog smell coming from the trains that pass here all day everyday. Trains are coming by at least twice every hour at all hours of the day."
- "On several occasions late at night terrible smells have come as trains have passed through, forcing us to close our windows (and it still doesn't stop the smell coming through)."
- "This relates to the railroad crossing. Consistently the intersection is blocked for up to 20 minutes. During these times, semis and private vehicles idle. The related air pollution is staggering."

Smoke (52 comments): Smoke (30), woodsmoke (8), smoking (6), hazy (5), soot (3)

- "Sometimes there's so much smoke and fog you can't even see the sun. This really triggers my asthma."
- "the smoke the come out of factories worries me and I feel like toxins are just going into the air we breathe. It smells like rubber and plastic."
- "I often smell smoke, even at odd hours when there wouldn't be bbqs or fireplace burning."



Health (125 comments): health (35), asthma (34), breathe (19), lungs (10), sick (7), cough (5), headache (4), chest (4), oxygen (3)

- "the gas from the cars impacts my sleep in a negative way and this is a problem because I have asthma."
- "I am a woman who has asthma and a history of both grand and petite mall seizures. I live in San Pablo near Nation Hamburgers, I am so upset about the air quality in the morning from the freeway, There are more trucks now than ever that put out brown smoke on highway 80"
- "Asthma makes it hard to breathe when there are fires."



#### What will we do with this information?

 Use community concerns to guide where/how we conduct exposure analysis near sources of pollution

 Focus analysis of air pollution impacts on community identified susceptible populations

Inform key issue priorities, strategies, and implementation



Community mapping platform with comment example.



#### **Public Comment**



# Steering Committee Questions and Discussions



#### **Next Meeting**

- Our next meeting will be on Monday, January 24, 2021 from
   6:00 p.m. to 8:00 p.m.
- We will be convening a new Ad Hoc group for the Technical Assessment work, and continuing the Community Description Ad Hoc meeting
- Request for Participants for a Community Town Hall "Envisioning" discussion
- The Air District Board will be approving four new members for the CSC to be seated in January:





# Public Comment on Non-Agenda Matters

