

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109  
(415) 749-5073

## **APPROVED MINUTES**

Summary of Board of Directors  
Stationary Source Committee Meeting  
Monday, September 17, 2012

### **1. Call to Order – Roll Call**

Committee Chairperson John Avalos called the meeting to order at 9:39 a.m.

Present: Committee Chairperson John Avalos; and Directors Tom Bates, Susan Garner, Scott Haggerty, Eric Mar and James Spring.

Absent: Vice Chairperson Carole Groom; and Directors Nate Miley and Mary Piepho.

Also Present: Board of Directors Chairperson John Gioia.

### **2. Public Comment Period: None.**

### **3. Approval of Minutes of March 19, 2012**

Committee Action: Director Spring made a motion to approve the Minutes of March 19, 2012; Board Chairperson Gioia seconded; and the motion was approved unanimously without objection.

### **4. Update on Proposed Regulation 9, Rule 13: Nitrogen Oxides, Particulate Matter and Toxic Air Contaminants from Portland Cement Manufacturing**

Henry Hilken, Director of Planning, Rules & Research, introduced Robert Cave, Senior Air Quality Specialist of Planning, Rules & Research, who gave the staff presentation Proposed Regulation 9, Rule 13: Nitrogen Oxides, Particulate Matter, and Toxic Air Contaminants from Portland Cement Manufacturing, including an overview of the manufacturing process, status of federal rules, elements of the proposed rule, emissions and emissions reductions, control costs, rule development to date, comments and responses, and next steps.

NOTED PRESENT: Director Garner was noted present at 9:47 a.m.

NOTED PRESENT: Director Mar was noted present at 9:50 a.m.

#### Committee Comments:

Director Garner asked about the specifics of the proposed regulation in regards to the Lehigh facility in Cupertino, which questions were answered by staff.

Public Comments:

Gary Latshaw, Sierra Club, Loma Prieta Chapter, addressed the Committee in support of the proposed regulations and to request stricter standards. Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), said Mr. Latshaw's input had been heard and considered prior to today's meeting and the staff proposal contains very stringent standards.

Committee Action: None; informational only.

**5. Status Report on the Hunters View Redevelopment Project**

Chairperson Avalos made introductory comments regarding the state of the redevelopment site and project.

Mr. Broadbent introduced John Marvin, Acting Director of Compliance & Enforcement, who gave the initial staff presentation Hunters View Redevelopment Project Status Report through slide #6, Inspection and Enforcement, including background, a summary of naturally occurring asbestos (NOA) regulatory requirements, and an overview of inspection and enforcement efforts.

Mr. Marvin added, regarding slide #5, NOA Regulatory Requirements, that the City and County of San Francisco has dust control regulations that apply.

Chairperson Avalos asked about wet sweeping and the enforcement measures taken, which questions were answered by Mr. Marvin.

Lisa Fasano, Director of Communications & Outreach, gave the final staff presentation Hunters View Redevelopment Project Status Report beginning at slide #7, Working with Residents, including a summary of collaborative efforts with residents and the involved agencies and next steps.

Chairperson Avalos asked about complaints from residents regarding reported health issues and the success of weekly meetings with residents, which questions were answered by Ms. Fasano.

Committee Comments: None.

Public Comments:

Jackie Page addressed the Committee regarding the health issues facing residents of the community.

Genese Hughes, Hunters View Mothers Committee, addressed the Committee regarding the need for improved notification of resident meetings and the difficulty of residing within the construction zone.

Joel Byrd, Hunters View Youth in Action, addressed the Committee regarding the unsatisfactory living conditions for residents of the community and to request assistance.

Ed Perkins, Youth in Action Committee, addressed the Committee regarding the health consequences for residents of the community and the seeming inefficacy of the mitigation measures.

Director Haggerty asked staff if the Air District has jurisdiction over indoor air quality, which questions were answered by Mr. Broadbent and Brian Bunger, District Counsel. Director Haggerty suggested that staff develop the needed tools to facilitate public interaction with those agencies that can assist with various issues that arise, which suggestion Chairperson Avalos agreed with.

Sabrina Henneman, Hunter's View Mothers Committee for Health and Environmental Justice, addressed the Committee regarding the need for stricter abatement measures and to request continued Air District involvement as past assistance seems effective in dealing with other involved agencies.

Chairperson Avalos and Director Haggerty asked staff about the abatement measures currently in place and jurisdictional issues related to the same, which questions were answered by Messrs. Broadbent, Bunger and Marvin.

Director Bates asked staff about the asbestos levels indicated by Air District monitors, which questions were answered by Messrs. Marvin and Broadbent.

Lea Otis Marvin addressed the Committee regarding the inadequacy of current mitigation measures and the appearance of lenient enforcement on the part of the involved agencies.

Sheree Beard, Mothers Against Crime, addressed the Committee regarding the health of minor residents and to suggest that no one cares. Director Haggerty said Ms. Beard's suggestion is inaccurate.

Vendell White, Mothers Against Crime, addressed the Committee regarding the health of residents and to request assistance.

Mavis Williams, Hunter's View Mothers Committee for Health and Environmental Justice, addressed the Committee regarding the lack of financial consequences for the Notice of Violation issued and to assist increased enforcement assistance.

Richard Duncan, Hunter's View Mothers Committee for Health and Environmental Justice, addressed the Committee regarding the health of residents and to explain that residents are repeating themselves because conditions do not appear to change.

Jeremiah Hughes, Youth in Action, addressed the Committee regarding the inefficacy of existing mitigation measures.

Tracey Thompson addressed the Committee regarding the disparity between the conditions experienced by residents and those being reported and the need for further action.

Richard Duncan, Jr., addressed the Committee regarding the health issues he suffers.

Tessie Esther addressed the Committee regarding the health of residents, the inadequacy of current mitigation measures and to allege the treatment is the result of the ethnicity of the residents.

Director Haggerty asked staff about the air monitoring onsite, asbestos levels, the nature of responses to violations, inspection levels and construction company practices relative to the removal of earth, which questions were answered by Messrs. Broadbent and Marvin and Jean Roggenkamp, Deputy APCO.

Director Haggerty and Chairperson Avalos asked for more information relative to where the earth is being removed to, how often it is removed from the site, and comparisons showing wind speed against asbestos counts.

Director Spring emphasized the importance of Air District staff involvement, particularly in guiding people to the proper agencies and in managing public perception.

Director Garner asked about the history of Air District monitoring in the community, which questions were answered by Messrs. Marvin and Broadbent.

Director Mar committed to working with his colleagues at the City and County of San Francisco on this matter, expressed the importance of the involvement of the Housing Authority of San Francisco and that of Air District staff in maintaining good relationships with all involved parties in order to better ensure compliance and maintain the public trust.

Board Chairperson Gioia said the Air District must go beyond what is legally required of it in an effort to serve the public to best of its ability.

Chairperson Avalos made closing remarks and directed staff to report back on progress in a couple of months.

Committee Action: None; informational only.

## **6. Proposed Amendments to Regulation 2, Rules 1, 2, 4 and 6: New Source Review and Title V Permitting Programs**

Alexander Crockett, Assistant Counsel, gave the staff presentation Updates to BAAQMD New Source Review (NSR) and Title V Permitting Programs Amendments to Regulation 2, Rules 1, 2, 4, and 6, including a summary of NSR and Title V Permitting Programs, recent regulatory developments, proposed amendments, the public participation process, and the significant issues raised in public comments.

Director Garner asked, regarding slide #5, Summary of NSR and Title V Permitting Programs (cont'd), whether NSR would come up under California Environmental Quality Act review, which questions were answered by Mr. Crockett.

Mr. Crockett continued the presentation.

Board Chairperson Gioia asked, regarding slide #7, Summary of NSR and Title V Permitting Programs (cont'd), how this would apply to an application for permit renewal for Chevron's Richmond refinery, which questions were answered by Messrs. Crockett, Broadbent and Bunger.

Mr. Crockett continued the presentation.

Chairperson Avalos asked, regarding slide #12, Proposed Amendments: Fine Particulate Matter (PM<sub>2.5</sub>), if the amendments apply to ultrafine particulate matter as well, which questions were answered by Mr. Crockett.

Mr. Crockett continued the presentation.

Chairperson Avalos asked, regarding slide #17, for an example of a new facility that would be subject to the proposed rule, which question was answered by Mr. Crockett.

Committee Comments: None.

Public Comments:

Mark Strehlow, Air Program Manager, Pacific Gas and Electric Company, addressed the Committee in general support but in opposition to mono-nitrogen oxide protection, which opposition was discussed by staff and the Committee.

Director Spring asked about the meaning of "best available control technology," which questions were answered by Mr. Broadbent.

Director Spring requested information or a presentation detailing the permit processing procedures and the responsibilities of the Air District in that regard.

Committee Action: None; informational only.

7. **Committee Member Comments/Other Business:** None.
8. **Time and Place of Next Meeting:** Monday, November 19, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, California, 94109 at 10:30 a.m.
9. **Adjournment:** The meeting adjourned at 12:32 p.m.

*151 Sean Gallagher*  
Sean Gallagher  
Clerk of the Boards