

CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH AIR POLLUTION CONTROL BOARD

The meeting of the Air Pollution Control Board was held Wednesday, June 8, 2011,
at the Municipal Services Building, 1401 John F. Kennedy Boulevard, 16th Floor, Room Y.

Eddie R. Battle, Chairman, presided:

ATTENDING:

MEMBERS: Eddie Battle, Chair of the APCB
Joseph O. Minott, Member, APCB
Tom Edwards, Member, APCB

STAFF: Thomas Huynh, Director, Air Management Services (AMS)
Edward Braun, Program Manager, AMS
Roger Fey, Chief of Facility Compliance, AMS
Edward Wiener, Chief, Source Registration, AMS
Alison Riley, Voluntary Programs Coordinator, AMS
Keith Lemchak, Engineering Supervisor, AMS
Rahel Gebrekidan, Environmental Engineer, AMS
Meyliana Wu, Environmental Engineer, AMS
Patrick O'Neill, Council for the City of Philadelphia
Dennis Yuen, Council for the City of Philadelphia

GUESTS: Christopher Minott, Clean Air Council
Oscar Montes, Clean Air Council
Vastassja Mavldrain, Clean Air Council
Molly Reynolds, Clean Air Council
Tom Weir, Citizen

1. WELCOME

(Whereupon, the proceedings commenced at approximately 2:03 p.m.)

CHAIRMAN BATTLE: Good afternoon, everyone. Today is Wednesday, June 8, 2011. It is a little after two o'clock, and the Air Pollution Control Board is in session. Could we introduce ourselves, please, Joe.

MR. MINOTT: I am Joe Minott. I am Executive Director of the Clean Air Council and a member of the Air Pollution Control Board.

MR. EDWARDS: I am Tom Edwards, Technical Director at MetPro Corporation and a member of the Air Pollution Control Board

CHAIRMAN BATTLE: Member of the Air Pollution Control Board and Eddie R. Battle Associates.

MR. HUYNH: Tom Huynh, Air Management Services Director

CHAIRMAN BATTLE: As you know, Tom is not a member of the Board; he is Director of Air Management Services.

2. ACTION ON MINUTES

CHAIRMAN BATTLE: You had an opportunity to review your minutes. Do you have any additions or corrections to the minutes? Is there a motion to accept the minutes? Oh, we do not have a quorum. We cannot vote. We will skip that motion. As you know we need five members to have a quorum, and we do not have that so we will not make any motions.

3. PROGRAM UPDATE

CHAIRMAN BATTLE: Number three, Program Updates. Tom?

MR. HUYNH: (provided an update). (See attached).

MR. HUYNH: That is the end of my report. Thank you for your attention. I'd be happy to answer any questions you might have.

CHAIRMAN BATTLE: Thank you Tom. Any Questions?

(Questions about the Program Update)

MR. MINOTT: I have a series of questions starting with the Regulatory Services activities. I'm looking at where the complaints are obviously Amplified Sound. I presume that the two big circles are the same as the dark spot?

MR. HUYNH: Yes, That is the number of complaints that count.

MR. MINOTT: Okay, so would that be music? Bad music?

MR. MINOTT: And what happened to Surplus Furniture that had 29 counts of idling complaints? Did they pay hundreds of thousands of dollars in complaints?

MR. FEY: I think the counts were of complaints and there were follow-up inspections and only resulted in only two violations there.

MR. MINOTT: And has there been follow-up? And are they complying with the regulations?

MR. FEY: Yes.

MR. MINOTT: And are they--

MR. FEY: Yes, we have not had any additional complaints.

MR. MINOTT: And Trash complaints? Is that just noise? The banging and such?

MR. FEY: Yes.

MR. MINOTT: In terms of the City Council update, I see the fees went down, I gather. What was it before \$275?

MR. HUYNH: It was \$400.00 for the "Other" category in the Philadelphia Code, since gas station was not specified in the Code, We have been charging \$400.00. Councilman Kenney made a special provision for gasoline stations and we had to go back and justify the City's cost of gasoline inspections which is \$ 275.00. In reality we cannot charge more than what it costs. The inspection cost for "other" categories is coming up, but the bill has not addressed that issue.

MR. MINOTT: In the EPA updates, you talk about the new final standards for boilers, etc. Are they located, the 25 facilities in Philadelphia throughout the City, or do they tend to be concentrated in a particular part of the City?

MR. HUYNH: Ed? I think most of them would be located in big facilities, right?

MR. MINOTT: Would they be in commercial places, like hospitals? Who would have one of these boilers?

MR. WIENER: It would be a lot of guessing in that, but some of them we have the bigger guys would have them.

MR. HUYNH: Containers, Sunoco Chem., Refinery.

MR. WIENER: Probably paper works facilities.

MR. EDWARDS: So this is not the Industrial Boiler Mact that you are referring to here for the smaller boilers the less than 10 million BTU?

MR. WIENER: Yeah, it's basically the ones that aren't utility.

MR. HUYNH: That's the Boiler MACT right? There are two, one for utilities and one for Boiler MACT for all Industrial.

MR. EDWARDS: So, this is the Industrial Boiler MACT, for school boilers....

MR. HUYNH: Most of the schools there are a couple of schools.....

MR. WIENER: We think there was some, there is a certain amount of guess work here because there are certain types of - - if you burn oil only for interrupted service you're exempt We are only guessing, think we did find some schools that we thought did burn oil.

MR. EDWARDS: What is Air Management Services' role in the Boiler MACT?

MR. HUYNH: We implement and enforce the rule. So we go out and notify them about the rule. And if they need to be upgraded they have to do that. Whatever the requirements, they need to do, we make sure they comply with that. We do inspections.

MR. MINOTT: So that assumes that right now, what kind of permit would they need to have with this type of boiler?

MR. WIENER: Right now?

MR. MINOTT: Yeah.

MR. WIENER: It depends. The sizes range, so the difference is huge.

MR. MINOTT: So, I guess my question is, do you really know that all the facilities that are out there where the MACT applies to them, or do you need to do some outreach to find out if there are more out there?

MR. WIENER: Once they actually iron out the MACT on the State end, we are going to have to do some better digging to get a better handle on it.

MR. EDWARDS: Now it is my understanding, and it comes from no great source than listening to the radio and the TV, is that the EPA has suspended... suspended, that is the wrong word, not finalized the requirement for this indefinitely suspended the requirement pending a review. So, we don't know what the final rule is.

MR. WIENER: Yes, that is correct. My understanding is that it is who is applicable. This is guessing on my part. Some of it is just more in-depth looking at the technology type stuff. Apparently they just had a consent decree.

MR. EDWARDS: Okay, so we don't actually know what the final rules are that the people have to follow. That's actually where we are.

MR. HUYNH: I think, in general, we know. But the minuses thing, that maybe a little bit here and there still needs to be changed. So the rule will be on what is actually out there 80%. I would tend to think that even 25 companies in Philadelphia that may require minimal modification to comply with the regulation, unless they burn coal.

MR. EDWARDS: The big effect would be on coal burning.

MR. HUYNH: And in Philadelphia we don't use coal but burn low sulfur fuel anyway. So that would take a lot of things out. And if you look in that part that generate electric only, if companies burn for heat, they don't use for the whole year. So there are other criteria that you can go and review the rule and some time, you are able to get out or just comply minimally.

MR. MINOTT: Okay.

MR. BATTLE: Tom, in the EPA updates, the first bullet "Philadelphia Shows a Cancer Risk of 58 in a Million". I can't get a feel for this, what is that really saying?

MR. HUYNH: With them being exposed to that concentration than the calculation with a million people you have 58 people that will get cancer. That is the unit risk will calculate by a certain concentration like 1 in a million risk. Like when you do with PERC there is a certain concentration. Now you multiply by the concentration being exposed to and that is the level you could have.

MR. BATTLE: Now, are all these compounds....did EPA average them?

MR. HUYNH: No, no. They are all added up. And the formaldehyde, benzene ...I think the ambient monitorsis that correct....Yes...some of the Ambient monitors and some of the emission inventory and any emission estimate, and they run a computer model and they predict a certain concentration and that is what it is.

MR. BATTLE: Okay. And we ranked 87th?

MR. HUYNH: Yes, out of all the counties.

MR. BATTLE: Any other questions?

MR. MINOTT: Yes, just two quick questions. When do you expect to hear from EPA or the EPA proposal for the equipment?

MR. HUYNH: This is under 2011, so probably by September we should know if we will get the award or not because it is under fiscal year 2011. This is the part we ... intend to do that with EPA approval. That is some of the projects we want to do because

right now we monitor air toxics by batch, on the canister. We collect for 24 hours take that canister and go to the lab. So we collect one every six days. And sometimes it is not able to detect when certain big facilities have process upset. So this way we will be able to determine with computer, we can get information right at the time. And with wind direction and wind speed we can know that some upset has occurred and we are able to respond quickly. And also, that the community can get on the computer and say "hey, there is something there." Right now we have only the Air Quality Index. So we would like to monitor more.

MR. BATTLE: Any other questions? Thanks, Tom. Okay we are on Number Four on the agenda. Alison.

4. New Business

Alison Riley, Voluntary Programs Coordinator, Air Management Services
Strategic Plan Presentation (SEE ATTACHED)

MRS. RILEY: I am sorry but we do not have an extension cord, so, if you will follow along with me you have printed copies in front of you.

MR. BATTLE: Questions? Comments?

MR. MINOTT: I have just a general comment dealing with the funding and resources. One of the things that really sort of scared me from last year was the Maintenance of Effort, and I am not privy to all the discussions, but I do think it is something that I want identified early on for the Air Pollution Control Board because it literally goes to the ability of Air Management Services to get funding from the Federal government. We need to be their advocate on all this and sometimes there might be a disconnect city priorities in terms of trying not to spend money and what have you verses the requirement that they put in at least the same effort as they did last year plus a dollar. So I just want to flag that not just as parts of this, but in general, ask Air Management Services to keep us apprised of this issue and to challenge us as board members to be on top of it and make sure that it doesn't slip by. One of the things that strikes me is there might be a disconnect. I raise this as an issue without knowing the solution between how the public perceives AMS and where AMS really needs to put its efforts. So for instance, in reality AMS needs to be looking at permits and doing inspections of large facilities. But from the public's point of view "I called because my neighbor's yard smells" but an inspector doesn't come out so what are my taxes going for?" I don't know how you overcome that but I think that is a big problem. How AMS has to spend its time and what the public perceptions are.

The other, and again I think this is more a challenge to the Unit but I do think that some of the area sources (some mobile sources) are where a lot of AMS's focus should be in the future. They are the small sources right in the neighborhoods. They tend to be much more likely to be mom & pop who don't have the deep pockets to put in the extra

controls. We can only deal with Philadelphia. You know, we found out with the dry cleaners that when we sort of pushed, they stated they would just leave the City. I think that is something the board should be looking at proactively. How can we help AMS look at how to deal with that problem?

So I guess those are the comments.

I think this is a great effort that the staff is putting on.

MR. BATTLE: Any others? Yes, go ahead.

MR. EDWARDS: Just two questions. Your number of goals here (maybe a half a dozen or so) have you tried to prioritize them?

MRS. RILEY: The goals on attainment and toxics. Attainment is federally mandated. And are toxics mandated, Tom?

MR. HUYNH: No, toxics are not yet federally mandated at this time yet. But we would like to bring, as part of the health life, we level that we think is acceptable to bring it to 1 in a million risk. And, that is a challenge, especially when we are not able to pinpoint where the source will be coming from because a lot of that is transportation in the area. We try to address the dry cleaning on our part. We address the PERC and I think we will find that as time marches we see the PERC concentration in Philadelphia significantly reduced. But that is a goal, and we want to improve the public health.

MR. EDWARDS: I guess the point I'm trying to get to is if, like every organization on the face of the earth you don't have enough resources you have to know where your priorities are. So you put the resources where you have to, or you put them where you get the most bang for the buck. So that was my only comment on prioritizing internally. The second most important.....

MR. HUYNH: The most important right now is try to be in attainment for National Ambient Air Quality or PM2.5 and then the Ozone and then the next one will be the Air Toxics.

MR. MINOTT: And I guess there also could be a disconnect between what internally they see as the biggest threat and what EPA or DEP requires them to do.

MR. EDWARDS: Sure. Then I guess my next comment is taking your different possible recommendations and mapping them to each one of your goals. It doesn't lead you to the answer, it would be great if it leads you to the answer, but it facilitates the discussion. What potential recommendation makes most sense?

I know I said only two comments but I'm going to go for number three. Something jumped out at me here. At the Stakeholders meeting a couple weeks ago, there were some comments made about trying to find a win - win, or trying to integrate between commercial or health needs. One of the comments in the update minute was, what is it, 58 in a million risk, do to ambient air toxics, which is 87th out of 3222 counties in the

nation. My questions is does getting closer and closer to number one have some advantage to the city? If you can say I'm number one?

MR. MINOTT: No, we don't want to be number one we want to be number 3222.

MR. EDWARDS: Well, even though I messed up the relevance by misreading the numbers, is there value to the city to improve that performance?

MRS. RILEY: We think so, I think you agree.

MR. EDWARDS: If the Department of Commerce thought so, and it was something they could publicize

MRS. RILEY: Yeah, and other Cities have done that. The City of Pittsburgh has done that and really drastically improved their air quality and has used it as tourism and marketing tool.

MR. EDWARDS: Sure. Bringing companies here and people want to live here.....

MRS. RILEY: And perhaps we should be working with the Tourism office.

MR. HUYNH: It is something we would have to work with other Departments in the City on and it is not something that is federally mandated. And we don't want Philadelphia to be penalized because we advertize clean air but nobody has the opportunity to ...

MRS. RILEY: We work with GREENWORKS and advertizing how much air quality has improved in the City of Philadelphia, and we want to focus on making it the greenest city in America.

MR. BATTLE: Okay. Sorry Tom, go ahead.

MR. EDWARDS: and the last thing I'll make is in addition to the other City Depts., think about what is the outreach to the business community and Universities, anybody that's trying to bring people to the city either as customers or employees.

MR. HUYNH: It's one of the things we are probably going to meet and train people from Industry, Commercial, going to school we want ...One of the things we found out is that people are installing things and do not know they are not legal. We want to educate them and make sure they know what the requirement is. We will try to double our efforts on this. We will try to make people more aware.

MR. MINOTT: This doesn't relate to this, specifically, but it is a concern I have which is that across a number of issues that the Clean Air Council works on we have seen City Council getting involved in ways that we would not automatically think is possible but the agency just deals with City Council and I do think that there is a role for the Air

Pollution Control Board to know when these things come up. And we should be playing a role too. So, for instance, when this thing like the \$275 that maybe a decision or not but I certainly think the Board could have said to City Council.....have you thought of all the implication. This is not an agency with that is drowning in resources. If you force us to be too tight with everything there will be an impact on your constituents. Are you aware of that? Where, if this is just between the agency and City Council maybe that message doesn't get across as good as if Joe Minott of the Air Pollution Control Board was to say it. That is one thing, that as a member of the Air Pollution Control Board, I would like us to be aware of these things going on so that we can push it in a different direction.

MRS. RILEY: In some ways we are at a disadvantage because we do not perform a direct service to the public as other parts of city and the health department does. We provide an indirect benefit to the public. And because of that dynamic we are not always visible.

MR. MINOTT: Yeah but I also think that it is very easy for campaign contributors to City Council to say this regulation bothers me a little bit and if it's just AMS then they are just putting their agendas ahead.

MR. BATTLE: Yes, and we are ready to do our part. And we have other avenues. And again, on the educational piece and the schools, When you pursue that more let us know because I feel you can grow your constituency. And it will serve you well in the future when none of us are around and you will have groomed your constituency.
Any other comments on the presentation?
Thank you.

5. Next Meeting:

October 18, 2011 @2:00 PM, Room Y MSB 16th Floor.

6. Adjourn

MR. BATTLE: Motion to adjourn? Oops, we can't make a motion.
The meeting adjourned at 2:55 PM
Everyone have a great day.

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICES
AIR MANAGEMENT SERVICES

June 8, 2011

MEMORANDUM

TO: Air Pollution Control Board Members
FROM: Thomas Huynh, AMS Director
RE: Air Program Update

Air Quality

- From January 1 to April 30, 2011, there were 65 Good Days (54%), 54 Moderate Days (45%), and 1 Unhealthy Day (1%) that occurred on 1/1/11 due to fine particulate.
- Philadelphia has been classified as a nonattainment area for ozone for the 8-hour concentration (standard = 0.075 ppm), and for particulate matter of less than 2.5 microns in diameter for the 24-hour concentration (standard = 35 ug/m³) and the annual arithmetic mean (standard = 15 ug/m³).

Air Monitoring

AMS is still working with the Capital Program Office and PECO to connect electricity to the PAC station at Washington Ave & South Columbus Blvd (behind the Steel Workers Union building).

Regulatory Services Activities

From February 1, 2011 to May 31, 2011, AMS reviewed 55 air permits, 60 operating licenses, and 469 asbestos permits and licenses. AMS serviced a total of 258 citizen complaints – (86) involving air pollution, (43) involving asbestos, and (129) involving noise. AMS also performed 385 air and noise inspections and 650 asbestos inspections. In addition, AMS observed 367 vehicles at 22 locations and issued 10 citations for violations of the City's anti-idling rules. For this period, AMS issued 218 violations, resolved 235 Notices of Violation, and collected \$95,393 in fines and penalties.

State Implementation Plan

- On May 23, 2011, the Environmental Protection Agency (EPA) approved a State Implementation Plan (SIP) revision submitted by Pennsylvania with regards to the adoption of Control Techniques Guidelines for Paper, Film, and Foil Surface Coating Processes. There are two companies in Philadelphia subject to the regulation. The SIP approval is effective June 22, 2011.
- On June 2, 2011, the EPA approved a SIP revision submitted by Pennsylvania with regards to the adoption of Control Techniques Guidelines for Flat Wood Paneling Surface Coating

Processes. There are no sources in Philadelphia. The SIP approval is effective July 5, 2011.

Regulation X - Complex Source Review

AMS staff continues to work with the Commerce, City Planning, Streets, and Law Departments to draft the regulation.

Regulation XIV - Control of Perchloroethylene from Dry Cleaning Facilities

To date, AMS has conducted compliance assistance inspections for 24 dry cleaners. AMS also has been working with the Fire and Commerce Departments for a variance of the sprinkler system for certain hydrocarbon dry cleaners.

Strategic Plan

AMS staff continues to develop a 5-year strategic plan for the agency. AMS has gathered data through an online survey and held a meeting with several stakeholders on May 2, 2011. Alison Riley will update you on the status of the strategic development plan for your information.

Philadelphia Airport

The Philadelphia Airport has received the Governor's Environmental Excellence Award in 2011 for the replacement of 48 diesel-powered Ground Service Equipment (GSE) vehicles (baggage tractors) with electric GSE vehicles (baggage tractors), and installation of 15 recharging stations to service those vehicles.

City Council Updates

On May 25, 2011, Mayor Nutter signed Bill No. 110070 which was passed by City Council on May 5, 2011. The bill sets an annual fee of \$275 for renewable operating licenses for gas stations.

Pennsylvania Legislature Updates

On April 6, 2011, Pennsylvania House Representatives unveiled a seven bill package intended to promote clean energy growth in the Commonwealth by providing incentives for the use of natural gas as a vehicle fuel.

- HB 1083- Saylor - Establishes tax credits for private fleet vehicles to lessen incremental cost of natural gas vehicles.
- HB 1084 - Moul - Establishes a grant program for smaller mass transit agencies to cover the incremental cost of natural gas buses.
- HB 1085 - Watson - Establishes a revolving loan program for large mass transit agencies to cover the incremental cost of natural gas buses.
- HB 1086 - Marshall - Requires 25 percent of all new bus purchases made by large mass

transit agencies (SEPTA, PAT, Lehigh) in 2012-16 run on natural gas; 50 percent in 2017-2021; 75 percent in 2021-2026; and 100 percent in 2027.

- HB 1087 - Denlinger - Creates a natural gas corridor tax credit to encourage the construction of natural gas fueling stations along travel corridors.
- HB 1088 - Pickett - Dedicates the Alternative Fuel Incentive Fund to provide grants to municipalities, schools, and the private sector for the purchase of natural gas vehicles.
- HB 1089 - Perry - Repeals California Air Resources Board (CARB) section 2030 to eliminate costly duplication of EPA and CARB certifications for natural gas vehicles.

EPA Updates

- On March 11, 2011, EPA released the 2005 National-Scale Air Toxics Assessment (NATA) data to the public. The Philadelphia ambient air toxics that have a lifetime cancer risk of greater than one in a million are: formaldehyde, benzene, acetaldehyde, 1,3-butadiene, carbon tetrachloride, naphthalene, chromium compounds, arsenic compounds, pahpom, perchloroethylene, and ethylene oxide. Philadelphia shows a total cancer risk of 58 in a million and is ranked 87th out of 3222 counties in the nation.
- On March 18, 2011, EPA extended the Mandatory Greenhouse Gas Reporting deadline for Year 2010 data until September 30, 2011 from the original deadline of March 31, 2011.
- On March 21, 2011, EPA published Final Standards for Boilers, CISWI and Sewage Sludge Incinerators. The rules are effective May 20, 2011. Approximately 25 facilities in Philadelphia will be affected.
- On March 22, 2011, EPA requested proposals for Community-Scale Air Toxics Ambient Monitoring. AMS submitted a South Philadelphia Community Continuous Air Toxics Monitoring Project proposal on May 23, 2011, to purchase the Cerex UV Sentry DOAS air monitoring system and the Cerex SPECTRA-1 TDL, both of which are designed for continuous operation, to measure in real-time process releases and other temporal events that can be communicated to the community and industry.
- On March 31, 2011, EPA released Draft Roadmap for Incorporating Energy Efficiency and Renewable Energy Policies and Programs into SIPs.
- On April 19, 2011, EPA released a Policy Assessment for Review of NAAQS for particulate matter. EPA is considering revising the current annual standard of 15 micrograms per cubic meter (ug/m³) to a level within the range of 13 to 11 ug/m³, and the 24-hour standard of 35 ug/m³ to a level within the range of 35 to 30 ug/m³.
- On May 3, 2011, EPA published a Proposed MACT and NSPS for Utilities. AMS provided supporting testimony on May 24, 2011, at the Westin Philadelphia, 99 South 17th Street at Liberty Place in Philadelphia, PA. The proposal will reduce emissions of metals, including mercury, arsenic, chromium, and nickel; acid gases, including hydrogen chloride and hydrogen fluoride; and particulate matter. These pollutants are linked to premature death, cancer, heart disease, lung disease, and IQ loss. On June 2, 2011, City Council passed Resolution No. 110456. The resolution supports the Environmental Protection Agency's proposed emission standards for mercury and other air toxins.