

CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH AIR POLLUTION CONTROL BOARD

The meeting of the Air Pollution Control Board was held Thursday, August 29, 2019,
At the Municipal Services Building, 1401 John F. Kennedy Boulevard, 16th Floor, Room Z.

Eddie R. Battle, Chairman, presided:

ATTENDING:

MEMBERS:

Eddie Battle, Chair of the APCB
Joseph O. Minott, Member, APCB
Bill Miller, Member, APCB
Dr. Carol A. Gross-Davis, Member, APCB
Terry Soule, Member, APCB
Dr. Caroline Johnson, Member, APCB

STAFF:

Kassahun Sellassie, Director, Air Management Services (AMS)
Hallie Weiss, Administrative Engineer, AMS Laboratory
Philipose Cheriyan, Chemist Supervisor, AMS Laboratory
Keith Lemchak, Administrative Engineer, AMS
Thomas Barsley, Chief QA, AMS
Edward Wiener, Chief Source Registration, AMS
Richard Annunziato, Asbestos Manager, AMS
Jiazheng Li, Environmental Engineering Specialist, AMS
Dennis Yuen, Environmental Counsel for the City of Philadelphia
India McGhee, Environmental Counsel for the City of Philadelphia

GUESTS:

Ed Braun, Citizen
Craig Johnson, Citizen, Interpret Green
Marilyn Howarth, Director (CEET), UPENN
Peter Wilson, President ASC

1. WELCOME

The proceedings commenced at approximately 2:10 p.m. Chairman Battle asked the Board members to introduce themselves.

2. ACTION ON MINUTES

Chairman Battle asked for additions or corrections to the minutes of April 17, 2019. Hearing none, he asked for a motion to approve, which was seconded and so moved.

3. PROGRAM UPDATE

By Air Management Services Director Kassahun Sellassie (Update)

Dr. Sellassie introduced himself and offered a PowerPoint presentation of the Air Program's updates (see attached).

Dr. Sellassie summarized the air quality (AQ) monitoring data, he states the unhealthy days are from Ozone only, not from PM 2.5. He also explained the National Ambient Air Quality Standards (NAAQS) for PM 2.5 precursors. Also discussed were Environmental Protection Agency (EPA) updates. EPA published a final rule to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. The U.S. House Energy and Commerce Committee approved the Climate Action Now Act, which gives president Trump 120 days to submit a plan to meet the Obama Administration emission reduction pledges. Additional EPA updates were discussed.

The Pennsylvania Environmental Quality board (EQB) proposed a rule making to amend maximum allowable sulfur content limit for #2 and lighter commercial fuel oil in the Commonwealth.

In addition, the AMS Laboratory, Quality Improvement (QI) section, and Outreach activities were discussed. In closing, he summarized the quantitative numbers from AMS' Regulatory Services Activities.

Questions/Comments:

Dr. Sellassie: Dennis, can you explain what the City is doing in regards to the Affordable Clean Energy (ACE) rule that is replacing the Clean Power Plan (CPP) rule?

Dennis Yuen: That actually can be answered best by my co-worker Ms. India McGhee.

India McGhee: The EPA is required to regulate greenhouse gases. The CPP utilizes a flexible approach to reducing greenhouse gas emissions that looked at a state's power grid as a whole,

instead of at individual power plants. This is also referred to as “regulating beyond the fence line”. Some flexible ways of reducing emissions included increasing individual power plant efficiency, switching from coal to natural gas, adding renewables into the grid, or reducing emissions at individual plants.

The City joined with several other states and municipalities in a lawsuit against EPA on the basis that the ACE Rule does not appropriately regulate greenhouse gases.

Board Member: This seems like a State by State march through the ACE. Do you think this will come back around to the Federal level?

India McGhee: The ACE and CPP are both Federal level and we are following their guidelines.

Mr. Soule: Why do you think CPP will be booted today; it’s still a good regulation. Wouldn’t both cases be set and let the courts decide?

India McGhee: There may very well be two; we have to wait and see what litigation is passed down.

Dennis Yuen: With regard to the CPP litigation in the DC circuit, the expectation is the EPA would file a motion with the court to claim that because the rule has been replaced by ACE rule that it should be moot. Though I think with regards to the ACE rule the expectation is states and cities, if they haven’t done so, will all file challenges to stay the application of that particular rule so in the short term does anything change? Probably not.

Board Chairman: Motion to proceed to number 4. Motion granted.

4. Proposed AMR VI Amendments and Air Toxics Health Risk Assessment

by Jiazheng Li and Edward Wiener (see attached)

Jiazheng Li gave a brief overview of the proposed amendment: the air toxins amendment.

Mr. Ed Wiener gave an overview of AMR VI and states that AMS is looking to establish a risk analysis procedure for pre-construction permits. We are going to implement a risk assessment application as part of the Construction Permit process to determine if some sources are above or below the threshold for air toxins. When we receive a construction permit application, we will determine if they need an assessment and if there are acceptable thresholds and the ones that are not will be investigated. Another change is to discover the exceptions to the rule. We will, actually, come up with some screen modeling to make sure it is compliant with the rule. Ambient air is another amendment we want to implement and monitor; burning of commercial fuels we plan on taking a look to see if the exemptions hold up. Some examples are internal combustion engines, which NJ does risk assessments for certain combustion engines. We get around 500 applications a year so we are trying to find a way to figure out what is and isn’t so we don’t waste a lot of time figuring out who qualifies for a risk assessment and who doesn’t.

Questions/Comments:

Board member: Is that the list of 100 or more just so I'm clear?

Ed Wiener: Regulation 6, I believe, is 99; EPA HAP list is 189.

Board Member: You said there is a list of 99 and that there is a risk factor of that 99 respectively, so if I want to build in Philadelphia and I'm not honest if I say I don't have this how will you know.

Edward Wiener: You are supposed to under the regulations; you are supposed to self-report. We don't hold it as gospel so if you're doing something that it should have some amount of these toxins and you completely leave it out we would go back to you. If it's something like EPA emission factor that's something quick on our own.

Dr. Carol Gross-Davis: If it's similar to NJ, the applicant would assess based on the number of pounds you admit. Is this going to be part of your application process that they would have to identify that?

Edward Wiener: In the ideal world is where we will have something along the lines of NJ or an initial screener where you plug in the numbers and you're ok or you plug in the numbers and you need further analysis.

Joseph Minott: Are you going to do anything with the existing permits?

Edward Wiener: At the present time, we are going to be working on new applications. Eventually we will get a handle on older ones down the road.

Citizen: Why is it only 99 and not the full (inaudible) hundred?

Edward Wiener: Well, in our regulation which came out in the '80's' we came up with 99 and the idea going forward is we are going to automatically incorporate the HAP list and possibly some more.

Dr. Sellassie: Ed and I had discussions about this; he said it would be too much work and we don't have the resources right now.

Chairman: Wouldn't this automatically be covered under the Title V? When you renew your Title V, wouldn't you capture that?

Edward Wiener: Well, it's better when we write the regulation it should say this is for the construction permit.

Citizen: So far in this presentation it sounds more like a cost-benefit analysis more than anything to do with the risk assessment itself in terms of lowering the thresholds, so have you done a cost benefit analysis in terms of what resources AMS has to make these changes?

Jiazheng Li: No not really a dollar amount yet, not at this point.

Citizen: How are you incorporating the accumulative impact because you have worked to establish a risk threshold and you will now have many people working under the threshold so now you have many people who won't make the threshold and won't have to report and won't be incorporated in your model as you

described it so far? It seems to me that will have the potential to actually increase the risk rather than decrease it.

Jiazheng Li: Actually, this one is just an informational and for this level with a bigger level like City it would be much more.

Citizen: Well, I would think it would be at the neighborhood level. So, if I live in a neighborhood and there are these facilities all around me you can't consider them in isolation when you're trying to protect my health so it matters if there is one or ten.

Dr. Sellassie: If someone has background data with us we know. To reduce with new sources is good if they have background we know the more we reduce the better.

Board Member: Each individual HAP has its own threshold?

Jiazheng Li: Yes.

7. OLD BUSINESS

There was no old business.

8. NEW BUSINESS

There was no new business.

9. ADJOURN

The meeting adjourned at approximately 3:32 pm.