

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, March 16, 2015

1. CALL TO ORDER – ROLL CALL

Stationary Source Committee (Committee) Chairperson John Gioia called the meeting to order at 10:35 a.m.

Present: Committee Chairperson John Gioia; and Directors John Avalos, David Hudson, Liz Kniss, Eric Mar, Jan Pepper and Rod Sinks.

Absent: Vice-Chairperson James Spering and Director Scott Haggerty.

Also Present: Board of Directors (Board) Chairperson Carole Groom.

2. PUBLIC COMMENT ON NON-AGENDA MATTERS: No requests received.

3. APPROVAL OF THE MINUTES OF NOVEMBER 24, 2014

Committee Comments: None.

Public Comments: No requests received.

Committee Action:

Director Pepper made a motion, seconded by Director Avalos, to approve the Minutes of November 24, 2014; and the motion carried by the following vote of the Committee:

AYES: Avalos, Gioia, Groom, Hudson, Kniss, Mar, Pepper and Sinks.
NOES: None.
ABSTAIN: None.
ABSENT: Haggerty and Spering.

4. ODOR ISSUES AND SUBSEQUENT DISTRICT ACTIONS IN THE MILPITAS AREA

Jack Broadbent, Executive Officer/Air Pollution Control Officer, introduced the topic and Wayne Kino, Director of Compliance and Enforcement, who gave the staff presentation *Odor*

Issues and Air District Actions in the Milpitas Area, including background; facilities and sources; Air District role; investigation; and next steps.

Committee Comments:

The Committee and staff discussed the nature of the primary complaints; the equipment being used at and by the facility; staff's real-time measurement capability; the rate of complaints and granularity of existing data; the form of staff responses to public complaints; background on the formation of South Bay Odor Stakeholders Group; oddities in seasonal weather and the slow down at the Port of Oakland as possible factors contributing to the odor; the impact of sea-level rise on waste facilities; the public health impact of the odors; the notoriety of the odor among Bay Area residents; the Air District response to this issue; and possible regulatory changes under consideration by staff, as well as possible timelines for their development and consideration.

Public Comments:

Leslie Anderson, Milpitas Citizens, addressed the Committee to provide notice that the complaints will continue; to request installation of odor readers and an update to the engineering report to include odorous gases; to request the Air District implement the practice of issuing complaint confirmation numbers to callers on the Odor Hotline; and to request a health risk assessment.

George Liu delivered a presentation and addressed the Committee regarding the number of complaints submitted to the Air District and to request additional staff resources for responding to the complaints.

The Committee and staff discussed the meaning of "confirmed complaint."

Fa Yoel addressed the Committee to suggest Air District responses to high volume complaints are in need of improvement, perhaps via an online component; to request the installation of an automated odor detection system at the perimeter of sites known to have offensive odors; and to request the Air District implement the practice of issuing complaint confirmation numbers to callers on the Odor Hotline.

Gia Tran addressed the Committee regarding the persistence of the odor over a number of years and to suggest the level of complaints may stem from the public's realization that the Air District may be able to help with this issue.

Maxine Tsai addressed the Committee regarding a pattern in years past of the odor worsening in the summer months and to suggest that the unusually strong odor for this time of year is a bad sign for the coming summer.

The Committee and staff discussed what the speakers might be requesting of staff in light of the Air District's limited authority over the potential causes of the odor and the identities of the agencies involved.

Ms. Tsai addressed the Committee further regarding the recent odors.

The Committee and staff discussed jurisdictional authority.

Joseph Weinstein addressed the Committee regarding his effort to contact all potentially involved agencies and the Air District's notable responsiveness in comparison; to suggest the component of the complaint response that mentions "penalty of perjury" to be one that has a chilling effect on members of the public; to report that the public is engaging the Air District because of the lack of responsiveness from the other involved agencies; to cite the more than 16,000 complaints to various agencies by frustrated community members; and to request fence line monitoring.

The Committee and Mr. Weinstein discussed whom he spoke on behalf of.

Tom Williams, City of Milpitas, addressed the Committee regarding the constant and numerous odor complaints received; to report that the City of San Jose has regulatory authority over the culprit facility and Air District staff have been responsive and helpful; to express support for regulatory amendments; and to request a letter from the Air District to the San Jose Planning Commission requesting a continuance of the permit expansion review process for Republic Services until further studies are complete.

The Committee and staff discussed if Republic Services intends to expand its operations, the current permit and how close current operations are to the maximum allowed under the current permit.

Steven Machida, City of Milpitas, addressed the Committee to report that Air District staff has been helpful; the odor issue as a long-standing one; that the issue has a geographic impact beyond the borders of Milpitas; and to detail efforts to resolve the matter before the CalRecycle Board.

Raymond Wong addressed the Committee to relay complaint and confirmation statistics; to request the installation of ambient air monitors that detect hydrogen sulfide at the fence line; and to request complaint data.

Greg Karras, Communities for a Better Environment, addressed the Committee regarding hydrogen sulfide as a known emission from waste facilities that has a cumulative impact of concern and to suggest it is monitored because of the severe health impacts of significant levels and antiquated standards; and to suggest a review of accepted levels and improving the Air District complaint process as possible paths to assisting the public.

Jennifer Strohtus addressed the Committee to request the Air District not issue a Title V permit to Republic Services; to suggest methane is significantly hazardous to justify it being factored into the permit review process; to suggest the landfill is a public nuisance and no repair has occurred; and to suggest the Air District's help is needed in order to achieve clean air in the area.

Don Litchfield, Republic Services / Newby Island, addressed the Committee to report that his company takes the issue seriously and has been working on it for the last six months; to report that a number of permits are involved in the operation; to suggest that weather and seasonal

effects are significant; to provide details relative to measures being taken to mitigate the odors; to report that an odor study was undertaken over two years ago which the parties have been disallowed from sharing until recently due to pending litigation; and to report that the work continues.

Mr. Broadbent provided a summary of the Air District response to date and staff plans for the future.

Committee Comments (continued):

The Committee and staff discussed the request by several Committee members for a facility tour; a request that staff consider submitting a comment to the San Jose Planning Commission; the status of the Title V permit and the anticipated application as an opportunity for Air District involvement; staff intentions relative to monitoring requests from the public; cumulative impacts information; the potential lowering of the health-harm standard relative to hydrogen sulfide; an analysis of the cumulative impacts of methane combined with the ambient air; the accuracy of claims by Republic Services that other nearby sources are the likely culprit; an explanation of the complaint process utilizing the phrase “under penalty of perjury;” and changes to the complaint process that are under staff consideration and the limitations to the same under law.

Committee Action: None; receive and file.

5. UPDATE ON THE DEVELOPMENT OF REGULATION 12, RULE 15: PETROLEUM REFINING EMISSIONS TRACKING AND REGULATION 12, RULE 16: PETROLEUM REFINING ANALYSIS THRESHOLDS AND MITIGATION

Mr. Broadbent introduced Eric Stevenson, Director of Meteorology, Measurement and Rules, who gave the staff presentation *Regulations to Track and Mitigate Emissions from Petroleum Refineries Regulation 12, Rules 15 and 16*, including the elements of each; goals of 12-16; issues raised by the public and industry; and next steps.

Mr. Broadbent provided a summary of stakeholder feedback and staff responses.

Committee Comments:

The Committee and staff discussed the legal framework relative to imposing a moratorium on the issuance of permits to refineries.

Public Comments:

Greg Karras, Committees For a Better Environment, delivered a presentation and addressed the Committee regarding a disagreement with staff relative to the proposed exemptions in the rule; to opine that the oil feedstock exemption is broader than it seems; to note that greenhouse gases have been included in concept rules since 2012 but inexplicably remain exempted under this proposal; and to suggest that pollution cannot be reduced by adopting rules that allow for its increase.

The Committee, staff and Mr. Karras discussed clarifying points to assist in reconciling the presentations by staff and Mr. Karras.

Mr. Karras addressed the Committee further regarding the refineries changing to dirtier and higher volume crude stocks and an objection to staff's proposed timeline for imposing emissions limitations.

Committee Comments (continued):

The Committee and staff discussed a summary of today's discussion; the rule development workshops in the future; the likely timing of the proposed rule being delivered to the Board for final consideration; staff's belief that the stakeholder proposals are not as far apart as they seem; and the likely timing of a further staff update to the Committee.

Committee Action: None; receive and file.

6. COMMITTEE MEMBER COMMENTS / OTHER BUSINESS: None.

7. TIME AND PLACE OF NEXT MEETING

Monday, April 20, 2015, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, CA 94109 at 10:30 a.m.

8. ADJOURNMENT: The meeting adjourned at 12:19 p.m.

151 Sean Gallagher

Sean Gallagher
Clerk of the Boards