

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

APPROVED MINUTES

Advisory Council Public Health Committee
1:30 p.m., Wednesday, February 13, 2008

1. **Call to Order:** Chairperson Kim called the meeting to order at 1:38 p.m.

Roll Call: Janice Kim, M.D., Ph.D., Chairperson, Cassandra Adams, Jeffrey Bramlett, Steven Kmucha, M.D., Linda Weiner, and Brian Zamora.

Absent: Karen Licavoli-Farnkopf, MPH

2. **Public Comment Period:** There were none.

3. **Approval of Minutes of December 12, 2007:** Mr. Zamora moved approval of the minutes, seconded by Ms. Adams, carried unanimously.

4. **Review and Discussion of Final Draft Strategy for Asthma as it Relates to Indoor Air Quality:** Chairperson Kim opened discussion of the ongoing topic from outgoing Chairperson Bramlett. Ms. Adams suggested adding within the Recommendations a group of resources for people with asthma who have no health insurance. Ms. Weiner would like to add the Asthma Coalition to that list – the Regional and Local Asthma Coalition to number one; because she felt they gear themselves toward those residents who are most impacted. Dr. Kim asked if staff had a recommendation about local health departments being an important resource referral. The proposal was made to move the draft recommendation to the Full Council. Ms. Adams moved approval of that proposal. Ms. Weiner seconded. The motion carried unanimously.

5. **Update on the Proposed Regulation 6, Rule 3: Woodburning Devices**

Janet Glasgow, Air Quality Program Manager, Compliance and Enforcement division presented the group with an update on the rule.

- Ms. Glasgow gave an overview on the Air District's Regulation 6, Rule 3: Woodburning Devices, and reviewed the Advisory Council's role in the current process. An update with what is happening in other key Districts regarding wood smoke, and a review of proposed Regulation 6, Rule 3, and issues that came out of workshops was provided. Finally, next steps were covered.
- In December 2006, the EPA lowered the 24-Hour standard for PM_{2.5} from 65 micrograms per cubic meter to 35 micrograms per cubic meter. The Bay Area exceeds that standard on average 20-30 days per year, although this winter's Spare The Air Tonight season just ended on Monday, February 11, 2008, and only two exceedences have been recorded so far. The measurement of monitor stations

does take several weeks; there will be more being analyzed in the next couple of weeks. The largest contributor to wintertime PM is wood smoke. Wood smoke is the largest fraction of PM_{2.5} within the Bay Area, and it is logical to focus our regulatory development and financial resources on such a large piece of the PM_{2.5} pie. In addition, this large contribution occurs primarily during the wintertime, and therefore this is the timeframe during which our rule will focus.

- This committee took the initiative two years ago to research what other districts were doing at that time.
 - The Puget Sound Clean Air Agency and the San Joaquin Valley Unified Air Pollution Control District sent representatives to speak before the committee and work with District staff to share their experiences. Based on those committee meetings and recommendations, the full Advisory Council recommended a multi-pronged effort, specifically phased in over several years, to include rule development, increase public outreach and a District-wide incentivized wood stove replacement program. Following Board approval, staff began work in 2007 on these three approaches. Staff has continued to keep in touch with the two districts which had curtailment programs in place. Many other districts throughout California and the West had woodburning device control measures on the sale and installation end, but only these two listed districts had an actual ban or curtailment on wood burning at that time. Puget Sound has had almost 15 years of enforcement of their two-stage program. Stage I prohibits burning in fireplaces or of uncertified woodstoves at 35 micrograms per cubic meter. Stage II prohibits any burning at 60 micrograms per cubic meter, as forecast, unless it is the only source of heat for that household. Its enforcement program has several options as shown, if they find residents in violation of its rule, they do require enforcement action. They will waive the fine if a noncertified stove is replaced with a certified device.
 - San Joaquin Unified is in its fifth year of enforcing a mandatory curtailment. They utilize the Air Quality Index and use a one-stage approach, as the curtailment portion only is enforceable at one stage. They have a voluntary curtailment, which they call at 100 aqi for PM, and the mandatory curtailment is imposed at 150 aqi. Last winter they had 39 mandatory curtailments, and had up to 50 voluntary curtailments, because they call it by county, it varies across the district, depending upon which county you are looking at. Its curtailment is also based PM₁₀, because they have had it in place before the new standard went into effect for PM_{2.5}.
 - Sacramento Metropolitan AQMD did adopt a mandatory episodic curtailment rule in October 2007, with two different curtailment levels, on top of a voluntary level.
 - South Coast AQMD has been in rule development for over a year. They propose a mandatory curtailment, but only beginning in the year 2013, and it would be only targeted to areas where they have exceedences.

Ms. Glasgow reviewed the provision in Regulation 6, Rule 3:

- Curtailment – no burning – in any woodburning device would be required when PM_{2.5} is forecast to reach unhealthy levels, indoor and outdoor, which is under Regulation 5 at present. Recreational fire was basically defined, not to include food cooking.
 - Exemptions for sole source of heat
 - Exemption for unavailability of natural gas
- Visual limit will be 20% opacity. District inspectors are certified to read the plumes.
- Exemption for startup of a new fire for a period of 20 minutes within any 4-hour period.
- Sale of new or used devices require devices to be
 - EPA Phase II certificated
 - Pellet fuel
 - Masonry heater
 - Approved in writing by the Air District and meet low-mass fireplace emission targets
- Any new construction involving installation would have to meet the same criteria as the sale of any device
- Prohibition of garbage burning, and burning of inappropriate materials, such as:
 - Chemically treated wood
 - Non-seasoned wood
 - Plastic
 - Paint
 - Particle board
 - Pallets
 - Any other material not intended for use in a woodburning device
- Requirement for sale of wood intended for home fire use, to have a moisture content of 20% or less by weigh, with labeling to that effect; and a public awareness statement on that label about curtailment, contact information for curtailment notifications, and health effects of wood smoke.
- Regulations 1 and 5 need amendments for indoor and outdoor residential burning residential heating and recreational fires.

Ms. Glasgow reviewed the Public Workshops that were held, media, and public responses. The concerns reached from these workshops were as follows

- EPA certified woodburning devices and pellet stoves should be allowed to burn during any curtailment period.
- Smaller curtailment areas within the District, similar to San Joaquin's District
- Sole source of heat exemption needs clarification
- Consider a low income exemption related to sole source

- Curtailment threshold needs to be explicit
- How will curtailment be enforced?
- How will the public know when to burn and when not to?
- Could the District require distribution of public outreach information on wood that is sold?
- The labeling requirement for this District would be too costly
- Was the mandatory curtailment provision constitutional?

Next steps, Ms. Glasgow stated that the Technical, Legal, Planning and Engineering staff was evaluating the comments received to find what could be incorporated and what would not. This was expected to be done shortly, as was revisions to the draft regulation; after that, a socio-economic study and CEQA review were anticipated, as was a full EIR, with refinery flare minimization and the toxics new source review rule as precedents. Focus on the EIR for this rule would be on the generation of greenhouse gases resulting from regulating indoor woodburning. An enforcement plan was being developed, as well as outreach for notification purposes and education, in future workshops.

Ms. Weiner asked if there was any language addressing management of rental units' responsibility for enforcement, for low income renters who want to comply, but cannot afford to fix the fireplace in their apartment. Ms. Glasgow responded that more specific exemption provisions were being put into the rule. Dr. Kim inquired whether the public comment period was closed, to which Ms. Glasgow responded that it was. In response to a question from Dr. Kim, Ms. Glasgow stated the regulation would be enforced during the wintertime, as PM_{2.5} exceedances had not occurred outside of that period; however, the visible emission standard would apply all year round.

Ms. Adams inquired what percentage of the 20% limit for off-road would be for construction equipment; Ms. Glasgow indicated she would provide that information, as well as agricultural burning. Ms. Adams asked what the sources were for Ammonium Nitrate and Ammonium Sulfate, to which Ms. Glasgow and Planning Department Director Henry Hilken replied that they are "NO_x" emissions from refineries, feedlots, sewage treatment plants, marshes and industrial sources. The District has contracted to get a specific inventory for the Bay Area for Ammonium, for PM modeling.

Discussion ensued regarding public comments and reporting to Advisory Council in advance of the rule adoption.

Mr. Zamora asked about enforcement being complaint-driven. Wayne Kino was referred to by Ms. Glasgow as the person working on a plan addressing this; Mr. Kino referenced a method of using infrared technology for reading, with a step-by-step approach to enforcement, and noted night-certified inspectors as well.

Dr. Kim asked about opportunities for a hotline to alert inspectors. Mr. Kino responded that some combination would include areas to survey with complaint traffic to alert inspectors. Ms. Glasgow added that enforcement had moved from strictly complaint-based to a hybrid model, incorporating surveillance, in use by other districts more recently.

Mr. Zamora suggested the announcements regarding workshops, if forwarded could be put up on websites.

Mr. Bramlett asked if low income exemptions take into consideration ambient health hazards posed to neighbors. Ms. Glasgow responded that the sole-source exemption originally proposed was misconstrued by many people, and indicated it was being re-written to address the meaning of “sole-source” of heat, and every other consideration would be spelled out individually.

Dr. Kim thanked Ms. Glasgow for her work.

7. Discussion for Possible Topics/Guest Speakers for Future Meetings

A discussion regarding assignments commenced, including the following points:

- CARE report; gather perspective from different stakeholders in anticipation of the report coming out sometime this year.
- Briefing from staff on the CARE program could be scheduled
- Air Resources Board is working on Health Risk Assessment for West Oakland, scheduled for March 2008
- Update in April to the Committee on ARB’s HRA
- Possibility of Health Officer from Alameda County to speak to the Air Quality issues in West Oakland and what the Air District can do
- The Port’s perspective

8. Committee Member Comments/Other Business

Committee members or staff made comments and announcements and asked questions.

6. Time and place of next meeting: 1:30p.m., Wednesday, April 9, 2008, Room 716, 939 Ellis Street, San Francisco, CA 94109.

7. Adjournment: The meeting adjourned at 2:40 p.m.

/s/ Jean Marie Mink
Temporary Executive Secretary