

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
AIR POLLUTION CONTROL BOARD

The meeting of the Air Pollution Control Board was held Thursday, March 19, 2015,
at the Municipal Services Building, 1401 John F. Kennedy Boulevard, 16th Floor, Room E.

Eddie R. Battle, Chairman, presided:

ATTENDING:

MEMBERS: Eddie Battle, Chair of the APCB
William Miller, Member, APCB
Joseph O. Minott, Member, APCB
Dr. Arthur L. Frank, Member, APCB
Terry Soule, Member, APCB
Nan Feyler, Department of Public Health Chief of Staff and Member,
APCB

STAFF: Thomas Huynh, Director, Air Management Services, AMS
Edward Braun, Manager, AMS
Edward Wiener, Chief, Source Registration, AMS
Alison Riley, Voluntary Programs Coordinator, AMS
Kassahun Sellassie, Administrative Engineer, AMS
Patrick O'Neill, Counsel for the City of Philadelphia
Sandra Doyle-McManus, Counsel for the City of Philadelphia
Dennis Yuen, Counsel for the City of Philadelphia
Jiazheng Li, Environmental Engineer II, AMS

1. WELCOME

(Whereupon, the proceedings commenced at approximately 2:00 p.m.)

Chairman Battle asked the Board members to introduce themselves.

2. ACTION ON MINUTES

Chairman Battle asked for any additions or corrections to the minutes. Hearing none, he asked for a motion to approve, which was seconded and so moved.

3. PROGRAM UPDATE

Mr. Huynh read the Air Program's updates (see attached).

Questions:

Ms. Feyler: I thought everyone was in compliance. Are these co-commercials; are they next to high risk? Would you explain the 4 co-commercials out of 17 that have compliance issues?

Mr. Huynh: They have compliance issues because they do not operate properly or have a leak in their machine, so the Perc. concentrate ions were found to be very high.

Ms. Feyler: So, although the co-commercials are not required to get rid of the Perc, there are specific provisions to be implemented for safety reasons?

Mr. Huynh: Yes, that's correct.

Mr. Minott: Did the City submit comments on the EPA's ozone standard proposal?

Mr. Huynh: Generally we do, but we did not because the range that was proposed was 65 to 70 PPB so we support that range. Speaking of Philadelphia only, we will do the best we can so we aim to meet that range within the next 10 years.

Mr. Miller: When the original non-attainment was established years ago for ozone, there was one air monitoring site south of here down I- 95 corridor. These current non-attainments are they occurring generally in the region or are there hotspots?

Mr. Huynh: There are hotspots. There is one in Maryland, one in Connecticut, and one in New York (which is outside our region). I think some of the issue is wind direction (how it shifts back & forth & comes in from the ocean). Maryland did a study and it showed most of the ozone comes in from down South which is really high already. That's why the CSAPR rule came forth and The Clean Air Acts (CAA) design depends on the level of attainment, but the level of control is not as stringent down South as up North because we have more air pollution issues.

Mr. Battle: Would this peak during the summer months?

Mr. Huynh: Yes, but for utilities there are other issues. They don't control the usage correctly. Because the rule allows them to average through the year, they run the utility during peak savings. Hopefully, they can get people to control the utility (run one day or so). EPA still has to write the regulation.

Mr. Minott: So the environmental rule for all its worth is that there will be some sort of correction? Apparently, Texas has the best claim?

Pat O'Neill: They lifted the stay and preserved the right for some individual challenges, and like you said I think Texas has the best claim. I expect the decision by early summer.

Mr. Battle: Is this the lower court Pat?

Pat O'Neill: Well, the U.S. Supreme Court sent it back to DC Circuit Court to handle. Ruled in favor of EPA, that it is a valid rule

Mr. Miller: On the unhealthy days, are these days which are notably higher?

Mr. Huynh: Right now the unhealthy days are really borderline; you don't get 80 PBB's anymore you get 75, 76 so it's very hard for the meteorologist to predict because it doesn't take much to go from 74 to 75 to 76. But, as you can see the trend is still improving, the concentration is still going down.

Mr. Battle: Any other questions/comments? Before we move to number 4 on the agenda Nan has the floor.

Ms. Feyler: Please help to spread the word that we are looking for a new Director at AMS. We don't have any internal candidates at Air Management and in the past we have had a tough time recruiting candidates who not only understand and are comfortable with some of the challenges of a Civil Service Position with some restrictions, but also who have the credentials. It should be up by April to go online to apply. Please send out to newsletters and feel free to post it. By April, candidates should be able to go online. Let us know of any professional associations or any college, any graduate programs where we can find candidates that may not otherwise hear about it. We would appreciate everyone on the APCB working collectively to help us find an excellent candidate.

4. AMS MANAGEMENT REGULATION III PRESENTATION: The Control of Emissions of Oxide of Sulfur Compounds by Jason Li. (see attached).

Questions/Comments:

Dr. Frank: Is there some reason you can't get the coal sulfur content lowered at the same time? Is there much coal still being burned?

Mr. Huynh: First of all, I'm not sure we have any coal burning in Phila. (Industry-wide); they may do it in residential. Industry-wide, any new facility needs to have a permit if they want to burn coal & there are other regulations that play a role in the generating of coal.

Dr. Frank: It seems to me that you would get rid of the old regulation and keep the most recent. But, I understand that's very out of date.

Mr. Miller: Looking at The Air Monitoring Systems, are there any issues there with having significantly lower standards on the #2 oil considering the accuracy & precision of the instruments?

Mr. Huynh: Because of the low sulfur in the fuel we had to buy another type of instrumentation to detect the sulfur in the fuel since the concentration is so low for the old analysis method.

Mr. Minott: Will this be a SIP change? Is there going to be a public hearing?

Mr. Huynh: We may need to submit it for the regulation. After the reg. is done we will submit it through PADEP.

Mr. Miller: What about City procedures, in terms of new regulations?

Mr. Huynh: Today, if the Board passes it, we issue a public notice. During that time if any citizen requests a hearing or provide a comment then we have to address it. If we need to amend the reg. then we do that and present to the Board again. If there are no comments received (approximately 10 days after the public notice), then whatever the Board passed becomes approved regulation.

Mr. Miller: Does that happen in parallel between the State & Federal government?

Mr. Huynh: Right, yes.

Ms. Feyler: Would you notify the State until its final? I don't think it's concurrent.

Mr. Huynh: Public notice will be a part of the SIP and that will be submitted to the State.

Mr. Miller: Again, is there a linear process of State first or do you do State & Federal?

Mr. Huynh: The SIP process is we cannot submit to the EPA, we submit it to the State for the /governor for approval. If approved, the governor will submit it to EPA. Only the State can submit the State Implementation Plan (SIP), and we are a part of the State.

Mr. Battle: Any other comments/questions?

Hearing none, Chairman Battle asked for a motion to approve the proposed amendments, which was seconded and so moved.

5. AIR MANAGEMENT SERVICES WEB PORTAL PRESENTATION by Ed Braun (see attached).

Questions:

Ms. Feyler: Can you go online to see the status of your application for a license or permit after you have applied online?

Mr. Braun: Yes, that's coming with the next slide.

Mr. Minott: How much information will be public?

Mr. Braun: Obviously permits and applications; but also, as much other information as possible. We haven't actually decided that yet.

Dr. Frank: Does anybody have experience in other settings? In other words, have you anticipated what this will do in terms of the number of complaints you will be getting?

Mr. Braun: That's an interesting point. We would need to have available staff to be able to respond, if the numbers go up enormously. Again, we are still in the beginning stages of starting to deploy this.

Ms. Feyler: We would have to assess what types we are getting and if they are credible and go from there.

Mr. Huynh: If we get a complaint, we have to respond.

Dr. Frank: Is this going to be the only way that someone can access the system?

Mr. Braun: Complaints/requests will still be taken by phone via our complaint line and the 311 Call Center.

Dr. Frank: I see. So in other words, the public will not be dis-enfranchised by not having access to a computer?

Mr. Soule: Have you looked at this from a Freedom of Information Act (FOIA) standpoint?

Mr. Braun: We will try to put as much as possible online, but we think it's going to cut down on the requests for information since they can find it online (the permit/permit application).

Ms. Feyler: I don't think it will change what's available when someone makes that request.

Mr. Huynh: Applying for a permit is already public.

Mr. Minott: So, if I wanted to see what permits have been applied for, would I need to log in?

Mr. Braun: No, most of those reports won't require a log in, but we are slowly rolling it out so that we get feedback from the customer. We are starting with Asbestos Unit. As you can see, you can pay online.

Ms. Feyler: The e-pay system is a citywide system. Currently, does it ask the customer to pay a fee?

Mr. Braun: Yes, for the use of credit.

Mr. Braun: I'll finish up by talking about EPA's CROMERR regulation; the Cross-Media Electronic Reporting Rule. AMS is regulated to administer certain EPA programs.

Mr. Minott: Is there a liability issue? If the City gets hacked, then the credit card information becomes public.

Ms. Feyler: The City is doing a lot to handle that situation. As a whole, they are moving in that direction.

Mr. Braun: Lastly, CROMERR requires e-pay approval, so before we can start accepting these documents that are related to administering some of these EPA regulations, the EPA needs to approve the details (vendors responsibility in the contract). There is incentive for the vendor to get this necessary approval.

Ms. Feyler: This online convenience makes it easier for the customer to pay fines and/or fees.

Mr. Battle: Any other questions?

Ms Feyler: I move to adjourn.

Mr. Battle: So moved. The meeting is adjourned. The next meeting will be June 18th.

The meeting adjourned at approximately 3:08 pm, and the next meeting will be held Wednesday, October 14, 2015 at 2pm, 16th fl. MSB, Room X.