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1 CITY OF PHILADELPHIA
2 DEPARTMENT OF PUBLIC HEALTH
3 MEETING OF THE AIR POLLUTION CONTROL BOARD

4 - - -

5
6 HELD BEFORE: Eddie R. Battle, Chair
Arthur L. Frank, MD, PhD
7 William C. Miller, PhD, PE
Donald Schwarz, MD, MPH
8 Joseph O. Minott

9
10 ALSO PRESENT: Thomas Huynh, Director of AMS
Alison Riley, AMS
11 Patrick K. O'Neill

12
HELD AT: Main Auditorium
13 500 South Broad Street
Philadelphia, Pennsylvania 19146

14
15 HELD ON: Wednesday, November 17, 2010
2:00 p.m.

16
17 REPORTED BY: Janice Philomena Vanore
Professional Court Reporter

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19 - - -

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1 (Whereupon, the meeting commenced
2 at 2:03 p.m.)
3 CHAIRMAN BATTLE: Good afternoon,
4 everyone. Today is Wednesday, November
5 17th, 2010. The Air Pollution Control Board
6 is in session. I want an introduction of
7 the board members please.

8 MR. MILLER: Bill Miller, Temple
9 University Board Member.

10 MR. BATTLE: Ed Battle.

11 MR. MINOTT: Joe Minott, Clean Air
12 Council Board Member.

13 MR. SCHWARZ: Don Schwarz,
14 Commissioner of Health.

15 MR. FRANK: Dr. Arthur Frank.

16 CHAIRMAN BATTLE: We have five
17 members of the board present today, and we
18 do have quorum.

19 There's a change in the agenda for
20 today. We'll go right into action on the
21 minutes.

22 No, we'll go right into dry
23 cleaning regulations, and then we'll follow
24 the agenda after that.

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1 So, with the dry cleaning
2 presentation, may we have that please?

3 MS. RILEY: Good afternoon. My
4 name is Alison Riley. As I said, I'm the
5 Air Management Services, and I'm going to
6 talk a little bit about the dry cleaning
7 rules today.

8 So, just some key dates, I know
9 most of you are familiar with the process.
10 So, September 4th, 2007 the Air Pollution
11 Control Board directed AMS to draft a
12 regulation to control Perchloroethylene.
13 The Board voted on June 24th, 2010 to pass
14 the regulation. The records were published
15 in three newspapers -- the Department of
16 Records published the notice in three
17 newspapers on July 6th.

18 There was a public hearing held on
19 August 12th, and the comment period at that
20 time was extended to the 20th of August.

21 There was also a meeting with the
22 n-Propyl Bromide dry cleaning solvent
23 producers on October 7th, 2010, and November
24 3rd.

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1 So, here is sort of a recap of a
2 hearing that we had back in August. There
3 were about 70 attendees. We have 22
4 comments from over 35 people. I'm going to
5 go through them in a little more detail, but
6 here is a brief list. There were some
7 questions about the specific changes to the
8 regulation, some ongoing inquiries about the
9 health effects of Perc, a lot of people
10 wanted to know why the City is focussing on
11 dry cleaners at all. There's inquiries
12 about the -- there's some statements about
13 the state of the economy and requests for
14 financial assistance.

15 There was some questions about
16 advanced machines, how 4th generation
17 defines, and what more has to be done. And
18 also some questions about the commercial
19 locations. Some ask why the City is more
20 stringent than the Federal Government.
21 There was some questions about alternatives
22 to Perchloroethylene. The ban on n-Propyl
23 Bromide was brought up, and some questions
24 about the due process behind that were

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1 included.

2 There was a number of comments
3 according to regulation, and there was some
4 hearing requests. The total comment
5 response document including all appendices
6 is 372 pages. We have not printed out all
7 those pages for you. The appendices and the
8 supplementary documents are online on our
9 website. We have printed out just the
10 comments and responses, just that portion of
11 the document.

12 It will be written out in one of
13 the slides at the end, but for your
14 reference, it's
15 www.phila.gov/health/airmanagement.

16 So, we did make some changes to the
17 regulation as a result of some of the
18 comments that were received. And the

19 sections where these are addressed are at
20 the bottom here. I'm not going to read
21 them, but if you're interested in the
22 section, that's the reference there to that
23 portion of the regulation to see what we've
24 changed.

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1 In response to some of the
2 oppositions about the temperature
3 differential and how to measure that, the
4 regulation has been adjusted to accommodate
5 some of the newer machines in response to
6 the concerns about the ability of the
7 machines to read a temperature differential.
8 So, now the regulation states that you must
9 ensure that the air outlet temperature is
10 less than or equal to 45 degrees Fahrenheit
11 and the pressure gauges must ensure the
12 pressure is within the manufacturers
13 specified range.

14 There was a number of comments
15 about vaporizing treated water. We changed
16 the regulations to include an approved
17 method for vaporizing solvent. This must be
18 approved by AMS before using this method,
19 but it is possible now to vaporize solvent
20 with a pre-approval from AMS. And again,
21 you also must comply with Water Department
22 regulations if you're going to be charging
23 any waste water.

24 In response to the 25-foot buffer

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1 requirement, we have allowed now some
2 flexibility. Its levels are acceptable at
3 ventilation point, that means any window,
4 doorway, air and light, anywhere that air
5 can move from inside the building to the
6 outside or vice versa. And, of course, the
7 concentration has to be less than 40 ppb.

8 In response to some issues about
9 loading and unloading textiles in the
10 machine, and the exceptions for short-term
11 maintenance, we've included a variance that

12 to the 25 leak check requirement, it's now
13 possible to exceed that 25 foot special
14 during maintenance and operation,
15 specifically the unloading and loading. So,
16 that's not considered a violation anymore.

17 In response to some comments about
18 replacing door gaskets every two years, it
19 is now not required to replace the gaskets
20 every two years. However, they still must
21 be repaired if there's a leak. And you will
22 be required to maintain them in accordance
23 with the manufacturers specification.

24 And some of the terminology is

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1 listed at the top here; regeneration,
2 exhausting, lint filters, pre-filters, and
3 activated carbon, we've eliminated some of
4 that to avoid any confusion.

5 In response to the issues with
6 duplicate record keeping, I believe we
7 passed out some calendars, these are
8 provided by the State of Pennsylvania, if
9 anybody hasn't gotten a copy.

10 My understanding is that these have
11 little check marks, little boxes that you
12 can check to make sure that you're
13 maintaining your equipment appropriate to
14 the state regulations. This is okay, as
15 long as you also include any additional
16 regulation or any additional requirement
17 from the City. You can add these in
18 manually. You can write them in yourself.
19 You must include all relevant maintenance
20 and any incidents that come up. If there's
21 another issue, another appointment, that's
22 required to be recorded in here. All of
23 that has to be included in here, but you
24 don't have to maintain two different sets.

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1 In response to regrouping the total
2 ban on n-Propyl Bromide, the regulation
3 matches it with the specifications for
4 Perchloroethylene. There are new

5 requirements for n-Propyl Bromide. Sections
6 2-8 must meet those set out in there with
7 modifications.

8 You must obtain a permit or a
9 license before you can operate any n-Propyl
10 Bromide machine. In a co-commercial
11 facility, the listed threshold must be met.
12 You can't exceed 40 ppb in adjoining sites,
13 there's a 10 ppm fugitive emission limit,
14 and 225 ppb cease operations immediately
15 limit. So, the regulation now reflects
16 those new allowances.

17 There were a number of other
18 comments that weren't specifically addressed
19 with changes to the regulations. So, I want
20 to go through those just briefly.

21 There seems to be a continued
22 belief that Perc -- that there's some
23 concerns whether the health dangers that we
24 post are real, or there's a real threat to
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1 the public, and we just wanted to remind
2 everybody that there are chronic health
3 effects associated with these that we wanted
4 to consider here, and we want to be
5 sensitive to the dry cleaners as well.

6 We are continuing to test at high
7 exposures and levels at the located sites.
8 We still believe that the 4th and 5th
9 generation machines unrestricted, pose a
10 health risk. And we think that viable
11 alternatives do exist. And we have
12 consulted with the Fire Department and the
13 Water Department, and no issues have arisen
14 from this discussion.

15 In response to some of the comments
16 about financial assistance, the state does
17 have a couple of grant programs and loan
18 programs that could provide funding for dry
19 cleaners wishing to switch their equipment.
20 I've added this additional one, the third
21 one, there's three bullets, that's not on
22 the printed out copy of the certification,

23 so if you're interested in that, I can go
24 back -- I'll leave this up at the end, and
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1 you can write down the website.

2 There was just a couple of points.

3 There seems to be some ongoing confusion
4 about some of the details about the
5 regulation. So, we wanted to clarify these
6 once more.

7 Since 2006, EPA has prohibited new
8 co-residential Perc dry cleaning equipment.
9 The regulation only prohibited the use of
10 Perc in new co-located facilities and
11 existing co-residential and co-sensitive
12 after the end of 2013. So, again, there
13 will be three years before this goes into
14 effect, starting the first day of 2014.
15 That is the first day that this will be
16 fully implemented.

17 And, again, there's also a
18 provision. You can petition AMS by July
19 1st, 2013, and you can demonstrate that the
20 airborne concentration in adjoining sites is
21 at or below 40 ppb, there is a provision for
22 continuation of the use of Perc as of that
23 date. I'm sorry, after the 1st of 2014.

24 The next steps are that the Board
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1 will vote on the regulation. If it's
2 passed, it will be approved by the Law
3 Department and will be filed along with the
4 comment/response document to the Department
5 of Record. The regulation will become
6 effective ten days after that filing date.

7 We will be setting up some
8 compliance assistance workshops. Our staff
9 will be -- we're going to set up several
10 workshops, we're not sure how many yet, but
11 we'll be setting up a number of workshops to
12 make sure that everyone who wants more help
13 figuring this out, to make sure you're in
14 compliance, we're willing to help you with
15 that. We'll do whatever we can.

16 And the agency will work with the
17 owners/occupants of adjacent co-commercial
18 sites to explain the rationale behind
19 sampling, if there's any issues there. We
20 think this is a good compromise to balance
21 the health concerns that the people have.

22 And we also will be investigating
23 other sources of Perc or n-PB in co-located
24 sites.

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1 And this is our website, if anybody
2 again, wants to go look at the entire
3 comment response document, all 372 pages of
4 it, that's available on our website, along
5 with other documents related to dry
6 cleaning.

7 To the Board, I'll ask are there
8 any questions?

9 CHAIRMAN BATTLE: No, not at this
10 time. Thank you.

11 There is an Ad Hoc Committee that's
12 been very active in this, and we'll hear
13 recommendations from the Ad Hoc Committee.

14 MR. MINOTT: I am a proud member of
15 the Ad Hoc Committee, and as such will be
16 making three separate recommendations to the
17 Air Pollution Control Board.

18 The first is I recommend that we
19 accept or adopt, whatever the right
20 terminology is, the report by Adam, which is
21 entitled Rationale for, and Derivation of,
22 Performance Standards for n-Propyl Bromide
23 in Commercial Dry Cleaners, and it is Adam's
24 11/4/2010 report, specifically.

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1 CHAIRMAN BATTLE: Thank you.
2 That's the recommendation. Is there a
3 motion?

4 MR. FRANK: I make a motion to
5 adopt that report.

6 CHAIRMAN BATTLE: Is there a
7 second?

8 MR. SCHWARZ: Second.

9 CHAIRMAN BATTLE: So moved.

10 Discussion on the recommendation?

11 Is there any comments?

12 Okay. Now we'll take the vote.

13 Any comments from the audience?

14 Okay. Now we'll vote. Those in
15 favor of the report being adopted say aye.

16 (Whereupon, all those in favor say
17 aye.)

18 CHAIRMAN BATTLE: Opposed? So
19 moved.

20 The vote was unanimous. Thank you.

21 Next recommendation.

22 MR. MINOTT: Okay. So, the Ad Hoc
23 Committee had a further recommendation and
24 that is we recommend adoption of the Air

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1 Management Regulation 14, control of
2 emissions from dry cleaning facilities, the
3 comment response document dated November
4 5th, 2010.

5 MR. FRANK: I make a motion to
6 adopt that document.

7 CHAIRMAN BATTLE: Is there a
8 second?

9 MR. MILLER: Second.

10 CHAIRMAN BATTLE: Discussion? Any
11 comments from the audience?

12 Those in favor of the report say
13 aye.

14 (Whereupon, all those in favor say
15 aye.)

16 CHAIRMAN BATTLE: Opposed? The
17 vote was unanimous.

18 Joe, next recommendation.

19 MR. MINOTT: Last but not least,
20 the Ad Hoc Committee recommends the adoption
21 of Air Management Regulation 14, control of
22 emissions from dry cleaning facilities, it
23 is the November 5th, 2010 draft that came
24 after the August 12th, 2010 hearing as

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1 modified.

2 CHAIRMAN BATTLE: Thank you.

3 MR. FRANK: I make a motion to
4 adopt that regulation number 14.

5 CHAIRMAN BATTLE: Is there a
6 second?

7 MR. SCHWARZ: Second.

8 CHAIRMAN BATTLE: Discussion? Any
9 comments from the audience?

10 Those in favor of approval of the
11 recommendation say aye.

12 (Whereupon, all those in favor say
13 aye.)

14 CHAIRMAN BATTLE: Opposed? The
15 vote was unanimous. Thank you very much.

16 We'll go back to the normal agenda
17 now. Action on the minutes. You had an
18 opportunity to review the minutes. Are
19 there any corrections or additions to the
20 minutes?

21 Hearing none, is there a motion to
22 approve the minutes?

23 MR. SCHWARZ: So moved.

24 CHAIRMAN BATTLE: Second?

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1 MR. FRANK: Second.

2 CHAIRMAN BATTLE: So moved.

3 All those in favor say aye.

4 (Whereupon, all those in favor say
5 aye.)

6 CHAIRMAN BATTLE: Opposed?
7 Unanimous.

8 Point number three, program update.
9 Tom.

10 MR. HUYNH: Good afternoon,
11 Chairman Battle and Members of the Board.
12 My name is Thomas Huynh, and I am AMS
13 Director. I would like to report to the
14 board the progress in the late meeting in
15 June 2010.

16 Air Quality: This year we had 24
17 unhealthy days for ozone, compared to last
18 year we had 3. The highest 4th daily
19 maximum 8-hour concentration for 2010 is

20 0.088 ppm at the Northeast Airport
21 monitoring site.

22 As you know, Philadelphia has been
23 classified as nonattainment for ozone
24 particular matter less than 2.5 microns for
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1 annual and 24-hour average.

2 On Air Monitoring site, we
3 installed new air monitors at the National
4 Core site, Baxter Treatment Plant in
5 Northeast Philadelphia, we are required to
6 upgrade old monitors by January 1st, 2011 by
7 EPA. We are still working on the
8 installation of air monitors at Pier 53.

9 On July 1st, 2010, AMS submitted to
10 the EPA Regional Administrator the 2010/2011
11 Air Monitoring Network Plan for Philadelphia
12 along with the 5-year Air Monitoring Network
13 Assessment.

14 Regulatory Services Activities:
15 From June 1st, 2010 to October 31st, we
16 reviewed 460 permits and licenses, we
17 responded to 736 citizen complaints, we
18 performed 158 inspections, ozone 1153,
19 vehicles at 28 locations, and issued 32
20 citations for violations of idling.

21 For this period, we issued 250
22 violations, resolved 164, and collected
23 \$166,139.00 in fines and penalties.

24 Air Toxic: EPA is going to release
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1 its ongoing comprehensive evaluation of air
2 toxics in the United States in December of
3 this year. Based on a preview of the
4 results, Philadelphia shows a total cancer
5 risk of 62 in a million, and they rank 87
6 out of 3222 counties in the nation. This is
7 an improvement from the 1999 assessment,
8 which we ranked 55 with an overall cancer
9 risk of 65 in a million.

10 State Implementation Plan: EPA had
11 approved the 1-year extension for attaining
12 the 1997 8-hour ozone standard. This is for

13 '08 for the Philadelphia Nonattainment area
14 in November of this year.

15 EPA is expected to finalize its
16 reconsideration of the ozone standard.

17 Right now it's 75 ppb, and they expect to
18 finalize it by December of this year.

19 Regulation 10: We are still
20 working on the regulation. We hope it will
21 be available for the Board by the next
22 meeting.

23 Regulation 11: As you know, the
24 regulation has been passed, so we have to go

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1 to the public hearing, and that's been
2 passed.

3 Strategic Plan: AMS staff members
4 are currently working on developing of the
5 strategic plan for the agency.

6 Philadelphia Airport: AMS and
7 State staff currently toured the
8 Philadelphia International Airport where
9 they installed 38 electrical ground support
10 equipment. They used to be diesel vehicles,
11 now they've been moved to electric, and they
12 are now being operated by US Airways under a
13 federal ARRA program.

14 Diesel Emission Reduction Act: The
15 Diesel Emission Reduction Act Grant has
16 reopened and the City is working with a
17 partner to submit a grant for the funds.

18 Pennsylvania Updates: On September
19 11 and October 2, Pennsylvania has finalized
20 two rules, Large Appliance and Metal
21 Furniture Surface Coating Processes and the
22 Outdoor Wood-Fired Boilers. Philadelphia
23 has three facilities subjecting to the metal
24 furniture.

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1 On September 25th, 2010, it also
2 proposed a rule to limit sulfur in
3 commercial fuel oil for combustion units.
4 The public comments for this rule will be
5 closed on Monday, November 29th, 2010. If

6 the rule is passed, the Air Management Code
7 and Regulation III needs to be revised.

8 EPA Update: On June 15th, EPA
9 notified 12 states that they are being
10 designated as nonattainment for the lead
11 standard. Philadelphia was not included in
12 this standard. The standard imposed a
13 finalized 0.15 micrograms. It's a 1.10
14 difference. The standard used to be 1.5.

15 On June 28th, EPA issued a final
16 ruling adding four source categories to
17 greenhouse gas requirements. They are
18 magnesium production, underground coal
19 mines, industrial wastewater treatment, and
20 industrial waste landfills. They have to
21 report, starting January 1st, 2011, and the
22 first report will be due on March 31st,
23 2012. Philadelphia has two wastewater
24 industrial treatment plants, but they

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1 already subjected that because they had the
2 emission over 25 tons of steel.

3 On July 6th, 2010, EPA proposed a
4 Transport Rule to reduce emissions of
5 nitrogen oxides and sulfur dioxide from
6 power plants in 38 states on the eastern
7 half of the United States.

8 This Transport Rule is designed to
9 eliminate emissions of NOx and SO2 that
10 significantly impact downwind states'
11 nonattainment.

12 The Transport Rule would cap NOx
13 emissions at 1.3 million tons in 2012, the
14 cap would remain unchanged in 2014. For
15 SO2, the cap would be at 3.4 million in
16 2012, and 2.6 in 2014.

17 The rule limits the amount
18 allowance that can be created out of state.
19 AMS testified to support the rule, and
20 recommends further NOx reduction at the
21 hearing in Philadelphia on August 25th.

22 On August 20, EPA published its
23 final rule to limit emissions of HAPs from

24 existing natural gas-fired stationary

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- 1 reciprocating internal combustion engines.
- 2 That limits the emission of formaldehyde,
- 3 benzene, acetaldehyde, and other air toxics.

4 We have about 25 to 30 in

5 Philadelphia subjected to this.

6 September 2nd, EPA had proposed a

7 Prevention of Signification Deterioration

8 for greenhouse gas. They have two under

9 this program. Some have to revise their

10 regulation and others get authority.

11 Philadelphia has still approved under

12 Regulation XIII, and we notified our right

13 with the PSD regulation of the federal

14 program.

15 On October 21, 2010 EPA published

16 in the Federal Register proposals to six

17 NESHAPs regulations: Hard and Decorative

18 Chromium Electroplating and Chromium

19 Anodizing Tanks, Polymers and Resins, Marine

20 Tank Vessel Loading Operations,

21 Pharmaceutical Production, the Printing and

22 Publishing Industry, and Steel Pickling,

23 Hydrochloric acid Process Facilities and

24 Hydrochloric Acid Regeneration Plants.

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1 AMS will be affected for the

2 proposals related to six NESHAPs, but not

3 with the proposals related to Air Toxics

4 Emissions from new and existing sewage

5 incinerator.

6 On October 25th, 2010, EPA and the

7 Department of Transportation proposed

8 greenhouse gas and fuel efficiency standards

9 for medium and heavy-duty on road vehicles

10 and engines. The proposed standards would

11 apply to model year 2014 to 2018 vehicles.

12 For vehicles more than 8,500 pounds, the

13 program would reduce greenhouse gas

14 emissions by approximately 250 million

15 metric tons and save 500 million barrels of

16 oil over the lives of vehicles for the first

17 five years, and provide \$41 billion in net
18 benefits.

19 On November 2nd, 2010, EPA released
20 a final policy assessment for CO National
21 Ambient Air Quality Standards.

22 The staff concludes that it would
23 be appropriate to consider a range of levels
24 between 5 and 15 million for a revised
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1 1-hour CO standard. Philadelphia current CO
2 standard is 3.6, maximum concentration at
3 3.6 ppm.

4 Thank you for your attention. We
5 will now be happy to answer any questions
6 that you might have.

7 MR. MILLER: On the Air Management
8 Code and Regulation III Amendment, initially
9 the Air Management Code back in 1969, the
10 code in the first three regulations came out
11 as a package, and there was an issue there
12 of the sulfur dioxide regulations being in
13 the code. In other words, you had a
14 legislative process under the code by the
15 City Counsel, and the regulation itself
16 also. And that was considered to be
17 problematic, because if you had one change
18 of regulation, you had to change the code.

19 Is there any plan to separate that,
20 or is it still stay as originally designed
21 in terms of the code and the regulation?

22 MR. HUYNH: Well, we are waiting to
23 get more finalized from the state of
24 Pennsylvania, and then we need to work with
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1 City Counsel to amend the code first before
2 the regulation can be revised.

3 MR. MILLER: But amending it as is,
4 not amending it to remove the dual --

5 MR. HUYNH: We could amend the
6 regulation on that. So, we're not
7 incorporating, we just refer to the code.

8 MR. MILLER: That's the problem.

9 MR. O'NEILL: Mr. Miller, I think

10 we understand what your suggestion is. As
11 of right now, in the Philadelphia Air
12 Management code, some of those sulfur
13 requirements are set in the code. And the
14 new reg expected from the state is going to
15 end up being more stringent in a number of
16 areas. We understand we need to change
17 that.

18 I think your suggestion, and it
19 sounds like a good suggestion, that the code
20 be amended in a way so that it empowers AMS
21 to continue to set those standards, that
22 they be set by regulation as opposed to
23 being in the code.

24 MR. MILLER: As all other

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1 regulatory action.

2 MR. O'NEILL: Well, certainly in
3 the Air Management code, yes. But the feds
4 have the same problem. They occasionally
5 concrescent something in a statute that
6 would be better set in a regulation, but
7 that's a good point.

8 MR. MILLER: I just thought it
9 could be an option. And I guess you already
10 answered the other question, if they're
11 going to make it more stringent?

12 MR. O'NEILL: Yes.

13 CHAIRMAN BATTLE: Joe Minott.

14 MR. MINOTT: I'm Joe Minott, a
15 member of the Air Pollution Control Board.
16 I have a series of questions. One is in
17 your report you talk about 24 unhealthy days
18 in Philadelphia. I assume that's the City
19 itself or is that the region?

20 MR. HUYNH: The City itself.

21 MR. MINOTT: And do you know what
22 it was for the region?

23 MR. HUYNH: For the region, I think
24 almost the same thing. Either maybe 24 or

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1 25. It would be one or two days different,
2 but for the state we would be more.

3 MR. MINOTT: Okay. And in terms of
4 the regulatory services activities where
5 there were 524 complaints for air pollution,
6 in the future when you have this, can you
7 sort of break it down, the nature of them,
8 and I'm particularly interested in the
9 geography? So, is it problematic in one
10 specific neighborhood, or is it literally
11 all over the place?

12 MR. HUYNH: It's all over the
13 place, but the most concentrated would be in
14 the district, the city area, that's mostly
15 50 percent of them.

16 MR. MINOTT: But here you have 524
17 for air pollution and 173 for noise.

18 So, I assume the 524 does not
19 include --

20 MR. HUYNH: Right. But what I say
21 in most would be occurring in Temple, Center
22 City, and about 50 percent of the complaints
23 in Center City would be noise.

24 MR. SCHWARZ: We could map the 524.
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1 MR. HUYNH: We could provide that
2 for you next time.

3 MR. MINOTT: I just want to take
4 the opportunity to say that I think that
5 Regulation X is a really important
6 regulation, and I think it's great that it's
7 being looked at again and looked forward to
8 coming to the Air Pollution Control Board as
9 soon as it's been properly bettered.

10 And in terms of the strategic plan,
11 is there an opportunity for board members to
12 participate in that? Do you know is there
13 going be some input from the board? Should
14 the board meet separately and sort of talk
15 about it?

16 MR. HUYNH: Right now, when they
17 are ready we will invite all the board
18 members, EPA, DEP, and all the other members
19 of the public in the industry as well.

20 Right now we have to go through the

21 process, get ourselves up to speed and
22 prepare before we meet, but we probably will
23 with the board sometime after 2011.

24 MR. MINOTT: Thank you.

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1 CHAIRMAN BATTLE: Okay. Arthur?

2 MR. FRANK: This is Arthur Frank,
3 also a member of the board. I was just
4 curious, Mr. Huynh, if you would comment,
5 you mentioned that there were 24 unhealthy
6 days or nonattainment days this passed year,
7 and I think I heard you say there were 3 the
8 year before. Can you comment why the big
9 difference?

10 Is there something going on, or is
11 it just the climate?

12 MR. HUYNH: The year before because
13 the climate is very cold, really cool, a lot
14 of rain. Last summer it rained, we had
15 about 60 days more than 90 degrees, and
16 that's one of the contributions that we had
17 more -- the ozone -- when the temperature is
18 really high and hot.

19 MR. FRANK: Thank you.

20 CHAIRMAN BATTLE: Are there other
21 questions?

22 MR. MILLER: Bill Miller, Member of
23 the Board. Could you give a real brief
24 comment on what is happening to Regulation

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1 X? I'm familiar with it and it was very
2 broad in scope and really had, what I would
3 say, no teeth.

4 MR. HUYNH: Regulation X sometime,
5 I guess two years ago, we had a special
6 master from the State Supreme Court
7 invalidate it, and we talked with the Law
8 Department, and they recommended the
9 re-draft. We had to go through a process
10 and that regulation we tried to small focus
11 on transportation. That needs to be worked
12 out with the City Planning Streets
13 Department, and all the people that work

14 with the L&I and Streets.

15 Because there are certain parts of
16 the regulation that require the traffic
17 study that we need, Streets to reviewing it,
18 but they do not have the authority for
19 people to subject a traffic study impact,
20 and we tried to make it simplify. And the
21 current regulation is really complex, and it
22 gets caught with everything.

23 We tried to simplify it with what
24 really we need, because one is more

0032

1 concentrate on any project that may impact
2 on the air quality standards.

3 Hopefully by sometime next board
4 meeting we will have something to propose to
5 the board. Right now we still have to
6 circulate that with all the departments to
7 make sure their input -- because they
8 somehow -- City Planning and the Streets
9 Department, L&I as well.

10 MR. FRANK: Is there any option for
11 it to just be deleted as a regulation?
12 Because it was really more of a policy
13 statement that had no enforcement
14 capability. It is not really a regulation
15 in the sense of typical regulations that are
16 --

17 MR. HUYNH: If you look at it this
18 way, we also look at it to find ways we can
19 eliminate it, but they still have it because
20 the -- the first thing we were concerned
21 about is CO. CO may not be a problem, but
22 then you look at PM 2.5 and that may be a
23 problem with transportation, and that's when
24 we made the decision that we're not going to

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1 drop that regulation.

2 And that's one of the reasons we
3 take more time to do a much better study
4 before we re-drafted it. But it will only
5 be re-drafted in some ways, because the
6 nature hasn't changed, and also you have to

7 consider that the City no longer
8 manufactures transportation, and the diesel
9 emission. And we don't know if the casino
10 on Columbus Street you will have like Vegas
11 strip.

12 So, that taken into consideration.

13 MR. FRANK: Thank you.

14 CHAIRMAN BATTLE: Other questions
15 or comments? Thank you, Tom.

16 MR. HUYNH: You're welcome.

17 CHAIRMAN BATTLE: Okay. Number
18 four on your agenda, Philadelphia Regional
19 Port Authority, that report will not be
20 given today, but at some later date. They
21 have something more pressing.

22 Tom, give us an update on that
23 briefly.

24 MR. HUYNH: They had something to

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1 do with bromide, and the person who is
2 supposed to make a presentation had to talk
3 present to the board.

4 CHAIRMAN BATTLE: Thank you.

5 Number 6, new business. Do we have anything
6 new business?

7 Thank you. And adjournment.

8 MS. MEMBERK: Can I make a little
9 comment? I should've made it earlier.

10 CHAIRMAN BATTLE: Please.

11 MS. MEMBERK: Carol Memberk. I
12 would like to really thank the Board for
13 listening to so many of the problems we
14 thought might occur and addressing them. I
15 can't say I'm 100 percent thrilled with the
16 regulation, but then we didn't expect to be.
17 But we are pleased that it turned out as
18 well as we could've expected.

19 I'd like to offer the help of our
20 association with compliance. We want to
21 have a good relationship with you and with
22 the Board, and any assistance we could give
23 you in following through we'd be really glad
24 to help you in any way that we can.

0035

1 CHAIRMAN BATTLE: Thank you, Carol,
2 and it's our pleasure.

3 Yes, identify yourself.

4 MR. WISE: I want to carbon copy
5 what Carol just said. I'm Lenny Wise from
6 the National Cleaners Association. And we
7 also, you know, are willing to do what we
8 can to see -- to make sure that this is a
9 smooth transfer of information to our
10 members and other cleaners who are not
11 members too.

12 CHAIRMAN BATTLE: Thank you.

13 MR. SCHWARZ: On behalf of the
14 department, thank you. And on behalf of the
15 Board, we are serious about providing
16 technical assistance from the department and
17 working with you on the nature of that,
18 making sure that it is relevant to the dry
19 cleaners who need information, and helping
20 to get the word out about that.

21 MS. MEMBERK: We have had several
22 members of our association who have offered
23 to come in and assist in showing you how dry
24 cleaners will understand.

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1 MR. SCHWARZ: Great. That would be
2 very important.

3 MS. MEMBERK: So, if you want to
4 contact me, I can set that up.

5 CHAIRMAN BATTLE: Thank you, Carol.

6 MR. MINOTT: Joe Minott. I just
7 sort of have a general comment to make about
8 regulating area sources and actually some
9 mobile sources, which I think is going to be
10 one of the main focuses of the Air Pollution
11 Control Board going forward.

12 I do think that it's important for
13 the Board to look at financing mechanisms.
14 We're more likely to come across, you know,
15 a lot more Mom-N-Pop shops and trucks that
16 are owned by the person that owns it, and
17 that type of thing. And I don't know how

18 creative we can be, but I do think it's
19 something that would be worth sort of
20 looking into, so that we can sort of help
21 make that transition.

22 Now, a lot of regulations -- when
23 you regulate something you get a two-for.
24 You reduce the pollution and often make the
0037

1 operation more efficient, which means you
2 use less energy, so it pays for itself in a
3 number of years. But I do think we should
4 look at that financing mechanisms.

5 CHAIRMAN BATTLE: Thank you. Other
6 comments?

7 MR. KIM: My name is Jason Kim, the
8 Korean Dry Cleaners Association. I think I
9 came to the meeting a little late and I
10 think I must have missed a very important
11 section which I have concerns with.
12 Obviously, it looks like the older comments
13 that we have made at the public hearing, it
14 looks like a lot of the answers were already
15 printed out on a written paper. So, I have
16 to go through this.

17 But just quickly looking at this,
18 obviously from the last regulation, the N-PB
19 is not anymore banned, and no longer except
20 co-residential and co-sensitive areas.

21 MR. HUYNH: That's true.

22 MR. KIM: Does that mean that in
23 commercial area we are allowed to use N-PB
24 in the City of Philadelphia?

0038

1 MR. HUYNH: What you do is you're
2 required to have a permit first. There are
3 differences between the regulation right now
4 for Perc and N-PB. They are slightly
5 different.

6 For Perc you have six months to
7 apply for a permit. For N-PB you have to
8 have a permit before you even use it.

9 MR. KIM: The reason for my
10 question for that particular area is not

11 because of the process, but because of the
12 options that we have for the dry cleaners.

13 As we have pointed out in the
14 public hearing, there's a lot of different
15 alternatives that the Board is suggesting we
16 have an option to. However, in feasibility,
17 you know, for some dry cleaners they can
18 actually use the alternatives that you're
19 providing, however most of the dry cleaners
20 that I have contacted with, regardless of
21 what choices they have, at this time it's
22 very difficult for them to make that switch.

23 However, when I heard the
24 representation from MPV, it makes most sense

0039

1 for dry cleaners to use this particular
2 alternative, because first as you have
3 mentioned about financial area, where the
4 dry cleaners are going to have -- going to
5 face if they have to make any type of
6 switch, the MPV requires no switching in
7 machines, only a small parts of the
8 equipment.

9 So, it makes no sense. And the
10 reason why I bring that out is because as --
11 you know, every different alternative that
12 you're suggesting, they're telling dry
13 cleaners that's the best option. They
14 represent themselves as they are the best
15 option. And dry cleaners are listening to
16 all the different representation.

17 However, to us it makes most sense,
18 because we don't have to change the machine,
19 just have to change the small parts. And if
20 that's the case, I think the cleaners will
21 choose this particular option.

22 MR. HUYNH: Mr. Kim, you have to
23 look at the regulation. The department has
24 concerns about Perc and N-PB. That's the

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1 two solvent chemicals that have cancer
2 suspect, that have power impact. That's the
3 department's concern. If you use those two

4 chemicals, you have been regulated.

5 Now, when you do dry cleaning, you
6 could use all the solvent, which right now
7 we are not -- they may have some impact, but
8 how impact or not at the level that we have
9 concerns to be regulated.

10 So, if you use Perc because you're
11 already using that, there is some
12 requirements that you have to comply.

13 MR. KIM: I understand.

14 MR. HUYNH: Now, for N-PB, as far
15 as we know, there's no facility in
16 Philadelphia using N-PB. You are required
17 to submit the permit to the department that
18 you're able to meet in compliance before
19 you're even able to use it.

20 Both chemicals, the department
21 still has concerns, and that's why we
22 regulate, and that's why we make sure when
23 you're using it, you're not an impact to the
24 person who lives or works next door.

0041

1 MR. KIM: Right. We definitely
2 have a different standard. Right now, the
3 Air Management service is making -- you're
4 making it -- your points are that the dry
5 cleaners are regularly -- right now, you're
6 saying that we are -- by using the Perc,
7 we're endangering the society. If we don't
8 -- if we continue to use the Perc.

9 And, you know, we're saying we're
10 not, because we are working with it, and
11 nobody is facing a -- in a broad term, as
12 long as we maintain all the requirements
13 that you're supposed to be setting a
14 standard for, we have no problem with that.
15 But some dry cleaners are facing, ones that
16 are using 3rd generation maybe, or ones that
17 are not -- if they can not meet your
18 requirement, they have to make a switch.

19 Now, what are their alternatives?
20 The other switch might cost a lot of money,
21 and if they -- within the guideline, if they

22 want to choose N-PB, then they are allowed,
23 if they're in a co-commercial area.

24 MR. HUYNH: If they meet the
0042

1 regulation. If they're able to demonstrate
2 and meet the regulation, then they get the
3 permit. That's all I can tell you right
4 now. It's spelled out in the regulation
5 what condition they have to meet.

6 If you use Perc, then you still can
7 do that too.

8 MR. KIM: All right. Then let me
9 ask you this. Are you actually monitoring
10 each dry cleaners whether they are actually
11 meeting the requirements that you set forth?

12 MR. HUYNH: The regulation coming
13 now, and there are certain timeframe you
14 have. We will have some work stuff to
15 educate the dry cleaners of what the
16 requirement is, and we will have people.

17 MR. KIM: No. My question is
18 there's about 100 something stores in the
19 City of Philadelphia, and there's about 60
20 plus dry cleaners that are Perc-using dry
21 cleaners right now.

22 Do you know which cleaners, out of
23 those 60 something dry cleaners, what
24 cleaners are meeting the standards and what
0043

1 are not?

2 MR. HUYNH: At this point in time I
3 can not tell you that.

4 MR. KIM: I don't think you do,
5 because none of the 63 dry cleaners that I'm
6 referring to have any visit from Air
7 Management Service to let them know whatever
8 they are operating, whatever the standard
9 they're at, whether they are violating or
10 they're meeting the requirement. Nobody
11 knows that.

12 Therefore, when you are -- on
13 paperwork, when you make all these
14 statements, they are fine, but these people

15 need to make a choice right now, whether
16 they have to change to another machine, or
17 whether they can use the same machine and
18 stay as is. Nobody knows. And you have not
19 made any site visitation and tell them
20 because of this and this and this is wrong,
21 you're not meeting the requirement. Either
22 you have a choice of, you know, going to
23 another choice or update and improving
24 whatever is creating a pollution.

0044

1 There's no control right now, and
2 all the cleaners, you know, they're in dark.

3 MR. HUYNH: Mr. Kim, we say we're
4 going to have work stuff to try to educate
5 the dry cleaners, what the requirement is,
6 and now the engineer is going to visit and
7 inspect and make sure that the dry cleaners
8 meet the requirements or not.

9 At this time, we don't have the
10 right, so we can not tell you what it is.
11 We did test about 18 to 20 facilities, and
12 we know those facilities we tested, we know
13 some of them, I guess, at least 50 percent
14 of them failed, but I can not tell you --
15 that was about two years ago. I can not
16 tell you at this time.

17 So, at the regulation becomes
18 effective, our people are going out there
19 and inspect the facilities and we're able to
20 tell you more.

21 MR. KIM: Let's look at it this
22 way. From now until year 2013, where
23 co-residential and sensitive area, the Perc
24 is banned by this regulation.

0045

1 MR. HUYNH: After 2013.

2 MR. KIM: Right, after December
3 31st, 2013. So, we exactly have about two
4 years now.

5 MR. HUYNH: Yes.

6 MR. KIM: 2010 is gone now. So,
7 2011, 2012, and 2013, three years.

8 Within what timeframe can these dry
9 cleaners know where they have to make the
10 switch or choose an alternative by when?

11 MR. HUYNH: The dry cleaners for
12 co-residential have already been fixed.
13 There's no co-residential. For the
14 co-commercial they are required every three
15 months to do the test. The test is an
16 indication that they are able to meet or
17 not, and right now it's required for you to
18 go out and hire a vendor to run a test for
19 you every quarter.

20 Now, that's part. And the
21 department is going to do inspections, and
22 we may verify that too.

23 MR. KIM: So, this regulation right
24 now is all self controlled, and we have to
0046

1 maintain the record and we have to make sure
2 that we are --

3 MR. HUYNH: No.

4 MR. KIM: We are per regulation,
5 otherwise -- so, when the inspector comes
6 and they find something different, they're
7 in violation. Is that how this regulation
8 works?

9 MR. HUYNH: When the regulation
10 becomes effective, I expect sometime
11 December or January, from now until then we
12 will try to organize some -- we will try to
13 contact you and the dry cleaner association
14 to set some convenience in place. And in
15 that workshop, we will explain to them what
16 the requirement is.

17 Within six months of the expected
18 date of the regulation, all dry cleaners are
19 required to submit permits. In that permit
20 application, there's certain information you
21 have to provide.

22 Now, the engineer will look at the
23 information and will tell you what you need
24 to do to comply. They will tell you.

0047

1 Now, at this point, I can not tell
2 you, because for each individual that dry
3 cleaners submit the permit application for
4 Perc, they will -- if they do not meet the
5 expectations of the permit, the engineer
6 will tell them what they need to do to get
7 the permit.

8 CHAIRMAN BATTLE: Okay. Thank you.
9 If you have questions for Tom Huynh, then
10 after the meeting please speak with him.

11 MR. O'NEILL: I feel I should make
12 one comment. Mr. Kim, I encourage you to
13 read the coming regulation very closely and
14 consult with the other dry cleaners
15 associations, and possibly, through them or
16 your own organization and an attorney, to
17 look at the regs. Specifically what I
18 wanted to mention was you made a statement I
19 believe about a dry cleaner having a 3rd
20 generation machine and it being most
21 convenient to substitute N-PB.

22 A couple things about that. At
23 least as of today or even when this takes
24 effect, they don't immediately have to
0048

1 switch to something different. And second,
2 as the reg is written, you may not put N-PB
3 in a 3rd generation machine period.

4 MR. KIM: That was a mistake on my
5 part.

6 MR. O'NEILL: Okay. Fine. I just
7 want to be -- I didn't want to accidentally
8 leave an impression of something that would
9 be of a concern.

10 CHAIRMAN BATTLE: Okay. Thank you
11 again. If you have questions after the
12 meeting, please speak with Tom Huynh. Okay.

13 Is there a motion for adjournment?

14 MR. MINOTT: So, moved.

15 MR. FRANK: Second.

16 CHAIRMAN BATTLE: Thank you very
17 much. Again, Tom is available for your
18 questions.

19 (Whereupon, the meeting concluded
20 at 3:01 p.m.)

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1 COMMONWEALTH OF PENNSYLVANIA :

2

3 COUNTY OF PHILADELPHIA :

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5

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10 direction, and constitutes a true record of the
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