

Bay Area Air Quality Management District
Milpitas City Hall, Council Chambers
455 E. Calaveras Blvd.
Milpitas, CA 95035
(415) 749-5073

APPROVED MINUTES

Summary of Board of Directors
Stationary Source Committee Special Meeting
Monday, September 16, 2019

1. CALL TO ORDER – ROLL CALL

Stationary Source Committee (Committee) Chairperson Rod Sinks called the meeting to order at 10:23 a.m.

Present: Committee Chairperson Rod Sinks; Vice Chairperson Karen Mitchoff; and Directors John J. Bauters, John Gioia, Carole Groom, Jim Spring, and Brad Wagenknecht.

Absent: Directors David Canepa, Nate Miley, and Mark Ross.

Also Present: None.

PUBLIC COMMENT ON NON-AGENDA MATTERS

2. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

Public comments were given by Tom Pyke, Office of Congressman Ro Khanna; and Jeremy Loh, Town of Los Altos Hills.

NOTED PRESENT: Director Spring was noted present at 10:27 a.m.

3. APPROVAL OF THE MINUTES OF JULY 8, 2019

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Vice Chair Mitchoff made a motion, seconded by Director Spering, to approve the Minutes of July 8, 2019; and the motion carried by the following vote of the Committee:

AYES: Gioia, Groom, Mitchoff, Sinks, Spering.
NOES: None.
ABSTAIN: None.
ABSENT: Bauters, Canepa, Miley, Ross, Wagenknecht.

4. UPDATE ON SOUTH BAY ODOR SOURCES AND AIR DISTRICT ODOR ATTRIBUTION STUDY

Wayne Kino, Deputy Air Pollution Control Officer of Operations, introduced Tracy Lee, Compliance and Enforcement Manager, and Jerry Bovee, Air Quality Engineering Manager, who gave the staff presentation *South Bay Odor Update and Air District Odor Attribution Study*, including: overview; summary of odor complaints (2013-2019 and 2018-2019); area overview; area sources; South Bay Odor Stakeholder Group; Air District Odor Attribution Study; International Disposal Corporation of California on Newby Island; Newby Island landfill, compost operation, and material recovery facility; Zero Waste Energy Development; San Jose-Santa Clara Regional Wastewater Facility; challenges in determining sources of odors; Odor Attribution Study goals, process, and next steps; and other actions.

NOTED PRESENT: Director Bauters was noted present at 10:36 a.m.

Public Comments

Public comments were given by Anurag Pal, Office of Assemblyman Kansen Chu; Henry Song, San Jose resident; Ling Kong, Milpitas resident; Keng Ng, Milpitas resident; Mayank Patel, Milpitas resident; Gia Tran, Milpitas resident; Fa Yoeu, Milpitas resident; Abhijit Basu, Fremont resident; Vicki Young, Milpitas resident; Michael Tsai, Milpitas resident; You-Wen Yi, Milpitas resident; and Sara Olsen, Milpitas resident.

Committee Comments

The Committee and staff discussed the projected date of completion of the study; how effective public complaints to the Air District are in yielding changes in the behaviors of those facilities or homes that are emission sources; how long garbage accumulates at the Newby Island Material Recovery Facility before it is processed; the request for an update on how this facility is being improved; the suggestion that a new modern facility be created to efficiently mitigate odors in the South Bay; whether haulers/operators will be part of the solution to mitigating odors; the anticipated process by which costs will be distributed when solutions are proposed at the conclusion of the study; the disadvantages of studying something for too long, thereby, prolonging action; short-term solutions that can be implemented in the near future; whether the Air District comments on Environmental Impact Reports regarding the expansion of these facilities; the suggestion that the Air District installs real-time video surveillance at the facilities; whether identifying signatures/tracers for each facility will be accomplished through this study; the clarification that the local enforcement agency (LEA) of these facilities, (employees of) the City

of San Jose, acts as an independent agency that reports to CalRecycle, and is not influenced by the San Jose City Council; the fact that air districts may not issue Notice of Violations to composting operations for odors (only for emissions); and who the permitting agencies are for these facilities.

NOTED PRESENT: Director Wagenknecht was noted present at 10:51 a.m.

Committee Action

None; receive and file.

5. UPDATE ON IMPLEMENTATION OF NEW REGULATION 6 RULES

Mr. Kino introduced Eliza Kane, Air Quality Specialist, who gave the staff presentation *Particulate Matter (PM) Rules Implementation Update*, including: outline; PM basics; PM health impacts; sources of PM₁₀ and PM_{2.5}; Air District Regulation 6, Rule 1 amendment: Bulk Material Handling; examples of bulk material dust; bulk material dust controls; new Regulation 6, Rule 6; Prohibition of Trackout; examples of road dust – trackout; trackout controls; and best practices to reduce PM.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether reclaimed water is prohibited from being used in mist systems, and the suggestion for an Air District regulation that requires reclaimed water be used in mist systems; whether public facilities are exempt from Air District Regulation 6, Rule 6 (PM: Prohibition of Trackout), and the fact that this rule was implemented in August 2018; the request for an update on dust control measures for Interstate-680/Interstate-4 interchange project (overseen by the State of California Department of Transportation in cooperation with the Contra Costa Transportation Authority); the cost of high-efficiency sweepers and mist systems and whether the Air District can provide grants for these to small companies; and whether affected facilities know of changes to Regulation 6.

Committee Action

None; receive and file.

6. UPDATE ON PROPOSED REGULATION 13, RULE 2 (RULE 13-2): ORGANIC MATERIAL HANDLING AND DRAFT REGULATION 13, RULE 3 (RULE 13-3): COMPOSTING OPERATIONS

Gregory Nudd, Deputy Air Pollution Control Officer of Policy, introduced Misha Nishiki, Assistant Counsel, who gave the staff presentation *Update on Organic Material Handling and Composting Rules*, including: agenda; rule drivers; overview of workshop draft; stakeholder comments; proposed revisions; and tentative schedule.

Public Comments

Public comments were given by Eric Zetz, City of Sunnyvale; Tom Del Conte, Vision Recycling; Peter MacDonald, Pleasanton Garbage Service; Kelly Schoonmaker, Stop Waste; Neil Edgar, California Compost Coalition; Will Bahzc, North Bay Compost Coalition; and Dan Noble, Association of Compost Producers.

Committee Comments

The Committee and staff discussed how Air District staff took comments from compost facilities, material recovery and transfer station operators, and industry advocacy groups under consideration and therefore bifurcated Proposed Rule 13-2 into two draft rules: Rule 13-2: Organic Material Handling and Rule 13-3: Composting Operations; whether the proposed emission control provisions for these facilities were devised by the Air District or CalRecycle; whether Regulation 3, Rules 2 and 3 would be duplicated in other air districts in California; the anticipated rule adoption schedule; whether the Air District has gathered data from other air districts, and if so, whether they have indicated a preference for enclosed material recovery facilities; how the unknown costs of additional labor and equipment are concerning to material recovery companies; the level and frequency of Air District interaction with material recovery companies; whether a cost-benefit analysis of the proposed regulations will be conducted, and the observation that it seems as if a significant economic burden will be imposed upon the material recovery industry, should these regulations be adopted; the suggestion that facilities that show no measurable improvement with the implementation of the proposed regulations receive more leniency; whether this rule development would benefit from Air District championing legislative action; whether the proposed regulation pertains to odors; the hope that this proposed regulation would be applied to the entire Bay Area, and not solely focus on the South Bay; and the fact the general waste input stream is too great for the currently-existing infrastructure to process efficiently.

Committee Action

None; receive and file.

PUBLIC COMMENT ON NON-AGENDA MATTERS

7. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

No requests received.

8. COMMITTEE MEMBER COMMENTS

None.

9. TIME AND PLACE OF NEXT MEETING

Monday, December 16, 2019, Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105 at 9:30 a.m.

10. ADJOURNMENT

The meeting adjourned at 1:12 p.m.

/s/ Marcy Hiratzka

Marcy Hiratzka
Clerk of the Boards