

**CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
AIR POLLUTION CONTROL BOARD**

The August meeting of the Air Pollution Control Board was held Tuesday, August 5, 2008 at the Health Department Office Training Room, 1101 Market Street, and 8th floor. Eddie R. Battle, Acting Chairman, presided:

ATTENDING: Eddie Battle, Acting Chair of the APCB
Joseph O. Minott, Member, APCB
Dr. Robert M. Patterson, Member, APCB
Nan Feyler, Chief of Staff, Health Commissioner's Office
Tom Edwards, Member, APCB
William Miller, Member, APCB

STAFF: Thomas Huynh, Director, Air Management Services (AMS)
Henry Kim, Chief, Program Services, AMS
Roger Fey, Chief of Facility Compliance, AMS
Prasad Philip, Facility Compliance, AMS
Alison Tracy, Voluntary Programs Coordinator, AMS
Edward Braun, Acting Chief of Lab, AMS
Jeff Forester, Acting Asbestos Control Program Manager, Asbestos Control Unit, AMS
Thomas Barsley, Engineering Supervisor, AMS
Prasad Philip, Engineering Specialist, AMS
Edward Wiener, Acting Chief, Source Registration, AMS

GUESTS:
Patrick O'Neill, Law Department
Mable Mallard, CEO, Right to Know Committee
Dale Kaplan, PA Dry Cleaners Association
Jake Kang, Rim Cleaners
Myung S, Kim, Custom Cleaners
Max Itajuirre, Protection Cleaners
Carol Memberg, Pa Dry Cleaners Association
Jon Meljer, Drycleaners & Laundry Inst.
Nora Nealis, National Cleaners Association.
Mike Tirpik, ADCO Chemical Inc
Jason Kim, Savoy Cleaners/ Korean-American Association
Cash Kim, J BRITE Cleaners
John Elderstein, Brownfields Coord., City Rep/Commerce
Shinjoo Cho, Asst Mgr Director, Special Events/Ceremonial, City Rep/Commerce
Hzak Srkeon, Bell Cleaners
Hyok Kum Kwon, VIP Cleaners
Todd McKenna Ferguson McKenna Supply
S. Baers, Phila, Inquirer
Dan Snowden, Penn Dot
Sung R. Kim, Park & Clean Dry Cleaners
Christine Kim, Park & Drive Dry cleaners
Carla Waite, Law Department
Heather Winott, HHarey
Christine Knapp, PennFuture, Next Great City
David E Byro, USEPA

Sherr D Stanfor, Martin Luther King's Village
Rich Keshgagian, Fairmount Cleaners
Eum Lee, the Korean Daily News

1. WELCOME

Mr. Battle called the August meeting of the Air Pollution Control Board (APCB) to order at 2:05 P.M. The members of the Board introduced themselves:

- Eddie Battle, Acting Chair of the APCB
- Tom Edwards, Metro Corp, Technical Director
- William Miller, Associate Professor of Civil Engineering at Temple University.
- Thomas Huynh, Director of AMS
- Nan Feyler, Chief of Staff, Health Commissioner's Office

2. Action on Minutes from 09/04/07

It was requested that page numbers be added to the minutes. There were no other additions or corrections to the minutes of the last meeting. The minutes were approved.

3. Election of the Board Chair

Mr. Battle suggested that action be tabled until all Board Members were available to vote. Nan Feyler moved that the vote take place via conference call. Motion approved.

4. PROGRAM UPDATE

Before presenting the program update Thomas Huynh, Director of AMS, introduced the members of AMS in attendance at the meeting.

Air Management Services

Mr. Thomas Huynh was appointed as AMS Director in December 2007. In May, Mayor Nutter appointed Mark Alan Hughes of the University of Pennsylvania as Sustainability Director for the City. He will oversee the Sustainability Working Group which consists of representatives from various City agencies including AMS.

Air Quality
New Ozone Standard

On 3/12/08, EPA revised the 8-hour primary and secondary ozone standards to 0.075 ppm. The previous Standard set in 1997 was 0.084 ppm. Because of the new standard, an increase in the number of days exceeding the 8-hour standard is expected. The chart below demonstrates that, based on observed conditions over the past four years, Philadelphia County would have experienced additional exceedances using the 0.075 ppm standard.

	OZONE EXCEEDANCES	
YEAR	NEW STD (0.075 PPM)	OLD STD (0.084 PPM)
2004	14	8
2005	23	10
2006	17	5
2007	22	8

The AQI was also changed to reflect the new standards. AMS started using these new breakpoints as of May 1, 2008.

Category	AQI Value	1997 8-hour (ppm)	2008 8-hour (ppm)
Good	0-50	0.000-0.064	0.000-0.059
Moderate	51-100	0.065-0.084	0.060-0.075
Unhealthy for Sensitive Groups	101-150	0.085-0.104	0.076-0.095
Unhealthy	151-200	0.105-0.124	0.096-0.115
Very Unhealthy	201-300	0.125-0.374	0.116-0.374
Hazardous	301-400	No Change	No Change
	401-500	No Change	No Change

The Philadelphia region is expected to experience 27 Air Quality Action Days annually under the new standards, as opposed to 11 expected under the previous standard. An Air Quality Action Day is triggered when the Air Quality Index is forecast to be higher than 100.

8-Hour Ozone State Implementation Plan

In August 2007, PADEP submitted to EPA its “State Implementation Plan Revision” to address attainment of the 8-hour ozone standard (0.084 ppm). In summary, the document presented modeling and weight-of-evidence (WOE) analysis to demonstrate attainment of the 8-hour standard by 2010. Although the modeling shows exceedances of the 8-hour standard by 2010, PADEP concluded the model is over-predicting the exceedances in a manner similar to the 1-hour ozone standard demonstration. Recent conversations with EPA have lead many to believe it will not approve the current 8-hour implementation plan. If the SIP is not approved, EPA may impose economic sanctions on the region and freeze Federal highway funds. As of 7/20/08, data shows several monitors will not meet the standard by 2010. An option for the Philadelphia non-attainment region is to “bump-up” the non-attainment classification. This will allow the Philadelphia non-attainment area to meet the standard by 2013.

PM2.5 State Implementation Plan

PADEP has not submitted its PM2.5 implementation plan as a result of the Court’s vacatur of the Clean Air Interstate Rule (CAIR) rule. The PM2.5 SIP relied heavily on emission reductions guaranteed under the CAIR rule. Discussions with PADEP indicate that if a SIP is not submitted by October 2008, EPA will send a “failure to submit” letter. One option being explored by PADEP is a “clean data determination.” This would relieve the state from submitting an implementation plan. The monitor at 500 South Broad, you will allow you to nine PM on June Street (CHS) is the designated monitor for the Philadelphia region. Three years of data (with collection efficiency greater than 75%) are needed to determine compliance with the NAAQS. The 2006 data did not meet the 75% data collection. Therefore data from 2007 – 2009 is needed for this site. The 2007 annual average from CHS is 14.4 ug/m3. The average from Q1 and Q2 of 2008 is 14.4 ug/m3.

Proposed New Lead Standard

On 5/1/08, EPA proposed to revise NAAQS for Lead from 1.5 ug/m3 to within the range of 0.10 – 0.30 ug/m3. The secondary standard would equal the primary standard. Since 2001, the ambient concentration of lead has not exceeded 0.10 ug/m3 in Philadelphia County. Also, EPA is proposing to improve the

existing lead monitoring network by requiring that monitors be placed near large sources of lead emissions and in urban areas with more than one million people.

Clean Air Interstate Rule (CAIR) Vacated

On 7/11/08, the United States Court of Appeals for the District of Columbia Circuit vacated in its entirety the CAIR. The court decision asserted that EPA had not adequately addressed, in its analysis and rulemaking record, the specific issue of upwind states' "contribution" to downwind states' nonattainment status (or maintenance of attainment status) pursuant to statutory language in Section 110(a)(2)(D)(i)(I), 42 U.S.C. §7410(a)(2)(D)(i)(I).

Promulgated on March 10, 2005, CAIR was designed to reduce emissions of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) from 28 eastern states and the District of Columbia through the use of a cap-and-trade approach. SO₂ and NO_x contribute to the formation of fine particles and NO_x contributes to the formation of ground-level ozone. If fully implemented, CAIR would have reduced SO₂ emissions by 5.4 million tons (a 57% reduction from 2003 levels) and NO_x emissions by 2 million tons (a 61% reduction from 2003 levels) by 2015.

Clean Air Mercury Rule (CAMR) Vacated

On February 8, 2008, the United States Court of Appeals for the District of Columbia Circuit vacated the Clean Air Mercury Rule (CAMR). Promulgated on March 15, 2005, CAMR implemented a cap-and-trade program for mercury (Hg) emissions from power plants. Unlike the CAIR rule, the mercury rule sets a nationwide emissions cap applicable to all coal-fired boilers with a capacity exceeding 25 megawatts. When fully implemented in 2018, CAMR would have limited Hg emissions to 15 tons a year (a reduction of about 70 percent from historic levels of 48 tons).

Air Monitoring Network Plan (AMNP) for Philadelphia County

On July 1, 2008, AMS submitted to EPA Region III the 2008 Philadelphia Air Monitoring Network Plan. This plan describes the current air monitoring network for Philadelphia county as well as planned changes for 2009. It can be found on the AMS website:

[http://www.phila.gov/health/units/AMS/pdf/2008_AMNP_Final_\(2008-06-26\).pdf](http://www.phila.gov/health/units/AMS/pdf/2008_AMNP_Final_(2008-06-26).pdf). Changes planned for 2009 include:

- Establishing an NCORE monitor at the Baxter Water Treatment Plant in Northeast Philadelphia during Q1 of 2009. The NCORE site will measure trace levels of CO, SO₂, NO, and NO_x, and Ozone, and will track continuous/daily PM_{2.5}, PM_{2.5} speciation, coarse PM_{10-2.5}, PM_{10-2.5} speciation, and meteorology.
- Establishing a monitoring station near the Philadelphia International Airport to measure PM_{2.5} and toxics during Q1 of 2009. This site is located at Island Road east of Airport Circle.
- Establishing a monitoring station near the Packer Avenue Marine Terminal to measure PM_{2.5} and toxics during Q1 of 2009. Two possible sites have been identified: [1] the rear parking lot of Rick's Cabaret Gentlemen's Club (2908 South Columbus Blvd); [2] grass area located on the east side of the parking lot at Pier 70 Blvd Shopping Center (Pier 70 Blvd and South Columbus Blvd).

Greenhouse Gas (GHG) Emissions

On July 11, 2008, EPA released an [Advance Notice of Proposed Rulemaking \(ANPR\)](#) inviting public comment on the benefits and ramifications of regulating greenhouse gases (GHGs) under the Clean Air Act (CAA). The ANPR was issued in response to the U.S. Supreme Court's decision in *Massachusetts v. EPA* that found that the CAA authorizes EPA to regulate tailpipe greenhouse gas emissions if EPA determines

those emissions cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare.

Regulatory Services Activities

From September 1, 2007 to July 31, 2008, AMS reviewed 315 air permits and licenses and 1341 asbestos permits and licenses. It serviced 772 citizen complaints for air pollution, asbestos, and noise. It performed 2,812 air and noise inspections and 670 asbestos inspections. In addition, AMS performed 118 observations and issued 7 citations for violations of the City's anti-idling rules. For this period, AMS issued 333 violations, resolved 249 Notices of Violation and collected \$111,877 in fines and penalties.

Dry Cleaner

AMS has met with the Pennsylvania and Delaware Cleaners Association regarding the draft dry cleaning regulation. The Association objects to the provision that would regulate co-commercial facilities. AMS collected 15 grab samples at businesses adjacent to dry cleaning facilities and found that perchloroethylene concentration varies from 0 to 5792 ug/m³.

Emergency Generator

On April 18, 2008, AMS issued 205 Orders to ban the testing of emergency generators on days when the Air Quality Index is forecast to reach or exceed 100, a level that is "Unhealthy for Sensitive Groups." The order will be in effect for the duration of the Ozone season. AMS has also required that testing be done between 5:00PM and 11:00PM during the summer months.

AMS Laboratory Weighing Room:

Installation of the new PM_{2.5} weighing room was completed on July 19, 2008. It is currently going through a shakedown and tuning process of its environmental controls to ensure that temperature and humidity can be maintained within EPA specifications. The next step is to move the weighing robot from the existing weighing room to the new room. The move will include an upgrade of the robot's software and the installation of additional weighing racks to increase overall capacity to weigh filters. Weighing operations in the new room are expected by the beginning of September 2008.

Air Quality Improvement Fund

The Air Quality Improvement Fund funded four projects this fiscal year: tree plantings, hybrid vehicles for Fairmount Park, CO monitors for the Fire Department and Green Building 101 training for City staff, which was very successful with approximately 200 attendees from 20 departments.

Voluntary Programs Grant Status:

AMS has fully allocated the first \$400,000 installment of Sunoco funding, installing retrofits on approximately 140 City vehicles. By year's end, it is expected that more than 200 vehicles will have been retrofitted including 77 Fire Trucks that are now being retrofitted using \$90,000 in grants from EPA. The grant is being administered through the Mid-Atlantic Regional Air Management Association. The project is roughly 50% complete.

The Office of Fleet Management is preparing for the construction of a dedicated biodiesel tank using State funds through the Alternative Fuels Incentive Grant (AFIG). The Fleet is also now running 110 refuse haulers on biodiesel through this program.

The City was awarded a \$200,000 grant from the Dept. of Energy to fund market transformation to encourage the development of solar projects. The Municipal Energy Office, with the assistance of AMS, is now working to being implementation of the grant.

AMS and OFM were recently awarded a \$750,000 grant to fund the purchase of CNG refuse trucks. An additional \$150,000 expected from the State will fully fund the incremental cost of these vehicles.

Ports/Airport

Airport – AMS is working with Clean Airport Partnership to devise a plan for future emissions reductions at Philadelphia Airport.

Ports – Installations on 85 pieces of off-road equipment at Packer and Tioga terminals are now complete.

Questions were presented:

Questions posed by Joe Minot of the Clean Air Council and member of the APCB

- a. Concerning the new ozone standard, what is the data so far for 2008? Henry Kim noted that locally this has been an average summer so far. He said that in the region, Bristol is the highest monitor.
- b. The EPA is unlikely to approve SIP – What are factors beside the fact that we have a longer time to reach attainment? Is there an economic downside to the problem? Bump up is difficult because we have no control over State of PA, NJ, DE and MD. These states decide whether or not to bump up and tighten the regulation further by at least 3% of emission reduction from the current control level. It is very difficult to find additional emission reduction from stationary sources
- c. PM2.5 not a Philadelphia problem but regional issue. Do you get a sense that PA is close to submitting a plan with some environmental group? At this point the facilities can say they don't want to cut down the emissions. The rule has been vacated so all the States are having problems. Everything is very chaotic. This is something that EPA and the State must work through. However, working on data already to be submitted for 2007 and 2008, by February we may know if Philadelphia will be in attainment. 500 S Broad St is the highest monitor in PA, NJ, and DE and if it shows attainment we would be fine unless they find a higher monitor.
- d. New Lead standard – Philadelphia County does not have a problem. Do we ever run up against it or are we pretty solidly below it? Ten or Fifteen years ago we did but now we are okay. Not sure on the biggest polluters but could be the incinerator in NJ depends on which way the way the wind blows.
- e. Regulatory Services activities -772 citizen complaints – were they concentrated in any one place – particular area that we should flag for us? Most, (1/3), were from the central district. People are moving back to center city a lot of them were noise. We are trying to concentrate on them
- f. AMS should be congratulated on the Emergency Generator program, excellent. Why can hospitals not comply with regulations? They have scheduling problems. We are trying to negotiate so that they can do it at a time convenient to them.
- g. Suggest that at some future meeting we invite the Airport and River Port to present what they are doing.

Questions posed by Bill Miller

- a. Air Quality Improvement Fund – Who did the training on Green Building? Alison Riley stated it was done by the Delaware Valley Green Building Council. CO monitors – is that for the Fire Dept to give out to the public? Yes
- b. Retrofitting – Are we talking about diesel? Yes
- c. The airports – meeting on future emissions – Are we talking about emissions from buildings? No we are trying to have the air traffic controllers monitor the time period from the gate to the take-off and landing. We do not have a commitment yet. They are looking to turn all support vehicles into electric, and all the airplanes when they stop at the gate instead of getting heat and energy from the plane engines there will be a hookup to the building that they can use electric for light, air conditioning, heat, etc.
- d. Effect of the Emergency Generators on the Ozone – Is this just the city or does it affect the State or East Coast? Right now the State is looking at it and other states are looking but it will take a long time for them to propose regulations.
- e. Supreme Court decided that Carbon Dioxide could be considered an air pollutant. Are there any plans underway to start Carbon Dioxide monitoring? - I checked and there are no monitors that get to those levels. Are we doing anything to address this problem? At this time there is no process to do that until

such time as the EPA addresses the problem and writes regulations and establishes standards. We will use CO2 monitors.

5. Old Business

Philadelphia Ozone SIP Status –

Tom Huynh reported that right now we are in the process of evaluating the emissions that can be controlled further. We will look at the reports from the airport and the next step is transportation, e.g. SEPTA fleet and taxi. This is something that is in the works.

Proposed Dry Cleaning Regulation –

See Hearing Attached

Motion to table this issue for a vote on 11/5/08

Moved and Seconded.

6. New Business

Emergency Generator – Thomas Huynh, Director of AMS reported that Administrative Orders for Emergency Generator operation during the Ozone Season have been issued to 205 facilities. The 205 facilities are the only ones that AMS knows of this time. There may be some facilities that do not know of about the ban on high ozone days and it may be more advantageous to go ahead with the regulation so that it will affect everyone at the same time.

Motion: AMS should develop a draft regulation dealing with the Emergency Generator testing relating to the ozone season.

Moved and Seconded

7. Adjourn at 3:56 PM line one wall and the

Motion: To Adjourn

Moved and Seconded

Future Meetings:

11/05/08, MSB 16th Floor, Rooms X, Y, Z @ 2 PM

03/05/09 @ 2 PM, location to be determined

07/15/09 @ 2PM, location to be determined