

**CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION**

**Thursday, October 25, 2018
4:00 p.m. – 6:00 p.m.**

**The County Connection
2477 Arnold Industrial Way, Board Room
Concord CA 94520**

COMMISSION ACTION MAY BE TAKEN ON ANY ISSUE IDENTIFIED IN THIS AGENDA

The Contra Costa County Hazardous Materials Commission will provide reasonable accommodations for persons with disabilities planning to attend the Hazardous Materials Commission meetings who contact Michael Kent, Hazardous Materials Commission Executive Assistant, at least 24 hours before the meetings, at (925) 313-6587

AGENDA

- 1. CALL TO ORDER, ANNOUNCEMENTS AND INTRODUCTIONS**
- 2. APPROVAL OF MINUTES: September 27, 2018**
- 3. PUBLIC COMMENT**
- 4. HAZARDOUS MATERIALS PROGRAMS REPORT Randy Sawyer**
- 5. OPERATIONS COMMITTEE REPORT Committee Chair**
- 6. PLANNING AND POLICY DEVELOPMENT COMMITTEE REPORT Committee Chair**
- 7. OLD BUSINESS:**
 - a) Review status of the control of particulate matter and related health impacts of the Coal and Petroleum Coke loading operations at the Levin Richmond Terminal, and develop status update and recommendations to the Board of Supervisors
- 8. NEW BUSINESS:**
- 9. REPORTS FROM COMMISSIONERS ON MATTERS OF COMMISSION INTEREST Members**
- 10. PLAN NEXT AGENDA**
- 11. ADJOURNMENT**

Attachments

Questions: Call Michael Kent (925) 313-6587

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by Contra Costa Health Services to a majority of members of the Hazardous Materials Commission less than 72 hours prior to that meeting are available for public inspection at 597 Center Avenue in Martinez

597 Center Avenue, Suite 200, Martinez CA 94553 (925) 313-6712 Fax (925) 313-6721

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
September 27, 2018

Members and Alternates Present: Don Bristol, Lara DeLaney, Fred Glueck, Frank Gordon, Steve Linsley, Jim Payne, Mark Ross, George Smith, Leslie Stewart, Lisa Park (alternate), Peter Dragovich (alternate), Aaron Winer (alternate)

Absent: Rick Alcaraz, Industrial Association Seat – Vacant, Environmental Seat #2 – Vacant (represented by alternate), Ralph Sattler (represented by alternate),

Staff: Michael Kent, Randy Sawyer

Members of the Public: Guy Gimlen, Ron Pilkington, Sal Rueda, Bay Area Air Quality Management District

1. Call to Order: Commissioner Smith called the meeting to order at 4:02.

Announcements and Introductions:

Michael Kent announced:

- The next Commission annual meeting with a County Supervisor will be with Supervisor Burgis next month. The date has not been set yet.
- The Commission did not receive any qualified applications for the open Environmental Seat, and so will re-advertise with an open application date until filled.
- The Industrial Association's monthly luncheon on September 11th featured speakers from WSPA and CMTA discussing their perspective on the development of the monitoring plan for AB 617. They may be good speakers for the Commission in the future.
- The next meeting of the Northern Waterfront Economic Development Initiative will be on October 2nd.

Commissioner Smith announced that the next Industrial Association meeting on November 15th will be the annual Board of Supervisor discussion. Also, they are still searching for an Executive Director.

2. Approval of the Minutes:

The minutes of the August 23, 2018 meeting were moved by Commissioner Gordon, seconded by Commissioner Glueck and passed 7-0-3 with Commissioners Smith, Ross and Payne abstaining. Commissioner Bristol arrived after the vote.

3. Public Comments: None

4. Hazardous Materials Programs Report:

Randy Sawyer reported that:

- The Hazmat team representing the Program recently won the Urban Shield Hazmat response competition, beating out 11 other teams. There will be a presentation at the October 9th Board of Supervisors meeting.
- The Green Business Program recently won a Partners for Health Award.
- There was an incident at the Orinda Country Club swimming pool. Hydrochloric acid was accidentally pumped into a sodium hypochlorite tank and chlorine gas was formed at above IDLH levels inside the shed. The tank was pumped out into the pool and the situation was resolved without any injuries.

5. Operations Committee Report:

The Operations Committee reviewed the status of implementation of the County's pharmaceutical ordinance and provided more feedback to Contra Costa Climate Leaders on their draft hazardous materials scorecard. They also discussed the Commission's bylaws in terms of who they can make recommendations to, and determined they needed to look into the matter in more detail. They also reviewed the status of open and expiring Commission seats.

6. Planning and Policy Development Committee Report:

The committee did not meet in September

7. Old Business:

a) Discuss recommendations from the Operations Committee concerning the inclusion of building sites for Charter Schools in the California Department of Education regulations and guidelines concerning site selection

At their July 13, 2018 meeting the Operations committee reviewed how Charter Schools are covered by the school siting regulations and guidelines and developed the following recommendations for the full Commission to consider recommending to the Board of Supervisors:

Add a policy to the County's State Legislative Platform that they support legislation that would:

- 1) Add the risk of hazardous material releases from facilities to the state siting criteria.
- 2) Change the State school siting criteria to apply to charter schools
- 3) Require the California Department of Education to provide the current state siting criteria to local jurisdictions when charter schools are being proposed in their jurisdictions.

To support this recommendation, Commissioner Gordon said that the City of Pittsburg has issued a scoping document for an EIR for the construction of a charter school and did not mention the State Siting Criteria.

The Commission voted 10 – 0 to support this motion (Commissioner Ross had left the meeting before the vote).

Commissioner Stewart then made a motion, seconded by Commissioner Gordon, to recommend to the Board of Supervisors that they add the following recommendations that the Commission made to them on January 15, 2018 to their Legislative Platform:

- 1) The California Department of Education should develop guidelines for assessing and mitigating the risks of siting new schools near industrial facilities and rail lines due to potential explosions and fires from the use, storage, manufacture and transportation of hazardous materials, similar to the guidelines they have established for assessing and mitigating the risks from the transportation of hazardous materials through pipelines.
- 2) The California Department of Education should amend the regulations pertaining to the rebuilding of schools on the site of existing schools to require that the current risks from accidental explosions and fire of hazardous materials used, stored, manufactured or transported at industrial facilities, in pipelines and by rail are assessed and mitigated.

The Commission voted 10 – 0 to support this motion (Commissioner Ross had left the meeting before the vote).

8. New Business:

- a) **Presentation by Guy Gimlen, Bay Area Air Quality Management District, about implementation of the monitoring requirements of new Air District Regulation 6, Rule 1 concerning the control of particulate matter**

Mr. Gimlen gave a power point presentation (attached) that covered:

- Particulate Matter basics
- Particulate Matter health impacts
- Air Quality trends
- Regulation 6 Rule 1 adopted on August 1, 2018
 - Performance-based standards
 - Monitoring
 - Record keeping
 -

He then opened up the discussion to questions.

Commissioner Gordon commented that the particulate emissions from the Koch facility in Pittsburg, as reported on the CARB web site for 2016, were 0.1 tons per year, and Levin's emissions were reported as 36 tons per year. He wanted to know why there was such a large difference between the two, and why is that allowed. He said that Koch had to meet Best

Available Control Technology when it was built, and they construct enclosed barns with negative pressure and filters. Why didn't the Air District require this of Levin?

Mr. Gimlen responded that for existing facilities they require Best Available Retrofit Technology and this requirement has an economic cost-effectiveness test. This is required by the Health and Safety Code. It would cost between \$40 and \$60 million dollars to enclose the loading operation at Levin. This would cost \$700,000 per ton of PM removed per year. Usually, \$50,000 per ton of PM removed per year is considered cost effective. Spending \$40 - \$60 million to enclose their loading operation would shut the facility down.

Commissioner Ross said that this cost per ton is such an outlier that the Air District would be sued if they required it for being unfair, and for not being in compliance with the Health and Safety Code.

Mr. Gimlen explained that is why they developed a performance standard for this rule, using opacity as the measure of compliance. He said while opacity limits may not be the greatest measurement, they have stood the test of time and inspectors are trained on how to measure it, and have very good accuracy. He also confirmed that opacity can't be measured at night.

Commissioner Gordon asked why couldn't the rule be structured to give them a goal to meet. Mr. Gimlen said that the Health and Safety code requires that the rule be physically and economically feasible.

Commissioner DeLaney asked what the penalties are if a facility does not meet the performance standards of the rule. Mr. Gimlen said that if a Notice of Violation is issued by the Air District to a facility for violating a performance-based standard the facility could be required to comply with a corrective action plan and issued fines. Mr. Rudea added that Air District inspectors inspect Levin a couple of times a year, and will go in every week if there are complaints. He said he also drives by the facility every day. Commissioner Ross added that sometimes legal settlements are easier and are where effective controls can be negotiated.

Commissioner Park asked how they ensure compliance with the rule at night, since opacity can't be measured at night. Mr. Gimlen said that they need to give industry a way to come into compliance and 90% do. He believes Levin uses the same BMPs at night as they deploy during the day.

Commissioner Linsley noted that the BMPs they have in place currently will not be affected by the new rule. So what can be done to reduce the amount of particulate leaving the site? Mr. Gimlen said that 36 tons/year of particulate emissions is a reasonable amount and that they have good BMPs in place.

Commissioner Dragovich asked if the Air District ever does fence line monitoring to ensure compliance. Mr. Gimlen said that they did do fence line monitoring at a cement plant once, so there is a precedent.

Commissioner Glueck said it would be helpful, for comparison sake, to know what typical particulate emissions are from a highway.

Michael Kent asked how the Air District will verify that the facility is in compliance with the performance-based standards when they are not on site. Mr. Gimlen responded that when he has been there piles are wet, they have video monitoring in place, and they have good BMPs in place.

Commissioner Park asked if it isn't a bad thing that approximately 0.1 tons/day are coming off the site since there are already a lot of other emissions from other sources in the area. Mr. Gimlen responded that it is relevant, and the other sources are much bigger.

9. Reports From Commissioners On Matters of Commission Interest:

None

10. Plan Next Agenda:

Ask the City of Richmond to attend to discuss the air monitoring plan being developed for Levin.

11. Adjournment: The meeting adjourned at 5:54 pm.

Attachment

Item 1a



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA ITEM 8

Performance Based vs. Best Management Practices Approach to Regulating Air Pollution:

Regulation 6, Rule 1: General Requirements



Guy Gimlen
Office of Rule Development & Strategic Policy
Bay Area Air Quality Management District
September 27, 2018



Outline

- Particulate Matter (PM) basics
- PM Health Impacts
- Air Quality Trends
- Regulations Adopted August 1, 2018
 - Performance Based
 - Monitoring
 - Records



Slide 2



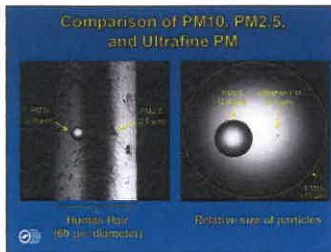
PM Basics

Particulate Matter or "PM" is a diverse mix of airborne solid particles and liquid droplets that differ in size, mass, toxicity, chemical properties & how they behave in the atmosphere

- **Total Suspended Solids (TSP):**
~40 - 50 microns or less
- **PM₁₀:** 10 microns or less
- **PM_{2.5}:** "Fine" PM
2.5 microns or less
- **Ultrafine PM:** 0.1 microns
or less*

Smallest particles have the greatest health impacts!

* One million microns = one meter



Slide 3

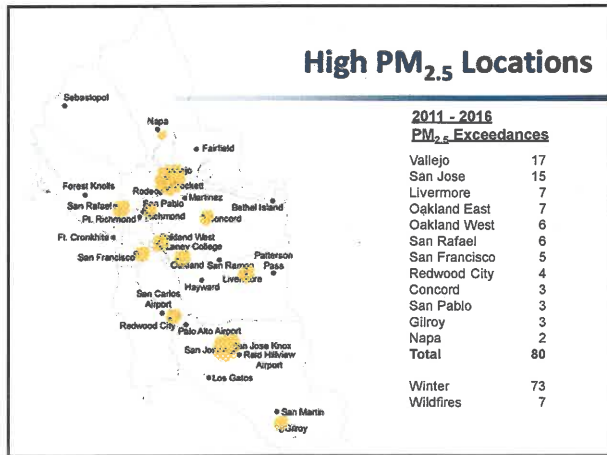
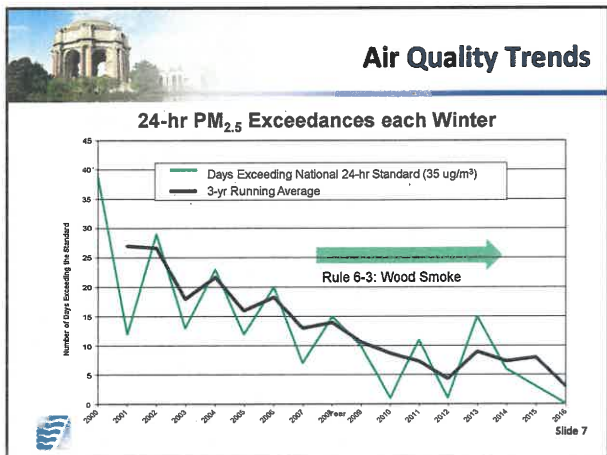
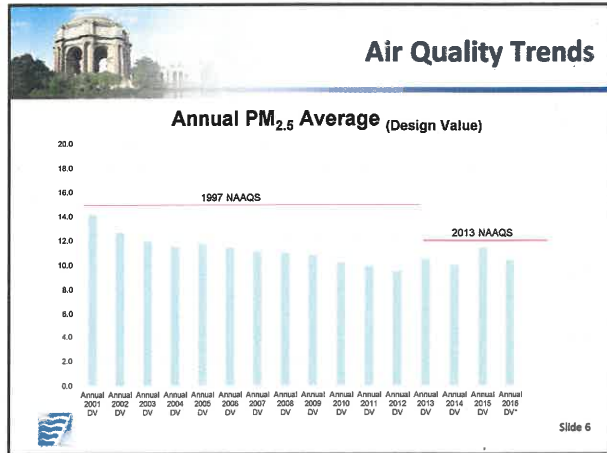
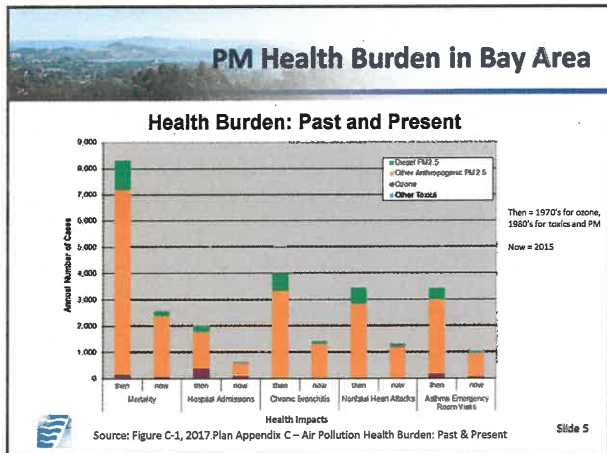


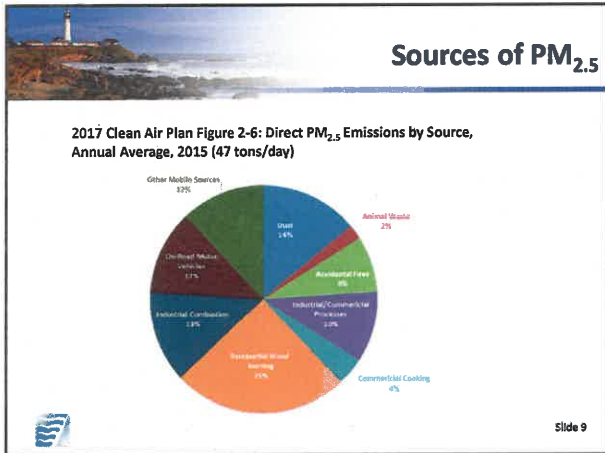
PM Health Impacts

- **Premature mortality**
 - Higher PM_{2.5} levels → higher death rates
 - PM_{2.5} accounts for 2,000-3,000 premature deaths annually in the Bay Area
- **Respiratory problems**
 - asthma, bronchitis, impaired lung development
- **Cardiovascular problems**
 - Atherosclerosis, heart attacks, strokes
- **Cancer**
 - Diesel PM contains carcinogens
- **Adverse health impacts even at moderate levels**
 - From both short-term & long-term exposure
 - Children & elderly are most at risk
 - Small particles penetrate deep into lungs, bloodstream, organs, and cells



Slide 4






Targeted Sources

Source Categories	PM ₁₀	PM _{2.5}
• Road Dust – 6 subcategories	28.1 tpd	4.0 tpd
• Construction Dust – 5 subcategories	11.5	1.1
Industrial Combustion		
• Petroleum Refinery Combustion	5.2	5.1
	2.5	2.5
Industrial/Commercial Processes		
• Petroleum Refinery Processing	0.3	0.2
• Chemical Manufacturing	0.4	0.4
• Food & Agricultural Processes	0.4	0.3
• Wood Products	0.1	0.1
• Asphalt	0.2	0.2
• Concrete	1.1	0.8
• Glass	0.7	0.7
• Stone, Sand & Gravel	0.4	0.1
• Landfills & Waste Management	1.9	0.5
• Other	0.8	0.5


- ### Control Methods
- Road Dust:**
- Prevent mud and other solids from accumulating on roads
 - Trackout & Carryout Control
 - Trackout = mud and dirt on vehicles deposited on roads leaving the facility
 - Carryout = spills and dust from vehicles onto roads
- Construction Dust & Bulk Materials:**
- Prevent Wind Erosion
 - Wind screens ~70% effective for stockpiles, conveyors, and disturbed surfaces
 - Wind screens not effective at construction sites
 - Water is frequently used to reduce dust
 - Truck traffic is a significant source of dust on unpaved roads within facilities
 - Water is used to reduce dust (water mist is usually more efficient than water spray)

- ### Control Methods
- Industrial / Commercial Processes:**
- Dust control required where solids and solids handling are exposed to wind
 - Truck traffic is often the largest source of dust emissions
 - When solids handling and processing are contained and vented through a stack
 - Wet mechanical scrubbers and/or cyclones: 50 – 70% effective
 - Baghouses, or Electrostatic precipitators: 90% effective
- Slide 12




Structure for PM Rules

- Adopted new umbrella regulation – Regulation 6
 - to provide common definitions and test methods that apply to all current and future PM rules.
- Amendments to Regulation 6, Rule 1: General Requirements
 - Including Bulk Material Storage and Handling
- Adopted new Regulation 6, Rule 6: Prohibition of Trackout
- Anticipate other source specific rules going forward



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Rule 6-1: General Requirements


Currently a Total Suspended Particulates (TSP) Rule

Amendments to Rule 6-1

- Tighten general PM emissions limits
 - concentration and mass limits to match the most stringent requirements in California
 - translation of TSP to PM₁₀ and/or PM_{2.5} requirements is challenging - depends on the specific solids
- Specify test methods for determining compliance
- Require periodic compliance testing
- Future rulemaking will need to be source-specific




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Bulk Material Handling

Include Bulk Material Handling in Rule 6-1

- Addresses fugitive dust from all bulk materials, including petroleum coke and coal.
- Best Available Control Technology: cover transportation vehicles, and enclosures around handling, loading, and unloading – ducted to a baghouse.
- Requirements for existing facilities
 - No visible fugitive dust beyond property line
 - No “significant” visible emissions within the facility
 - “significant” means no larger dust cloud (plume) than 5 feet wide, high or deep
 - AND no more than 10% opacity for no more than 3 minutes in any hour
 - Cleanup of any spill more than 12 inches high or more than 25 square feet by end of the workday
- Wind screens and water mist may be needed at some existing facilities



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Bulk Material Handling - 2

- Opacity
 - Surrogate for how dense the visible dust cloud is
 - 0% opaque = no visible emissions
 - 10% opaque = “barely” visible
 - 20% opaque = visible, and can see a defined edge of the dust cloud
 - Current limit is 20% opacity for no more than 3 minutes in any hour
 - Perceived to be vague and somewhat bewildering for most people
 - Visible dust limit: if it is visible, and larger than 5 feet = corrective action needed
- Monitoring
 - For visible fugitive dust beyond property line - twice daily
 - All sources - at least once daily
- Records
 - Document sources and operations monitored each day when active material handling and storage operations occur
 - Maintain records for two years



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Examples of Bulk Material Dust

Quarry Petroleum Coke

Unpaved roads Asphalt recycling

Slide 17

Bulk Material Dust Controls

Wind Screens

Mist Systems

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Prohibition of Trackout

Adopted Regulation 6, Rule 6: Prohibition of Trackout

- Currently required by many city / county ordinances, Storm Water Pollution Prevention Plans and California Motor Vehicle Code, but enforcement variable
- Road dust from trackout has high $PM_{2.5}$ content
- About 50% of construction sites had trackout issues.
- Requirements
 - No "significant" visible roadway material on adjacent paved roadway
 - Significant = more than cumulative 25 linear feet
 - Cleanup required with 4 hours
 - No more than 1 quart of trackout can remain at end of work day
 - Control dust during cleanup
 - Monitor twice daily

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Examples of Road Dust - Trackout

From trucks


Construction Exit


Soil Erosion

Slide 20


Examples of Trackout Controls


Grizzlies





Truck wash system






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Response to Comments

Several Comments resulting in rule language changes

Other Comments received:

- Exemption to fugitive dust requirements if wind exceeds 25 mph
 - Concede that dust is difficult to control in high winds
 - May require shutdown of operations, tarps on stockpiles, 3-sided wind screens, dust control surfactants and watering
 - Exemption would allow dust blowing onto neighboring property
- Fugitive Dust limits are infeasible and unreasonable
 - Currently exist in SCAQMD and Rule 9-14 dust control requirements
- Weekly monitoring rather than every 4 hour or daily monitoring




Performance Based vs. Best Management Practices?

Performance Based was needed for a General Requirements Rule

- Best Management Practices are different for gypsum and alumina than for rock quarries or landfills

Best Management Practices Approach works well too

- The Best Management Practice approach can work well
 - Air District often includes BMP's in permit conditions
 - Rule 6-4: Metal Recycling and Shredding Operations is an example of an "Emissions Minimization Plan" approach
 - Requirements include content, schedule, monitoring and records, review & approval
- Air District tends to fit the approach to the specific source category




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Rules adopted on August 1, 2018 Effective July 1, 2019

Questions?

Guy A. Gimlen
ggimlen@baaqmd.gov
 415-749-4734



Slide 24

Attachment

Item 2a

Hazardous Materials Commission

Draft Minutes
Planning and Policy Development Committee
August 15, 2018

Members and Alternates:

Present: Rick Alcaraz, Frank Gordon, Steve Linsley, Jim Payne, George Smith, Lisa Park (alternate), **Absent:** Don Bristol, Mark Ross, Industrial Association Seat (vacant), Environmental Seat #2 (Vacant)

Members of the Public: Julia Walsh, Elizabeth Dortch, Minda Berbeco, Elizabeth Dupin, Chris Dupin Charles Davidson; Jim Holland , Pat O'Driscoll, Levin Richmond Terminal

1. Call to order, introductions and announcements

Commissioner Payne called the meeting to order at 4:10.

Announcements:

Michael Kent announced:

- The State Lands Commission will be holding a meeting on their Environmental Justice policy at the Matinez City Hall on August 21st from 6:00 to 8:00 pm
- Applications for the vacant Environmental Seat are due August 31st. The Operations committee will conduct interviews with all qualified candidates on September 14th.

Commissioner Smith announced that the Industrial Association Forum on September 11 at 11:30 at Zio Frados in Pleasant Hill will feature speakers from WSPA and CMTA discussing AB 617.

2. Public Comments: None

3. Approval of Minutes:

The minutes from June 20, 2018 meeting were moved by Commissioner Gordon, seconded by Commissioner Smith and approved 1-0-2 with Commissioners Payne and Smith abstaining.

4. Old Business:

- a) Presentation by Jim Holland of Levin Richmond Terminal Corporation on their coal and petroleum coke loading operations.**

Mr. Holland began his presentation by explaining that the City of Richmond has agreed to engage the consulting firm of Ramboll to conduct an air monitoring study around Levin. Levin has agreed to pay the cost of developing the scope of the study, about \$9500. The cost of the

final study has not yet been determined. At the same time, air monitoring as part of AB 617 is moving forward in the City of Richmond.

Mr. Holland then explained that he is the Vice President of Facilities, Equipment and Environment for Levin. He has worked at steel and in dry bulk shipping, and since 1984 has worked with coal, coke, scrap metal and other materials, but mostly coal. He has been at Levin for 11 years.

Levin is a privately owned, family business. They have been in their current location since 1982 and ship over 20 commodities. They have done both import and export depending on demand, and are currently exporting materials. They have 45 employees who are part of Local 3, working at 3 properties, one of which is for dry bulk materials.

All the coal they ship goes onto Panamax-sized ships which are 105 feet wide, 725 feet long and have 7 holds. They use 2 loaders to put materials on the ships. To minimize dust they use spout covers, shields and water misters. They are compliant with the South Coast particulate control rules. They also have drip pans on the underside of the conveyor belts and they hang tarps to keep material out of the water. There are metal screens on the sides to break the wind.

As an aside, Mr. Levin mentioned that there is a pair of mating Osprey that have been on the site for two or three years, and they can't operate the crane when the birds are there.

They use the "dust boss" water mister over their piles of materials, even in the wet season in between rain events. Their stormwater is treated and they use collected water in their water truck. They also have 10 Buffalo Monsoon water misters that they use on-site. They are portable and can create a mist for hours at a time. Their use is based on operator judgement as to the time and location. The site is staffed 6 out of 7 days a week. On the weekend they generally leave the facility "buttoned up" and can spray the bulk material piles with a product called Roadhaul to seal the piles. It is a binding agent. The coal that they handle usually comes in with a moisture content of 9 – 13%. They also have high pressure mister systems, 1500 psi, that creates a fine mist. They use them throughout the facility.

Currently, they receive coal from Utah which is compliance grade, low sulfur coal. Other countries like it because it is good coal. It goes to Japan which is switching over from nuclear power to coal. In the past they sent coal to Mexico, but not now. Last year they loaded about 70 ships with about one million pounds of coal. They also loaded about 300,000 pounds of green coke from Philips 66, which is usually sent to cement plants to be used as fuel. They have also handled calcined coke from Philips 66 which mostly goes to making anodes. Since it is mostly pure carbon, it can be used to make many products.

Mr. Holland went on to explain that they operate 2 shifts a day when loading ships, 6:00 am – 4:00 pm and 4:00 pm – 2:30 am. They can load 2 ships at once. They have a weather station on-site that alerts them to high wind and rain. They water the coal as it enters the hopper building from trains. It then either goes to ships or to stockpiles. They use containment walls made of concrete to surround the piles when they are not loading ships. They use truck containers on the outside of the concrete containment walls as a wind break. They also use Buffalo misters to keep

the dust down. Coal can be stored for one day to two weeks. Coal can also wait in trains. It takes 1 ½ days to unload a unit train. They also have fabric coverings over their perimeter fences and have material covering the bottom gap. All their roads are paved and they have grates before the exits. They have 3 pm10 certified sweepers to sweep Wright Ave, every day. They sweep stockpile areas after a product has been removed to prevent contamination of the next pile.

Trucks hauling petroleum coke are compliant with the new Air District rules and are enclosed and tarped. In addition, they use water trucks and water cannons to spray these piles, and can add surfactant to help the water spread. They also have lots of trees around the site that act as wind breaks.

Their stormwater treatment system is compliant with state regulations. They inject the water with crushed crab shell polymer to coagulate particles to be filtered out. Their average emission levels were well below state standards in 2015/16. They were sued by Baykeeper and as a result have 4 water treatment systems. Their permit was issued in 2014. He is confident they can meet new stormwater requirements.

Before beginning the Q and A session, Mr. Holland concluded his presentation by observing that totally enclosing their operation would cost 20 – 50 million dollars, and would cost several million dollars to design. He doesn't think this would meet a cost-effectiveness test, and wouldn't reduce particulate emissions much over what their current BMPS do.

Commissioner Gordon noted that the Koch Brothers facility in Pittsburg is completely enclosed and has spent a lot of money to do so. He thinks they made that choice regardless of cost. Why wouldn't Levin just spend the money to be the best neighbor they could be? Mr. Holland responded that Koch terminal has a greater throughput and is more automated. Thus, their employment costs are much lower and their income is much greater, so they can absorb the costs of building the facility better. It just doesn't work financially for Levin. The purpose of regulations is to deal with things that are a problem. In Richmond, people living near freeways are exposed to the dirtiest air. Looking at the cost compared to the benefit, this facility shouldn't be required to be covered.

Julia Walsh asked if Richmond lives are less important than the lives of people living in Pittsburg. The Bay Area air has high particulate levels. Any little bit of reduction matters. So she thinks the facility should be covered. Mr. Holland responded that he lives in Richmond and works at the facility. He thinks it is misguided to focus on Levin since they are under control, and well run and clean. Coal and coke are not hazardous. They don't contain a lot of Poly Aromatic Hydrocarbons.

Commissioner Linsley asked if when a coal train arrives, if the whole train goes on site. Mr. Holland said that sometime cars are stored on rail sidings, but not in the BNSF railyard.

Charles Davidson observed that there are 1000 miles between Utah and Richmond and the trains hauling coal lose about 1 pound of coal dust per mile. What is the amount of coal dust that will be lost in the future? He also noted that petroleum coke contains high levels of vanadium. Mr. Holland responded that he thinks the facility will ship about 1,000,000 tons of coal per year and

300,000 pounds of petroleum coke per year. Once the trains are in Richmond they are transported by the Richmond Railroad at about 10 miles per hour. At this speed, dust does not blow off of the trains. He does expect that AB 617 monitoring in Richmond will detect coal dust in the air. He also observed that there is an asphalt plant in the Bay areas that emits lots of vanadium, making vanadium a poor marker of emissions in Northern California.

Commissioner Gordon noted that it takes 5 independent complaints to the Air District to trigger an inspection. Mr. Holland said that they get inspected by the Air District a lot regardless.

5) New Business: None

6) Items of Interest: None

7) Plan Next Agenda: No items discussed.

8) Adjournment – The meeting was adjourned at 5:30.

Attachment

Item 3a



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

July 5, 2018

The Honorable Thomas K. Butt
Mayor City of Richmond
450 Civic Center Plaza, Suite 300
Richmond, CA 94804

Re: Levine Terminal

Dear Mayor Butt:

This is a follow-up regarding concerns about the impact of coal dust emissions in Richmond. We understand that the City of Richmond is considering contracting with Ramboll for monitoring, to address this concern. The Air District has reviewed the proposal submitted by Ramboll for a coal dust monitoring study around the Levin Terminal. The Ramboll proposal does not provide enough detail for us to perform a technical evaluation. We expect that the necessary level of technical detail would be present in the detailed plan Ramboll is proposing to develop after the initial payment of \$9,500. Given the lack of detail in the current proposal, the Air District can't say whether the Ramboll study would be helpful. The Air District believes that the upcoming community monitoring plan for Richmond is the appropriate way to address concerns about coal dust impacts. But, if the City of Richmond would like to move ahead with a parallel process using Ramboll, we are available to provide technical advice regarding the Ramboll project.

We share the City of Richmond's concerns about the potential health impacts of coal dust emissions from the operations of the Levin Terminal. The Air District is concerned about the health impacts of air pollution from several sources in Richmond. As you know, the City of Richmond and adjacent areas are home to a large refinery and chemical plant, a seaport, organic waste and metal facilities, small to medium industrial and manufacturing facilities, high volume freeways and roadways, a railyard and rail lines. Each of these sources are a potential health concern.

Given the multiple sources of air pollution near vulnerable communities, the Air District is planning to nominate Richmond for a community monitoring project under the statewide Community Air Protection program established by Assembly Bill 617 (C. Garcia, Chapter 136, Statues of 2017). AB 617 directs the state, in consultation with local air districts, to select communities that have a "high cumulative exposure burden" to air pollution. Once selected, local air districts will partner with communities to work on community emission reduction programs and/or community air monitoring plans. The Air District is planning to nominate Richmond for a community air monitoring plan and we expect the California Air Resources Board to endorse our recommendation. In fact, we have already taken steps to begin the community monitoring effort.

- ALAMEDA COUNTY**
John Bauters
Pauline Russo Cutter
Scott Haggerty
Nate Miley
- CONTRA COSTA COUNTY**
John Gioia
David Hudson
(Chair)
Karen Mitchoff
Mark Ross
- MARIN COUNTY**
Katie Rice
(Vice Chair)
- NAPA COUNTY**
Brad Wagenknecht
- SAN FRANCISCO COUNTY**
Hillary Ronen
Tyrone Jue
(SF Mayor's Appointee)
- SAN MATEO COUNTY**
David Canepa
Carole Groom
Doug Kim
- SANTA CLARA COUNTY**
Margaret Abe-Koga
Cindy Chavez
Liz Kniss
Rod G. Sinks
(Secretary)
- SOLANO COUNTY**
Pete Sanchez
James Spering
- SONOMA COUNTY**
Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



The community air monitoring effort will be guided by a community stakeholder group. The Air District has issued a request for qualifications to identify community-based organizations to help assemble and manage the operations of this stakeholder group.¹ The stakeholder group will be responsible for identifying pollutants and sources of concern. The Air District will provide technical expertise and funding to carry out the monitoring project. The goal of the monitoring project will be to identify and apportion the sources of air pollution exposure in Richmond to prepare for a community emission reduction plan. The emission reduction plan will minimize air pollution exposure through a combination of regulatory, incentive, and other programs. Any regulations that are developed as part of the community emission reduction program will need a solid technical foundation as the Air District is required to demonstrate that all regulations are reasonable, necessary and within our statutory authority.

The community stakeholder group will be established this year and will be responsible for identifying the sources and pollutants of concern for the monitoring campaign. Given the interest in coal dust in Richmond, it seems likely that this group would prioritize the Levin Terminal coal handing operations for analysis. In anticipation of that decision, we have given some thought to the design of an air monitoring project that would assess the impact of the Levin Terminal coal operations.

Particulate matter (PM) concentrations in Richmond are a combination of directly emitted PM and PM that forms in the atmosphere from a mixture of pollution from various sources. PM exposure in Richmond is due to emissions from nearby stationary, area, and mobile sources, and from transport of PM from other areas in the region and from the Central Valley. Typical PM speciation techniques help to differentiate the types of PM into categories such as Elemental Carbon (EC), Organic Carbon (OC), metals (elemental), and ions (nitrates, sulfates, etc.). Since coal dust is a subset of EC, which includes other species such as diesel PM, further speciation techniques would need to be applied to differentiate coal dust from EC. Simply determining if EC is present would not provide enough information to determine if coal dust is present. In addition, in order to determine if coal dust is an historical artifact or being deposited by current sources, measurements would have to be taken for a long period of time so that meteorological and other impacts can be “teased out.” Simply determining if components of coal dust are present will not provide information on when the dust may have been deposited. As a result, any study to determine whether coal dust is present and increasing due to current activities, would require a long-term study employing techniques not usually used to speciate typical PM.

Airborne coal dust in Richmond could originate from uncovered train cars or piles at the Levin Terminal, processing or loading/unloading at the Levin Terminal, or from re-entrainment of coal dust deposited on the ground either recently or historically. In

¹ See <http://www.baaqmd.gov/about-the-air-district/request-for-proposals-rfp-rfq> for more information. The RFQ closes on July 23, 2018.

Richmond near the Levin Terminal, there are many potential local sources of PM in addition to coal dust, including on and off-road diesel and gasoline combustion, an aggregate facility, a gypsum facility, a concrete batch plant, and a metal scrap facility. This combination of contributing sources means that a study to determine the extent to which the coal terminal is contributing PM to air pollution exposure in Richmond would need to evaluate physical and chemical characteristics of the airborne particulate matter – likely in multiple ways – to differentiate coal dust from other types of PM. And, it's not enough to simply determine if there is coal dust in the area. There probably is coal dust in the area due to historical operations at the port. So, the study would need to establish whether the current operations are increasing coal dust concentrations in the area and, if so, exactly what sources (e.g. open train cars, coal piles, coal handling operations.) Quantifying the exact sources of new emissions is key in developing a successful strategy to reduce emissions and exposures.

The first step in determining the impact of coal dust on PM exposure is a thorough analysis of the physical and chemical characteristics of PM from the suspected contributory stationary, area, and mobile sources, including a typical PM signature of regional urban background from the Bay Area and of PM transported from the Central Valley. With this information, one could design a set of measurements of physical or chemical characteristics of PM that, along with the sampling locations, frequency, and duration, could provide data to attribute the observed PM concentrations to various sources.

These measurements of the physical and chemical characteristics of PM would have to be performed for a minimum of one year, to incorporate changes in meteorology that occurs throughout the year and how those changes relate to changes in exposures. Various locations could be chosen by modeling suspected impact areas of sources. Once sampling locations were chosen, additional information would need to be gathered by taking samples on set schedules over the long term at suspected contributory sites and along transportation lines and at set distances moving away from those suspected sources. Different chemical and physical measurements of PM could include size distributions, light or electron microscopy, other chemical analyses or combinations of these techniques to determine the amount of specific elemental, organic, or inorganic components in attempt to identify PM compositional makeup.

The study would also need specific use information from suspected sources, such as frequency of train deliveries, speed and length of trains passing in the area of concern as well as operational information from the Levine Terminal during processing/loading and unloading of train material. Use information from on- and off-road combustion sources and other facilities is also likely needed. This information would better inform the evaluation of emissions and the link between a suspected source and the observed concentrations of PM. With this type of data, it may also be possible to evaluate observed changes in source contribution and

contributions from re-entrainment of (possibly historical) coal dust by wind and/or wash from passing vehicles, to the extent possible.

All the collected emissions and ambient concentration and composition data would then be analyzed to attribute (and quantify, if possible) the contribution of each of the suspected sources to ambient PM levels in various locations in Richmond in different times of the year. The findings would be included in a final report that could provide for sound scientific, legally defensible evidence potentially used to justify further action leading to reduce emissions from identified contemporary contributing sources, including direct efforts to mitigate historical deposition of coal dust.

In summary, the basic steps of a study to determine the contribution of coal dust to ambient levels of PM in Richmond would include:

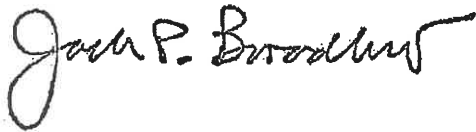
- Evaluate emissions information for PM signature of nearby suspected contributing sources;
- Choose sampling locations and sampled PM parameters to yield information needed to:
 - Determine spatial and temporal variations in PM exposure
 - Differentiate between coal dust and other sources of airborne PM
 - Determine if airborne coal dust is from contemporary sources, or re-entrainment of historically deposited coal dust; and
- Analyze emissions and ambient data to attribute (and quantify to the extent possible) the contribution of different sources of PM to ambient concentrations in different locations in Richmond.

Any monitoring plan that does not provide this level of effort would not provide the answer to the question of “are current activities at the Port of Richmond leading to an increase in health impacts to local residents.”

The Air District is willing to perform this work if identified as a priority, by the community stakeholder group for the Richmond monitoring project under AB 617. That said, AB 617 is designed to be driven by grass-roots stakeholder committees with a focus on the concerns identified by the residents of the community. We do not want to shortcut that important collaborative process by presuming this would be one of the identified priorities. And, if it were identified as a priority, it would still require at least a year of data collection to produce defensible results.

As mentioned above, if the City of Richmond would like to proceed with Ramboll on a parallel path to the AB 617 process, we are available to serve as a technical advisor to the City on that project. If you have questions about this issue, please contact Greg Nudd, Deputy Air Pollution Control Officer at gnudd@baaqmd.gov or 415-749-4786.

Sincerely,

A handwritten signature in black ink that reads "Jack P. Broadbent". The signature is written in a cursive style with a large initial "J".

Jack P. Broadbent
Executive Officer/APCO

cc: Jovanka Beckles, Councilmember
Ben Choi, Councilmember
Eduardo Martinez, Councilmember
Ada Recinos, Councilmember
Jael Myrick, Councilmember
Melvin Willis, Vice Mayor
John Gioia, Supervisor, BAAQMD Board Member

Attachment

Item 4a

**REGULATION 6
PARTICULATE MATTER-
RULE 1
GENERAL REQUIREMENTS
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**REGULATION 6
PARTICULATE MATTER
RULE 1
GENERAL REQUIREMENTS**

6-1-100 GENERAL

6-1-101 Description: The purpose of this Regulation is to limit the quantity of particulate matter in the atmosphere through the establishment of limitations on emission rates, emission concentrations, visible emissions and opacity.

(Amended 8/1/18)

6-1-102 Applicability of General Provisions: The general provisions and definitions in Regulation 1 and Regulation 6 shall apply to this rule.

(Adopted 8/1/18)

6-1-110 Exemptions for Activities Subject to Other Rules and Regulations:

110.1 Temporary Sandblasting Operations: The provisions of this rule shall not apply to Temporary Sandblasting operations. Such operations are subject to the provisions of Regulation 12, Rule 4.

110.2 Open Outdoor Fires: The provisions of this rule shall not apply to emissions arising from open outdoor fires. Such open outdoor fires are subject to the provisions of Regulation 5.

110.3 Wood Burning Devices: The provisions of this rule shall not apply to sources subject to the provisions of Regulation 6, Rule 3.

110.4 Metal Recycling and Shredding Operations: The provisions of this rule shall not apply to sources subject to the provisions of Regulation 6, Rule 4.

(Adopted 7/11/90, 12/19/90, Amended 8/1/18)

6-1-111 Limited Exemption, Blasting Operations: Blasting operations that are conducted by certified blasters who have met the blasting ordinances and requirements for licensing and permitting by the State of California Department of Industrial Relations Division of Occupational Safety and Health or other applicable local permitting authority are not subject to Sections 6-1-307 and 6-1-506.

(Adopted 8/1/18)

6-1-112 Limited Exemption, Portland Cement Manufacturing: Sections 6-1-307, 310 and 311 shall not apply to particulate emissions from sources subject to the provisions of Regulation 9, Rule 13.

(Adopted 8/1/18)

6-1-113 Limited Exemption, Total Suspended Particulate (TSP) Concentration and Weight Limitations: Sections 6-1-310.2, 311.2 and 504 shall not apply to particulate matter emissions from the following sources:

113.1 Commercial cooking equipment subject to the provisions of Regulation 6, Rule 2.

113.2 Salt processing operations whose TSP emissions are greater than 99 weight percent salt.

(Adopted 8/1/18)

6-1-114 Limited Exemption, Total Suspended Particulate (TSP) Emission Limits for Fuel Combustion: Sections 6-1-310.2 and 311.2 shall not apply to particulate matter emissions from the following sources:

114.1 Gas-, liquid- and solid-fuel fired indirect heat exchangers, including furnaces, heaters, boilers, gas turbines and supplemental fuel-fired heat recovery steam generators, but excluding Carbon Monoxide Boilers downstream of Petroleum Refinery Fluid Catalytic Cracking Unit regenerators.

114.2 Gas-fuel fired control devices that control only gaseous emissions.

114.3 Section 6-1-504 shall not apply to gas-fuel fired indirect heat exchangers or gas-fuel fired control devices that control only gaseous emissions. Liquid- and solid-fuel fired indirect heat exchangers shall remain subject to Section 6-1-504.

(Adopted 8/1/18)

- 6-1-115 Limited Exemption, Total Suspended Particulate (TSP) Concentration Limitation:** Section 6-1-310.2 shall not apply to particulate emissions from a sewage treatment plant solid waste incinerator abated by a wet scrubber with an Air District Permit to Operate until July 1, 2025.
(Adopted 8/1/18)
- 6-1-116 Limited Exemption, Total Suspended Particulate (TSP) Limits:** Section 6-1-310.2 and 311.2 shall not apply to particulate emissions from a carbon monoxide boiler abated by a water scrubber with an Air District Permit to Operate.
(Adopted 8/1/18)
- 6-1-117 Limited Exemption, Total Suspended Particulate (TSP) Limits:** Section 6-1-310.2 and 6-1-311.2 shall not apply to particulate emissions from a petroleum coke calcining unit abated by a baghouse with an Air District Permit to Operate until January 1, 2022.
(Adopted 8/1/18)
- 6-1-200 DEFINITIONS**
- 6-1-201 Active Operations:** As defined in Regulation 6-201, any activity with the potential to create particulate emissions from any source or fugitive dust emissions.
(Adopted 8/1/18)
- 6-1-202 Bulk Material:** As defined in Regulation 6-202, any unpackaged sand, soil, gravel, aggregate, solid construction material, solid industrial chemical or other unpackaged solids less than 2 inches in length or diameter.
(Adopted 8/1/18)
- 6-1-203 Bulk Material Site:** As defined in Regulation 6-203, any site with one or more stockpiles of bulk material greater than 5 feet high or with a footprint greater than 100 square feet.
(Adopted 8/1/18)
- 6-1-204 Exhaust Gas Volume:** The volume of gases discharged from an operation or an emission point, corrected to standard conditions (as defined in Regulation 1-228), excluding water vapor or steam.
(Renumbered and Amended 8/1/18)
- 6-1-205 Particle:** A minute quantity of solid matter or liquid droplet.
(Adopted 8/1/18)
- 6-1-206 Process Weight:** The total weight of all material introduced into an operation, including solid fuels and process air, but excluding (i) liquids and gases used solely as fuels, (ii) air that is not consumed as a reactant or is not critical to the process, (iii) air that is used only for dilution, and (iv) combustion air.
(Renumbered and Amended 8/1/18)
- 6-1-207 Process Weight Rate and Exhaust Gas Rate:** A rate established as follows:
- 207.1 For continuous or long-run, steady-state operations, the total process weight or exhaust gas volume for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portions thereof.
- 207.2 For cyclical or batch operations, the total process weight or exhaust gas volume for a period that covers a complete operation or an integer number of cycles, divided by the hours of actual process operation during such period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this section, that interpretation which results in the minimum value for allowable emission shall apply.
(Renumbered and Amended 8/1/18)
- 6-1-208 Regulated Bulk Material Site:** A bulk material site that (i) produces, handles, loads, unloads, stores or uses more than 10 tons per year of bulk materials; and (ii) is subject to an authority to construct and/or permit to operate for bulk material storage and handling issued by the Bay Area Air Quality Management District.
(Adopted 8/1/18)
- 6-1-209 Stockpile:** As defined in Regulation 6-208, an open or unenclosed storage pile of bulk material, external to any barn, pit or silo.
(Adopted 8/1/18)

- 6-1-210 Workday:** As defined in Regulation 6-210, any period, typically 8 – 12-hour shifts, when active operations occur on the site.
(Adopted 8/1/18)
- 6-1-300 STANDARDS**
- 6-1-301 Ringelmann No. 1 Limitation:** Except as provided in Sections 6-1-303, 304 and 306, a person shall not emit from any source for a period or aggregate periods of more than three minutes in any hour, a visible emission that is as dark or darker than No. 1 on the Ringelmann Chart, or of such opacity as to obscure an observer's view to an equivalent or greater degree.
(Amended 7/11/90, 8/1/18)
- 6-1-302 Opacity Limitation:** Except as provided in Sections 6-1-303, 304 and 306, a person shall not emit from any source for a period or aggregate periods of more than three minutes in any hour an emission equal to or greater than 20% opacity.
(Amended 7/11/90, 8/1/18)
- 6-1-303 Ringelmann No. 2 Limitation:** A person shall not emit for a period or aggregate periods of more than three minutes in any hour, a visible emission that is as dark or darker than No. 2 on the Ringelmann Chart, or of such opacity as to obscure an observer's view to an equivalent or greater degree, or be equal to or greater than 40 percent opacity, from the following sources:
- 303.1 Internal combustion engines of less than 25 liters (1500 in³) displacement;
 - 303.2 Engines used solely as a standby source of motive power;
 - 303.3 Laboratory equipment used exclusively for chemical or physical analyses or experimentation;
 - 303.4 Portable brazing, soldering or welding equipment.
- (Amended 1/5/83, 7/11/90, 8/1/18)*
- 6-1-304 Tube Cleaning:** During tube cleaning, and except for three minutes in any hour, a person shall not emit from any heat transfer operation using fuel at a rate of not less than 148 GJ (140 million BTU) per hour, a visible emission as dark or darker than No. 2 on the Ringelmann Chart, or of such opacity as to obscure an observer's view to an equivalent or greater degree, or equal to or greater than 40 percent opacity. The aggregate duration of such emissions in any 24-hour period shall not exceed 6.0 minutes per 1055 GJ (one billion BTU) gross heating value of fuel burned during such 24-hour period.
(Amended 8/1/18)
- 6-1-305 Visible Particles:** No person shall emit particles from any operation in sufficient number to cause annoyance to any other person where the particles are large enough to be visible as individual particles at the emission point, or of such size and nature as to be visible individually as incandescent particles. This Section shall only apply if such particles fall on real property other than the property of the person responsible for the emission.
(Amended 8/1/18)
- 6-1-306 Piledriving Hammers:** No person shall emit visible emissions from a piledriving hammer that exceeds the following standards for a period or aggregate periods of more than four minutes during the driving of a single pile:
- 306.1 For piledriving hammers other than those specified in Section 306.2, any visible emission that is as dark or darker than No. 1 on the Ringelmann Chart, or of such opacity as to obscure an observer's view to an equivalent or greater degree;
 - 306.2 For piledriving hammers utilizing kerosene, smoke suppressing fuel additives and synthetic lubricating oil, and for which fuel usage records are kept as required by Section 6-1-503, any visible emission that is as dark or darker than No. 2 on the Ringelmann Chart or of such opacity as to obscure an observer's view to an equivalent or greater degree.
- (Adopted July 11, 1990, Amended 8/1/18)*

6-1-307 Prohibition of Visible Emissions Within and From Regulated Bulk Material Sites:

- 307.1 Effective July 1, 2019, the owner/operator of a Regulated Bulk Material Site shall not cause or allow a fugitive dust visible emission from: active operations at the site, a bulk material stockpile, or a bulk material spill that:
- a. Exceeds (i) 5 feet long, 5 feet wide, or 5 feet high, and (ii) 10 percent opacity as determined by EPA Method 203B (or half as dark in shade as that designated as Number 1 on the Ringelmann Chart), for a period or aggregate periods of more than 3 minutes in any 60-minute period; or
 - b. Travels or carries beyond the site property line.
- 307.2 Effective July 1, 2019, the owner/operator of a Regulated Bulk Material Site shall clean up any bulk material spill of more than 12 inches high or more than 25 square feet by the end of the workday, unless the spill is adequately wetted, covered, or is protected by a wind screen with no more than 50 percent porosity that is (i) equal to or higher than the height of the spill; and (ii) placed upwind of the spill at a distance no greater than the height of the wind screen. Cleanup activities shall not cause fugitive dust visible emissions that exceed 20 percent opacity as determined by EPA Method 203B (or as dark in shade as that designated as Number 1 on the Ringelmann Chart), for a period or aggregate periods of more than 3 minutes in any 60-minute period.

(Adopted 8/1/18)

6-1-310 Total Suspended Particulate (TSP) Concentration Limits:

- 310.1 No person shall emit TSP from any source in excess of 343 mg per dscm (0.15 gr per dscf) of exhaust gas volume.
- 310.2 Effective July 1, 2020, Table 6-1-310.2 emission limits shall apply to any source with a Potential To Emit TSP (as defined in Regulation 2-1-217) greater than 1,000 kg per year. No applicable source shall emit TSP at a concentration in excess of the limit indicated for the source's Exhaust Gas Rate in Table 6-1-310.2:

Table 6-1-310.2: Exhaust Gas Rate vs. Allowable TSP Concentrations

Exhaust Gas Rate		TSP Concentration Limit	
dscm/min	dscf/min	mg/dscm	gr/dscf
50 or less	1,766 or less	343	0.150
>50 – 75	>1,766 - 2,649	298	0.130
>75 – 100	>2,649 - 3,531	268	0.117
>100 – 150	>3,531 - 5,297	230	0.101
>150 – 200	>5,297 - 7,063	207	0.0903
>200 – 300	>7,063 - 10,594	178	0.0776
>300 – 400	>10,594 - 14,126	159	0.0697
>400 – 500	>14,126 - 17,657	147	0.0641
>500 – 750	>17,657 - 26,486	126	0.0551
>750 - 1,000	>26,486 - 35,315	113	0.0495
>1,000 - 1,500	>35,315 - 52,972	97.3	0.0425
>1,500 - 2,000	>52,972 - 70,629	87.3	0.0382
>2,000 - 3,000	>70,629 - 105,944	75.1	0.0328
>3,000 - 4,000	>105,944 - 141,259	67.4	0.0295
>4,000 - 5,000	>141,259 - 176,573	62.0	0.0271
>5,000 - 7,500	>176,573 - 264,860	53.3	0.0233
>7,500 - 10,000	>264,860 - 353,147	47.8	0.0209
>10,000 - 15,000	>353,147 - 529,720	41.1	0.0180
>15,000 - 20,000	>529,720 - 706,293	36.9	0.0161
>20,000 - 30,000	>706,293 - 1,059,440	31.7	0.0139

Exhaust Gas Rate		TSP Concentration Limit	
>30,000 - 40,000	>1,059,440 - 1,412,587	28.5	0.0124
>40,000 - 50,000	>1,412,587 - 1,765,733	26.2	0.0115
>50,000 - 70,000	>1,765,733 - 2,472,027	23.1	0.0101
>70,000	>2,472,027	23.0	0.0100

310.3 For the purposes of Section 6-1-310, the measured concentration of TSP in the exhaust shall be corrected to standard conditions (as defined in Regulation 1-228) and (i) 12 percent carbon dioxide (CO₂) by volume, minus water vapor, for incineration or salvage operations and gas-fired pathological waste incinerators; or (ii) 6 percent oxygen (O₂) by volume, minus water vapor, for heat transfer operations. In the case of an incineration or salvage operation, the concentration shall be corrected as if no auxiliary fuel had been used and any CO₂ produced from combustion of liquid or gaseous fuel shall be excluded from the correction to 12 percent CO₂.

(Amended 8/1/18)

6-1-311 Total Suspended Particulate (TSP) Weight Limits:

311.1 No person shall emit TSP from any source at a rate in excess of the limit indicated for the source's Process Weight Rate in Table 6-1-311.1. This section shall not apply to gas-, liquid- or solid-fuel fired indirect heat exchangers.

Table 6-1-311.1: Process Weight Rate vs. Allowable TSP Emission Limits

Process Weight Rate		TSP Emission Limit	
kg/hour	lb/hour	kg/hour	lb/hour
250 or less	551 or less	0.81	1.78
>250 - 300	>551 - 661	0.91	2.02
>300 - 400	>661 - 882	1.11	2.45
>400 - 500	>882 - 1,102	1.29	2.84
>500 - 600	>1,102 - 1,323	1.45	3.21
>600 - 700	>1,323 - 1,543	1.61	3.56
>700 - 800	>1,543 - 1,764	1.76	3.89
>800 - 900	>1,764 - 1,984	1.91	4.21
>900 - 1,000	>1,984 - 2,205	2.05	4.52
>1,000 - 1,200	>2,205 - 2,646	2.31	5.11
>1,200 - 1,400	>2,646 - 3,086	2.56	5.66
>1,400 - 1,600	>3,086 - 3,257	2.80	6.19
>1,600 - 1,800	>3,257 - 3,968	3.03	6.70
>1,800 - 2,000	>3,968 - 4,409	3.26	7.19
>2,000 - 2,500	>4,409 - 5,512	3.78	8.35
>2,500 - 3,000	>5,512 - 6,614	4.27	9.43
>3,000 - 3,500	>6,614 - 7,716	4.74	10.5
>3,500 - 4,000	>7,716 - 8,818	5.18	11.4
>4,000 - 4,500	>8,818 - 9,921	5.61	12.4
>4,500 - 5,000	>9,921 - 11,023	6.02	13.3
>5,000 - 6,000	>11,023 - 13,228	6.80	15.0
>6,000 - 7,000	>13,228 - 15,432	7.54	16.6
>7,000 - 8,000	>15,432 - 17,637	8.24	18.2

Process Weight Rate		TSP Emission Limit	
>8,000 – 9,000	>17,637 – 19,842	8.92	19.7
>9,000 - 10,000	>19,842 – 22,046	9.57	21.1
>10,000 – 12,000	>22,046 - 26,455	10.8	23.9
>12,000 - 14,000	>26,455 - 30,865	12.0	26.5
>14,000 - 16,000	>30,865 - 35,274	13.1	29.0
>16,000 - 18,000	>35,274 – 39,683	14.2	31.3
>18000 - 20,000	>39,683 - 44,092	15.2	33.6
>20,000 - 22,000	>44,092 – 48,502	16.2	35.9
>22,000 - 24,000	>48,502 – 52,911	17.2	38.0
>24,000 - 25,000	>52,911 – 55,116	17.7	39.1
>25,000	>55,116	18.1	40.0

311.2 Effective July 1, 2020, Table 6-1-311.2 emission limits shall apply to any source with a Potential to Emit TSP (as defined in Regulation 2-1-217) greater than 1,000 kg per year. No applicable source shall emit TSP at a rate in excess of the limit indicated for the source's Process Weight Rate in Table 6-1-311.2:

Table 6-1-311.2: Process Weight Rate vs. Allowable TSP Emission Limits

Process Weight Rate		TSP Emission Limit	
kg/hour	lb/hour	kg/hour	lb/hour
100 or less	220 or less	0.45	0.99
>100 - 150	>220 - 331	0.59	1.29
>150 - 200	>331 - 441	0.70	1.55
>200 - 300	>441 - 661	0.90	1.98
>300 - 400	>661 - 882	1.06	2.34
>400 - 500	>882 - 1,102	1.21	2.67
>500 - 750	>1,102 - 1,653	1.52	3.34
>750 – 1,000	>1,653 - 2,205	1.78	3.92
>1,000 – 1,500	>2,205 - 3,307	2.21	4.86
>1,500 - 2,000	>3,307 - 4,409	2.56	5.65
>2,000 - 3,000	>4,409 - 6,614	3.15	6.95
>3,000 - 4,000	>6,614 - 8,818	3.64	8.02
>4,000 - 5,000	>8,818 - 11,023	4.06	8.95
>5,000 - 7,500	>11,023 - 16,535	4.96	10.9
>7,500 - 10,000	>16,535 - 22,046	5.44	12.0
>10,000 - 15,000	>22,046 - 33,069	6.00	13.2
>15000 - 20,000	>33,069 - 44,092	6.40	14.1
>20,000 - 30,000	>44,092 - 66,139	7.04	15.5
>30,000 - 40,000	>66,139 - 88,185	7.53	16.6
>40,000 - 50,000	>88,185 - 110,231	7.93	17.5
>50,000 - 75,000	>110,231 - 165,347	8.71	19.2
>75,000 - 100,000	>165,347 - 220,462	9.33	20.6
>100,000 - 150,000	>220,462 - 330,693	10.3	22.6
>150,000 - 200,000	>330,693 - 440,925	11.0	24.2
>200,000 - 300,000	>440,925 - 661,387	12.1	26.6

>300,000 - 400,000	>661,387 - 881,849	12.9	28.5
>400,000	>881,849	13.6	30.0

(Amended 8/1/18)

6-1-320 Sulfuric Acid Manufacturing Plants: A person shall not emit from any operation manufacturing sulfuric acid using as a principal raw material any sulfur-containing material, any emission having a concentration of SO₃ or H₂SO₄, or both, converted to and quantified as 100% H₂SO₄, exceeding 92 mg per dscm (0.04 gr/dscf) of exhaust gas volume.

(Amended 8/1/18)

6-1-330 Sulfur Recovery Units: A person shall not emit from any operation manufacturing sulfur, using as a principal raw material any sulfur-containing material, any emission having a concentration of SO₃ or H₂SO₄, or both, converted to and quantified as 100% H₂SO₄, exceeding 183 mg per dscm (0.08 gr/dscf) of exhaust gas volume.

(Amended 8/1/18)

6-1-400 ADMINISTRATIVE REQUIREMENTS

6-1-401 Appearance of Emissions: Persons subject to this Rule are subject to and shall comply with the requirements of Regulation 6-102.

(Amended 8/1/18)

6-1-402 Alternate Source Test Frequency: The APCO may authorize a person to reduce the frequency of source tests required in Section 6-1-504 or 505 if at least three (3) consecutive prior source test results indicate compliance with the applicable standard. To apply for such authorization, a person subject to Section 6-1-504 or 505 must submit a request in writing to the Director of Compliance and Enforcement and Manager of Source Test indicating (i) the name of the person requesting the reduction, (ii) the site number of the site for which the reduction is sought, (iii) the source number of the source for which the reduction is sought, (iv) the pollutant for which the reduction is sought; and (iv) the results of prior source tests demonstrating compliance with the regulatory standard involved. The APCO shall approve or deny the reduction in frequency of source tests under this provision within 180 days of receipt of the written request.

(Adopted 8/1/18)

6-1-500 MONITORING AND RECORDS

6-1-501 Sampling Facilities and Instruments Required: As described in Regulation 6-501, persons subject to this Rule are subject to, and shall provide sampling facilities and install instruments as required by, the provisions of Regulation 1.

(Amended 8/1/18)

6-1-502 Data, Records and Reporting: As described in Regulation 6-502, persons monitoring emissions in accordance with the requirements of Regulation 1 shall keep records, report emission excesses and provide summaries of data collected as required by Regulation 1.

(Amended 8/1/18)

6-1-503 Records: In order to be eligible for the Ringelmann No. 2 limitation set forth in Section 6-1-306.2, the person responsible for the operation of a pile-driving hammer must maintain and have available for inspection records that establish the use of kerosene, smoke suppressing fuel additives and synthetic lubricating oil.

(Adopted 7/1/90, Amended 8/1/18)

6-1-504 Demonstration of Total Suspended Particles (TSP) Compliance: Effective July 1, 2019, the owner/operator of a source with a District permit to operate and with a Potential To Emit TSP (as defined in Regulation 2-1-217) of greater than 2,000 kg per year shall conduct source testing to demonstrate compliance with Section 6-1-310 and 311 according to the testing frequencies listed in Table 6-1-504, unless the owner/operator receives written approval from the APCO for a different testing frequency, as described in Section 6-1-402. Inactive permitted sources are not required to conduct compliance source testing until they become active by operating more than 90 days in a calendar year and must conduct a source test within six months

of becoming active. Source tests required under this section shall be conducted in accordance with Section 6-1-602.1.

Table 6-1-504: Required Compliance Test Frequencies

Potential to Emit TSP (kg/year)	Compliance Test Frequency	Minimum Time Between Tests	Maximum Time Between Tests
> 16,000	Annually	9 months	15 months
> 8,000 – 16,000	Biennially	18 months	30 months
> 2,000 – 8,000	Every five years	48 months	72 months

(Adopted 8/1/18)

6-1-505 Demonstration of SO₃ and Sulfuric Acid Mist Compliance: Effective July 1, 2019, the owner/operator of a source with a District permit to operate and with a Potential to Emit SO₃ and H₂SO₄ (as defined in Regulation 2-1-217), converted to and quantified as 100 percent H₂SO₄, greater than 2,000 kg per year shall conduct source testing to demonstrate compliance with Section 6-1-320 or 330 according to the testing frequencies listed in Table 6-1-505, unless the owner/operator receives written approval from the APCO for a different testing frequency, as described in Section 6-1-402. Inactive permitted sources are not required to conduct compliance source testing until they become active by operating more than 90 days in a calendar year and must conduct a source test within six months of becoming active. Source tests required under this section shall be conducted in accordance with Section 6-1-602.2.

Table 6-1-505: Required Compliance Test Frequencies

Potential to Emit SO ₃ and H ₂ SO ₄ (kg/year)	Compliance Test Frequency	Minimum Time Between Tests	Maximum Time Between Tests
> 16,000	Annually	9 months	15 months
> 8,000 – 16,000	Biennially	18 months	30 months
> 2,000 – 8,000	Every five years	48 months	72 months

(Adopted 8/1/18)

6-1-506 Monitoring and Recordkeeping at Regulated Bulk Material Sites: The owner/operator of any Regulated Bulk Material Site shall monitor sources and operations at the site subject to the requirements in Section 6-1-307 as follows:

506.1 Monitor the nature and extent of any fugitive dust visible emissions from each source or operation, using simple observation of the source or operation with the sun or light positioned behind the observer, at times when the potential for fugitive dust visible emissions is at its highest due to wind conditions and/or work activities, or as otherwise specified by the APCO, according to the following frequencies:

- a. For any source or operation with the potential to generate fugitive dust located within 1000 feet of the site property line on a workday when the wind is blowing from the source toward the property line, at least twice during each such workday;
- b. For all sources and operations with the potential to generate fugitive dust, at least once during each workday.
- c. Monitoring of petroleum coke, calcined coke, or coal operations are required during daylight hours only.

506.2 Document the sources and operations monitored each workday when active material handling and storage operations occur.

506.3 Maintain records required by Section 6-1-506.2 for two years, in electronic, paper hard copy or log book format, and make these records available to the APCO upon request.

(Adopted 8/1/18)

6-1-600 MANUAL OF PROCEDURES

6-1-601 Applicability of Test Methods: The common test methods cited in Regulation 6 shall apply to this Rule, including the methods cited in Regulation 6-601: Assessment of Visible Emissions, and Regulation 6-602: Assessment of Opacity.

(Adopted 8/1/18)

6-1-602 Methods for Determining Compliance: Compliance testing required by Sections 6-1-504 and 505 shall be based on the following test methods:

602.1 Total Suspended Particulate: Source tests to determine compliance with TSP emissions limits shall be conducted in accordance with EPA Method 5, or an alternate method as described in Regulation 6-603. Source tests are not required if sources cannot be modified to comply with source test requirements and testing is not physically possible (e.g., for sources without a defined stack).

602.2 SO₃ and Sulfuric Acid Mist: Source tests to determine compliance with SO₃ and H₂SO₄ emission limits shall be conducted in accordance with EPA Method 8 or an EPA and APCO approved alternative. Source tests are not required if sources cannot be modified to comply with source test requirements and testing is not physically possible (e.g., for sources without a defined stack).

(Adopted 8/1/18)

Attachment

Item 5a

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CA, AMENDING SECTIONS 9.22.040 AND 9.22.090 OF THE RICHMOND MUNICIPAL CODE, DEFINING THE OPEN STORAGE AND TRANSFER OF COAL AND PETROLEUM COKE AS A PUBLIC NUISANCE AND PROVIDING REGULATIONS FOR ENCLOSED STORAGE AND TRANSFER, AND DEFINING EXCESSIVE AND GLARING LIGHTS AS A PUBLIC NUISANCE

The City Council of the City of Richmond do ordain as follows:

SECTION 1. Amendment of Chapter 9.22 Public Nuisances

Section 9.22 entitled "Public Nuisances" of the Municipal Code of the City of Richmond is hereby amended to read as follows (underline text indicates insertion):

9.22.010 - Title.

This chapter shall be known as the "nuisance code," may be cited as such, and will be referred to herein as "this chapter."

9.22.020 - Purpose.

- (a) It is the intent of the Council in adopting this chapter to provide a comprehensive method for the identification and abatement of certain public nuisances within the City.
- (b) Provisions of this chapter are to be supplementary and complementary to all of the provisions of the Richmond Municipal Code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right of power of the City to abate any and all nuisances.

9.22.030 - Application.

The provisions of this chapter shall apply generally to all property throughout the City wherein any of the conditions, hereinafter specified, are found to exist; provided, however, that any condition which would constitute a violation of this Code, but which is duly authorized under any City, state or federal law, shall not be deemed to violate this Code.

9.22.040 - Definitions.

The definitions set forth in Section 9.20.010 of this Code shall be applicable to the provisions contained in this chapter. In addition, the following words shall have the following specified meanings:

"Director of Public Health" means the Director of the Health Services Department of Contra Costa County or said Director's designee.

"Junk" means any castoff, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, plaster of Paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, having no substantial market value or requiring reconditioning in order to be used for its original purpose.

Owner. In addition to the definition set forth in Section 9.20.010 of this Code, the term "owner" also means the occupant, lessee, or holder of a beneficial interest in real property, as the case may be.

"Property" means premises.

"Nuisance" shall be defined as set forth in Section 3479 et seq. of the Civil Code.

Definitions relating to the handling and storage of coal or petroleum coke shall be the same as those listed in South Coast Air Quality Management District Rule 1158, as amended.

9.22.050 - Authority—Director of Public Works and Director of Public Health.

- (a) The Director of Public Works, City of Richmond, or such person designated by the City Manager, hereinafter referred to as "Director of Public Works," is authorized and directed to use the provisions of this chapter for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which said Director's department has enforcement responsibility.
- (b) The Director of the Health Services Department of the county, hereinafter referred to as "Director of Public Health," is authorized and directed to use the provisions of this chapter for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which said Director's department has enforcement responsibility.
- (c) As used herein, the terms "Director of Public Works" and "Director of Public Health" shall include the authorized representatives of such Directors and the Fire Chief and his authorized representatives as concerns Sections 9.22.090(a)(5) and 9.22.090(c)(9) of this chapter or any other section of this chapter in which the specified condition or activity poses a fire hazard.

9.22.060 - Right of entry.

To the extent authorized by law, whenever necessary to enforce any provisions of this chapter or whenever the City Manager or his or her designee or the Director has reasonable cause to believe that there exists on any premises any condition which is in violation of this chapter, said Manager or his or her designee or Director may enter on such premises at reasonable times to make inspections.

9.22.070 - Responsibility for proper property maintenance.

- (a) Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this chapter and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.
- (b) Every occupant, lessee, or holder of any interest in property, other than as owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from the similar duty.

9.22.080 - Violation—Penalty.

In addition to all other remedies and penalties available under other sections of this Code or under other laws, any person, firm or corporation, whether owner, lessee, sublessor, sublessee or occupant of any premises who violates the provisions of this Code shall be subject to an administrative citation pursuant to Chapter 2.62 of this Code for each day such violation continues.

9.22.090 - Nuisances specified.

It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises or to permit such premises to be maintained in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist:

- (1) Generally.
 - (A) Any dangerous, unsightly, or blighted condition which is detrimental to the health, safety or welfare of the public;
 - (B) Any condition in violation of the California Building Code, National Electrical Code, California Mechanical Code, Uniform Housing Code as amended by Health and Safety Code Section 19720.3, California Plumbing Code and Uniform Security Code, Title 24 of the California Code of Regulations, the State Building Standards Code, as adopted by reference in this Code, subject to any amendments, additions or deletions made thereto;
 - (C) Any condition in violation of Chapter 9.24 of this Code (Animal Control Law);
 - (D) Any condition in violation of Chapters 15.04, 15.06 and 15.08 of this Code (Zoning, Sign and Subdivision ordinances);
 - (E) Any condition in violation of Chapter 8.16 of this Code (Uniform Fire Prevention Code);
 - (F) Any condition in violation of any rule, regulation, standard or other requirement of the air pollution control district in which the City lies;
 - (G) Any condition recognized in law or in equity as constituting a public nuisance.
- (2) Buildings or Structures in a State of Disrepair.
 - (A) Any building or structure, or portion thereof, which is structurally unsafe or which constitutes a fire hazard, or which has been abandoned or left vacant for a period of six (6) months or more without work being performed in good faith under building permits to rehabilitate the building or structure proceeding in good faith;
 - (B) Any building or structure, including, but not limited to, walls, fences, signs or retaining walls, which are broken, deteriorated, or substantially defaced (including defacement by markings commonly referred to as "graffiti") so that the disrepair poses a risk of harm to the public or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values;
 - (C) Any building or structure having dry rot, warping or termite infestation or any building or structure on which the condition of the exterior finish has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation so that the disrepair poses a risk to the public or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values.
- (3) Property Inadequately Maintained.
 - (A) The keeping, storage, depositing or accumulation on the premises of any personal property, including, but not limited to, abandoned, wrecked, dismantled or inoperative vehicles, automotive parts or equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, solid waste, rubbish, and debris, which is within the view of persons on adjacent or nearby real property or the public right-of-way and which poses a risk of harm to the public or constitutes visual blight or reduces

- the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values; provided, however, that wood and building materials being used or to be used for a project of repair or renovation for which a valid and current building permit has been obtained may be stored for such period of time as is necessary expeditiously to complete the project;
- (B) The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials that is visible from the public right-of-way. However, building materials being used or to be used for a repair project or renovation, and for which a valid and current building permit has been obtained, may be stored for such period of time as is necessary expeditiously to complete the project;
- (C) Property on which overgrown, dead or decayed trees, weeds or other vegetation pose a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values;
- (D) Any parking lot, driveway, sidewalk or path which is cracked or has potholes or other breaks in the surface which poses a risk or harm to the public;
- (E) Any swimming pool, pond or other body of water which is abandoned, unattended, unfiltered or otherwise not maintained, resulting in the water becoming polluted by excess bacterial growth or by the presence of garbage, refuse, debris, papers or any other foreign matter or material which creates an unhealthy or unsafe condition;
- (F) Maintenance of property in such a manner that matter, including, but not limited to, smoke, odors, dust, dirt, or debris, is permitted to be transported by wind or water or otherwise upon any street, course, alley, sidewalk or other public property or onto neighboring or adjacent properties so as to pose a risk of harm to the public, or to create a condition which is offensive to the senses or detrimental to the use and enjoyment of nearby properties or reduces nearby property values;
- (G) Failure to install or to maintain landscaping which is required by this Code or which is required by the Richmond Redevelopment Agency for a redevelopment project area;
- (H) Storage of solid waste receptacles or bins in front or side yards or visible from the public right-of-way except where:
 - (i) The layout or configuration of the property and the buildings thereon would impose a hardship upon the property owner seeking to comply with this section, or
 - (ii) Compliance with this section would itself constitute a hazard to public health, safety or welfare.

Any exception granted pursuant to this subsection shall be subject to the review of the Director of Public Works on a periodic basis set by the Director;

- (I) Property on which any condition poses a fire hazard;
- (J) Property on which any condition exists which is likely to harbor rats, vermin or other pests;
- (K) Any vacant lot or undeveloped parcel shall be maintained by the owner to prevent the accumulation of trash, rubbish, garbage, or debris. Upon written notice to the owner of record, by mail to the last mailing address as listed in the County Tax Assessor's records, that the lot or parcel is the site of illegal dumping or contains trash, rubbish or garbage, the owner shall remove all such trash, rubbish, garbage or debris within the time stated in the notice.

- (i) Upon two (2) or more violations of this section within a twenty-four (24) month period, the property owner shall, at the owner's expense, erect a fence around the vacant lot or parcel of sufficient height and strength to prevent illegal dumping and/or the unlawful accumulation of trash, rubbish, garbage, or debris and/or unauthorized entry within thirty (30) days of the second notice of violation. The second notice of violation shall include a notice that a fence is required under this section.
 - (ii) If the property owner, after being given written notice that a fence is required, fails to erect such fence within thirty (30) days of the written notice, the City may apply for an abatement warrant to erect such fence, and upon obtaining the warrant shall erect the fence. All costs of obtaining the warrant and erecting the fence shall, at the City's sole election, be placed on the property as a special assessment lien or collected as a debt against the property owner.
 - (iii) It is unlawful for any person or entity to remove, damage, breach or in any way interfere with a fence erected under this section. The property owner shall at all times properly maintain such fence, including repair or replacement, in the event of damage or deterioration.
 - (iv) The property owner may apply in writing to the City Manager to remove a fence erected under this section in the event the lot is being developed and all necessary grading or building permits have obtained. Such permission shall not be withheld if such permits have been issued or if the lot or parcel is no longer vacant.
- (4) Abandoned or Unsecured Buildings.
 - (A) Any building, fence or other structure which is or has been abandoned, boarded up, partially destroyed or permitted to remain in a state of partial construction so that it poses a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values; provided, however, that no partially constructed, reconstructed or demolished structure shall be considered in a state of partial construction if there exists a valid and current building or demolition permit and substantial work has been done pursuant to such permit within the immediately preceding three months.
 - (B) Any building, structure or other property which is unlocked or unsecured or has broken or missing doors or windows or other glazed openings allowing unauthorized access by the public so as to constitute a potential attraction to children or trespassers or a harbor for vagrants, criminals, or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or other unlawful act.
- (5) Parking and Storage of Vehicles and Equipment.
 - (A) Parking or storage of construction equipment or machinery or other industrial or commercial equipment or machinery in any area zoned for residential uses so that it is within the view of persons on adjacent or nearby real property or on the public right-of-way except while excavation, construction or demolition operations covered by an active building or demolition permit are in progress on the property.
 - (B) Parking or storage of motor vehicles, trailers, campers, boats and other mobile equipment in any area not designated as a parking space on the approved site plan.
- (6) Hazardous and Attractive Nuisances.
 - (A) Any building, object or condition, whether natural or man-made, which due to its accessibility to the public or due to its potential attraction to children poses a hazard,

- including, but not limited to, abandoned, unsecured, unused or neglected motor vehicles, machinery or equipment, abandoned or unprotected wells, shafts, foundations, or basements, hazardous or unprotected pools, ponds, construction sites, or excavations, and stored chemicals, gas, oil, or toxic or flammable substances;
- (B) Erosion, subsidence, or surface water drainage problems which are hazardous or injurious to the public or to adjacent properties whether caused by grading operations, excavations or fill or as a result of the topography, geology or configuration of the land in its natural state.
- (7) Noise. The emanation of noise of such a loud, unusual penetrating, persistent, raucous or boisterous nature so as to unreasonably disturb, annoy, interfere with or endanger the comfort, repose, health, peace, safety or welfare of neighboring residents of normal sensitivity.
- (8) Vector Control. It shall be a violation of this section for anyone to create, cause, commit, or maintain a public nuisance, which is defined as any one or more of the following:
- (A) Anything that is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of person, or that unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street or highway;
- (B) Any artificial alteration of property, excluding water, from its natural condition, resulting in it supporting the development, attraction, or harborage of vectors, with the presence of vectors in their developmental stages on property being prima facie evidence that the property is a public nuisance;
- (C) Any water that is a breeding place for vectors, with the presence of vectors in their developmental stages in the water being prima facie evidence that the water is a public nuisance; or
- (D) Any activity that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread of vectors.
- (9) Any uncovered storage or transfer of coal or petroleum coke shall be deemed a nuisance, and specifically the following shall apply to storage or transfer of coal or petroleum coke:
- (A) All piles of coal or petroleum coke shall be maintained in enclosed storage. The enclosed storage shall be equipped with and use as needed, a water spray system or permitted air pollution control equipment sufficient to control fugitive dust emissions at designed vents and at entrances or exits for material or vehicles.
- (B) Any entrance or exits for coal or petroleum coke or vehicles shall have overlapping flaps, sliding doors or other devices(s) approved by the Director of Public Works, which shall remain closed except to allow vehicles to enter and leave or when people are inside. Material truck and railcar unloading shall be in an enclosed structure that is either equipped with a water spray system to be used as needed to prevent visible dust emissions or vented to permitted air pollution control equipment that is operated during unloading activities. The ends of the structure shall have overlapping flaps that reduce the opening to no greater than 11 feet high by 10 feet wide, sliding doors which shall remain closed except to allow trucks to enter and leave, or other equally effective devices as approved by the Director of Public Works.
- (C) The operator shall only conduct railcar coal or petroleum coke unloading in an enclosed structure that is either equipped with a water spray system operated to prevent visible dust emissions, or vented to permitted air pollution control equipment that is operated during

unloading activities. The ends of the structure shall have overlapping flaps, sliding doors or other equally effective devices as approved by the Director of Public Works, which shall remain closed except to allow the railcars to enter and leave.

- (D) The operator shall pave and maintain as paved, the following areas:
- (1) All ground surfaces within the facility where coal or petroleum coke accumulations routinely occur; and,
 - (2) All roads and vehicle movement areas within the facility that are used for transporting or moving coal or petroleum coke.
- (E) In order to clean roads of accumulations of coal or petroleum coke, the operator shall use a street sweeper to clean any track-in/track-out road and any road inside the facility, used to transport coal or petroleum coke.
- (1) The street sweeping shall be sufficient so that not more than 4 hours elapses between each street sweeper cleaning or after every 100 truck material receipts or dispatches, but not less than one time daily when the facility is open for business.
 - (2) Each 24-hr. day, the day beginning at 12:01 A.M., the operator shall designate and record whether for that day the operator is street sweeping every four hours or every 100 trucks. The record shall show the date and time when street sweeping was performed and the truck count.
 - (3) Facility operators shall begin cleaning up coal or petroleum coke spills of more than three pounds, or that cover more than a square foot, within one hour and continue cleanup operations until the spill is removed.
- (F) The operator shall maintain all areas within the facility free of any accumulation of coal or petroleum coke unless the accumulation is completely covered.
- (G) All conveyors shall be enclosed conveyors.
- (H) The operator shall only load materials into ships through a telescoping loading chute which uses a water spray system, or an air pollution control system, sufficient to control fugitive dust emissions during operations that is extended to within five feet of the top of the pile; or, is at least 5 feet below the hatch opening.
- (I) The operator shall not load coal or petroleum coke into any truck trailer unless it is subsequently and immediately covered, before leaving the facility, in one of the following manners sufficient to prevent material from escaping from the trailer onto the facility property:
- (1) A solid sliding cover on the top of the truck that is kept completely closed; or,
 - (2) A slot-top type cover that reduces the uncovered open surface area by at least 50% and extends above the trailer top edges, without gaps and either the material contained in the trailer is moist material, or a chemical stabilizer is applied to the surface of the coal or petroleum coke in sufficient amounts and concentration so as to prevent fugitive dust emissions during transport; or,
 - (3) A continuous tarp that completely covers the trailer top, and does not contact the coal or petroleum coke within the trailer. In addition, the tarp shall be installed or the trailer constructed to prevent wind from entering over the leading edge of the trailer rim into the interior of the trailer.
- (J) Facility operators shall not load coal or petroleum coke into truck trailers such that a trailer leaks liquid that contains material onto the facility property. If a truck trailer leaks liquid

that contains material onto the facility property, the facility operator shall clean the affected property within one hour with a street sweeper or water.

(K) The operator shall clean all out-going coal or petroleum coke transport trucks, whether loaded or empty, so that:

- (1) Any part of any tractor, trailer or tire exterior surface, excluding the inside of the trailers, are free of all loose coal or petroleum coke in excess of 1 gram per square decimeter or 10 grams total.
- (2) The coal or petroleum coke removed by the truck cleaning operation is collected and recycled or otherwise disposed of so that it does not result in fugitive dust emissions.

(L) The operator shall not cause, or allow the discharge into the atmosphere of, fugitive dust for a period or periods aggregating more than three minutes in any one hour which is equal to or greater than 10% opacity (equivalent to 10% opacity under EPA Method 9 or one half of No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines).

(M) Variance from Regulations.¹

- (1) Applications for a Variance. The Facility Owner or Operator may apply to the Planning Commission for a variance from any provision set forth in Section 9.22.090(9)(A)-(L) in accordance with the provisions set forth in 9.22.090(9)(M)(2) below.
- (2) Requirements of the Variance Application. The request for a variance must be in writing and must set forth, in detail, all of the following:
 - a) A statement identifying the provision or requirement from which the variance is requested;
 - b) A description of the process or activity for which the variance is requested, including pertinent data on location, size, and the population and geographic area affected by, or potentially affected by, the process or activity;
 - c) The quantity and types of materials used in the process or activity in connection with which the variance is requested, as appropriate;
 - d) A demonstration that issuance of the variance will not exacerbate a public nuisance or adversely impact the surrounding area, surrounding environment, or surrounding property uses;
 - e) A statement explaining:

¹ Adapted from City of Chicago, Department of Public Health, Article II: Air Pollution Control Rules and Regulations For Control of Emissions from the Handling and Storage of Bulk Material Piles, available at: https://www.cityofchicago.org/content/dam/city/depts/cdph/environmental_health_and_food/RuleRegsContrEmisHStorBulkMatPiles.pdf.

- i) Why compliance with the provisions imposes an arbitrary or unreasonable hardship;
- ii) Why compliance cannot be accomplished during the required timeframe due to events beyond the Facility Owner or Operator's control such as permitting delays or natural disasters; or
- iii) Why the proposed alternative measure is preferable.
- f) A description of the proposed methods to achieve compliance with the provisions and a timetable for achieving that compliance, if applicable;
- g) A discussion of alternate methods of compliance and of the factors influencing the choice of applying for a variance;
- h) A statement regarding the Facility Owner or Operator's current status as related to the subject matter of the variance request.

(3) Criteria for Reviewing Applications.

- a) In determining whether to grant a variance, the Planning Commission will consider public comments received pursuant to 9.22.090(9) (M)(4) and will evaluate the information provided in the application to meet the requirements of 9.22.090(9) (M)(2). Particular consideration will be given to the following information:
 - i) Inclusion of a definite compliance program;
 - ii) Evaluation of all reasonable alternatives for compliance;
 - iii) Demonstration that any adverse impacts will be minimal.
- b) The Planning Commission may deny the variance if the application for the variance is incomplete or if the application is outside the scope of relief provided by variances.
- c) The Planning Commission may grant a variance in whole or in part, and may attach reasonable conditions to the variance to ensure minimization of any adverse impacts. Such reasonable conditions may include, but need not be limited to:
 - (i) Installation and maintenance of a three-sided barrier equal to the height of the material, with no more than fifty percent porosity to provide wind sheltering;
 - (ii) Maintenance and operation of water spray bars, a misting system, water hoses and/or water trucks to control fugitive dust emissions;

(iii) Application of chemical stabilizer(s) to control fugitive dust emissions;

(iv) Installation of temporary covers;

(v) Other fugitive dust emissions control measures consistent with best available control measures on the pile;

(vi) Submission of regular reports containing testing and sampling data as necessary to determine the likelihood of emission reductions and compliance; and/or

(vii) Limits on handling, storage, and transport of crushed materials.

d) A variance may be revoked at any time if the Planning Commission finds that operation of the Facility is exacerbating a public nuisance or otherwise adversely impacting the surrounding area, surrounding environment, or surrounding property uses.

e) No variance shall be effective for longer than five years after the effective date of Section 9.22.090(9).

(4) Change in Facility Operations. If any part of the Facility's operation that is the subject of the variance expands or changes, then, at least thirty (30) days prior to the expansion or change in operation, the Facility Owner or Operator shall notify the Planning Commission and either a) apply for a new variance or b) notify the Planning Commission of the Owner or Operator's intent to comply with the provision(s) that were the subject of the variance, in which case the variance will automatically terminate.

(5) Notice of Variance Applications. The Planning Commission will not grant any variance under this section until members of the public have had an opportunity to submit written comments on the variance application. Public notice of all variance applications will be provided by publication in a newspaper of general circulation published within the city and by publication on the city's website. The Planning Commission will accept written comments for a period of not less than thirty (30) days from the date of the notice.

(6) Appeal of Decision Granting or Denying Variance. A decision of the Planning Commission granting or denying an application for a variance under Section 9.22.090(9)(M) may be appealed to the City Council within ten (10) calendar days from the date of the decision.

(N) Section 9.22.090 (9) shall be effective one year from the date of adoption.

(10) Energizing any unshielded Class 2 outdoor light source on privately-owned property that results in off-site spill to a Lighting Zone LZ2 or LZ3 or does not comply with Tables 15.04.604.050-D or 15.04.604.050-E. Refer to 15.04.104 and 15.04.604 for definitions.

9.22.100 - Administrative abatement.

- (a) Authority. Whenever an authorized City employee has inspected or caused to be inspected any premises and has found and determined that such premises are in violation of this chapter, and such violation does not warrant a summary abatement under this chapter, an authorized City employee may commence proceedings to cause abatement of the nuisance as provided herein, without limitation as to any other administrative or legal remedies.
- (b) Notice of Violation. Upon determining that premises located in the City are in violation of this chapter, an authorized City employee may issue a notice of violation directed to the record owner and to the occupants, as appropriate, of the premises. The notice of violation shall contain:
 - (1) The name and address of the person, firm, corporation or entity in violation, and the street address and such other description as is required to identify the premises where the violation is present;
 - (2) A statement which specifies the conditions which constitute the nuisance, an explanation of what specific code sections have been violated, and measures necessary to abate the nuisance;
 - (3) An order that the nuisance be abated within a specified time period;
 - (4) The range of administrative, civil and/or criminal actions and monetary penalties, as described herein, that the City may impose for such violations if not corrected;
 - (5) A statement informing the recipient of the name and office telephone number of the person to contact should the recipient desire to explain why he or she believes the premises should not be declared to be a public nuisance and abated. The authorized City employee may rescind or modify the notice of violation based on substantive evidence presented by the recipient; and
 - (6) Service of Notice of Violation. A copy of the notice of violation, shall be served either by personal delivery or by First Class U.S. mail, postage prepaid, upon the record owner at the address as it appears at the County Recorder's Office of Contra Costa County, and upon the occupants of the premises, if any. If neither of these methods result in the notice of violation being served upon the record owner and any occupants after reasonable attempts to serve, a copy of the notice shall be posted on the premises.
- (c) Administrative Citation. If after serving the notice of violation as described in this chapter, the owner or occupants do not timely abate the nuisance specified in the notice of violation, then an authorized City employee may issue an administrative citation directed to the record owner and any occupants of the premises.
 - (1) Service of Administrative Citation. A copy of the administrative citation, shall be served either by personal delivery or by First Class U.S. mail, postage prepaid, upon the record owner at the address as it appears at the County Recorder's Office of Contra Costa County, and upon the occupants of the premises, if any. If neither of these methods result in the administrative citation being served upon the record owner and any occupants after reasonable attempts to serve, a copy of the notice shall be posted on the premises.
- (d) Noncompliance Notice and Order. If after serving the notice of violation the owner and occupants do not timely abate the nuisance(s) specified in the notice of violation, or a notice of violation was served on the owners and occupants within the past twelve (12) months for a substantially similar violation, then an authorized City employee may issue noncompliance notice and order directed to the record owner and to the occupants, as appropriate, of the premises. The noncompliance notice and order shall contain the following:

- (1) The name and address of the person, firm, corporation or entity in violation, and the street address and such other description as is required to identify the premises where the violation is present;
- (2) A statement which specifies the conditions which constitute the nuisance, an explanation of what specific code section have been violated, and measures necessary to abate the nuisance;
- (3) An order that the nuisance be abated within a specified time period;
- (4) A statement informing the recipient of his or her right to appeal the determination to a hearing officer by filing with the Richmond Police Department Code Enforcement Unit within ten (10) calendar days from the date of the noncompliance notice and order, and on a form available from the Richmond Police Department Code Enforcement Unit, a written statement requesting a hearing and providing a factual and specific explanation of: (A) why the premises should not be declared to be a public nuisance and abated, and (B) why the costs of such abatement should not become a special assessment lien against the premises;
- (5) A statement that if the person, firm, corporation or entity fails to abate the violation and nuisance or fails to file on a timely basis a request for an appeal hearing, the noncompliance notice and order shall be final and not subject to judicial review, and all persons served with such noncompliance notice and order shall be deemed to have consented to the abatement of the nuisance and that, at the election of the City, the City will abate the nuisance and the costs of such abatement may be charged against the premises and may be recorded as a special assessment lien against the premises; and
- (6) Service of Noncompliance Notice and Order.
 - (A) Persons Entitled to Service. The noncompliance notice and order shall be served upon the owner of the premises, any occupants of the premises, and any other person, corporation, or entity in violation.
 - (B) Method of Service. Unless otherwise provided in this section, service of a noncompliance notice and order shall be made by personal service or by First Class U.S. Mail, postage prepaid with confirmation of delivery by the U.S. Postal Service. Service on any property owner in violation is deemed complete when it is served or delivered at the address listed by the property owner at the County Recorder's Office of Contra Costa County, or as known to the City official issuing the order. If personal service or service by mail with confirmation of delivery is not reasonably feasible or too cost prohibitive, service of the noncompliance notice and order may be made by posting the order on the subject premises and sending a copy by regular United States mail service. Service posting in the manner herein provided shall be effective on the date of posting. As an alternative, substituted service of the noncompliance notice and order may be made as follows:
 - (i) By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and then mailing a copy by first-class mail to the recipient at the address where the copy was left; or
 - (ii) By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and then mailing a copy by first-class mail to the recipient at the address where the copy was left.
 - (C) (i) By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and then mailing a copy by first-class mail to the recipient at the address where the copy was left; or
 - (ii) By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and then mailing a copy by first-class mail to the recipient at the address where the copy was left.
 - (D) If the party entitled to service has a property manager or rental agency overseeing the premises, substituted service may be made as set forth in above upon the property manager or rental agency.
 - (E) Substituted service may be made by posting the noncompliance notice and order on the premises and mailing a copy of the noncompliance notice and order to the person,

corporation, or entity in violation at the address of the property on which the violation has occurred or is occurring.

- (F) If the person, corporation, or entity in violation or other person entitled to service cannot be located or service cannot be made as set forth in this section, service may be made by publication in a newspaper of general circulation in Contra Costa County. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

(e) Appeal Hearing.

- (1) **Hearing Officer.** The appeal shall be heard by a hearing officer appointed by the City Manager or his or her designee to hear administrative appeals. The hearing officer may be a City employee, but in that event the hearing officer shall not have had any responsibility for the investigation, prosecution or enforcement of nuisances under this chapter and shall not have had any personal involvement in the appeal to be heard within the past twelve months.
 - (2) **Setting Appeal Hearing.** The appeal hearing shall be set by the City Manager or his or her designee, and notice of the appeal hearing shall be sent to the appellant by first class mail at the address provided with the written appeal request. The appeal hearing shall be set for a date no sooner than twenty (20) days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least fifteen (15) days before the date set for hearing.
 - (3) **Format of Hearing Officer's Decision.** The hearing officer shall issue a written decision containing findings of fact and a determination of the issues presented. The hearing officer may affirm, modify or reverse the notice of violation, administrative citation or the noncompliance notice and order.
 - (4) **Contents of Hearing Officer's Decision.** If it is shown by a preponderance of all the evidence that the condition of the premises constitutes a violation of the Richmond Municipal Code or is a public nuisance as defined in this chapter, the decision shall declare the premises to be a public nuisance and shall order and require the appellant to abate the nuisance not later than ten (10) calendar days after the issuance of the decision or, if ten (10) calendar days is insufficient to abate the nuisance, within such other time as specified by the hearing officer not to exceed sixty (60) days. The decision shall inform the appellant that if the nuisance is not abated within the time specified, the nuisance may be abated by the City in such manner as may be ordered by an authorized City employee and the expense thereof made a special assessment lien upon the property involved. This is in addition to any other legal remedies that the City may choose to compel compliance.
 - (5) **Service of the Hearing Officer's Decision.** Upon issuance of the decision, the City shall serve a copy on the appellant by first class mail to the address provided by appellant in the written notice of appeal. The hearing officer's decision shall be deemed served three (3) days after the date it is mailed to the address provided by the appellant.
 - (6) **Finality of Hearing Officer's Decision.** The decision of the hearing officer on an appeal of a noncompliance notice and order shall constitute the final administrative decision of the City and shall not be appealable to the City Council or any committee or commission of the City.
- (f) **Failure to Obey Order—Abatement by City.** If, after any noncompliance notice and order or any order of a hearing officer made pursuant to this chapter has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, an authorized City employee is authorized and directed to cause the nuisance to be abated by City personnel or private contract. Further, an authorized City employee shall obtain a warrant, if required, and thereafter is expressly authorized to enter upon the premises for the purpose of abating the nuisance.

9.22.110 - Abatement by City or owner—Assessment of all costs of abatement against owner or property.

- (a) In the event the nuisance is not abated within the time specified in the notice or, if a hearing is held, within the time specified in the hearing decision, the City may take all necessary action to abate such nuisance, and the owner of such property and/or any other person whose duty was to abolish or abate such nuisance, in addition to incurring penalties as provided herein, shall become personally indebted to the City for the damages, all costs and charges, including all reasonable administrative costs of abatement and enforcement incurred by the City by reason of the existence of the nuisance or the abatement of the nuisance, as set forth in the Master Fee Schedule authorized by Richmond Municipal Code Chapter 2.34. These damages, costs and charges may alternatively be assessed as a lien against the property on which the nuisance existed.
- (b) In the event the nuisance is abated within the time specified in the notice or, if a hearing is held, within the time specified in the hearing, by the owner or anyone acting on behalf of the owner, the owner of such property and/or any other person whose duty was to abolish or abate such nuisance, in addition to incurring penalties as provided herein, shall become personally indebted to the City for the damages, all costs and charges, including all reasonable administrative costs of abatement and enforcement incurred by the City by reason of the existence of the nuisance or the abatement of the nuisance, as set forth in the Master Fee Schedule authorized by Richmond Municipal Code Chapter 2.34. These damages, costs and charges may alternatively be assessed as a lien against the property on which the nuisance existed.
- (c) The City Manager or his or her designee shall keep an itemized account of the expenses incurred by the City in abating violations under this chapter. After the completion of the work of abatement, whether by the owner or by the City, said Manager or his or her designee shall cause an itemized bill of the expenses to be mailed to the owner.
- (d) On a periodic basis as determined by City Manager or his or her designee, said City Manager or his or her designee shall prepare and file with the City Clerk a report and assessment list which identifies all real property at which abatement work was done by the City pursuant to this chapter and for which the owner has not fully reimbursed the City within 30 days of the date of billing. The report and assessment list shall provide a description of the real property at which the work was performed, the expenses incurred by the City and the names and addresses of the persons entitled to notice, as identified in Section 9.22.100(c) of this chapter.
- (e) Upon receipt of the report, the City Clerk shall post a notice of filing of the report in a conspicuous place in the City Hall, with said notice specifying the filing date of the report and assessment list and the time and place when and where the report and assessment list will be submitted to the City Council for hearing and confirmation. The City Clerk shall also mail by first class mail a notice to each property owner identified in the report and assessment, at the address specified in Section 9.22.100(c) of this chapter. Said notice shall provide a description of the real property at which the work was performed, the nature of the work performed, and the expenses incurred by the City in performing the work and shall notify the owner that said costs shall be assessed against the owner or the property unless objection is made by the owner in writing and submitted to the City Clerk at least two days before the hearing. Said notice shall also specify the time and place when and where the proposed assessment will be presented to the City Council for hearing and confirmation. The notice shall be mailed at least 10 days prior to the date of said hearing.
- (f) Any owner who objects to the proposed assessment and who desires to challenge the proposed assessment at the City Council hearing must submit any and all objections in writing to the City Clerk at least two days prior to the date of hearing. The failure of any owner to submit objections to the City Clerk shall constitute a waiver of any such objections.
- (g) At the time and place fixed for hearing and confirming the proposed assessments, the City Council shall hear the same. At such hearing, only those persons who have submitted written objections to the City Clerk will be heard by the Council. At said hearing, the City Council may correct, modify or

eliminate any proposed assessment which it may deem excessive or otherwise incorrect. Thereafter, by vote and resolution, the Council shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order that an assessment be made as a personal obligation of the owner or, alternatively, assess it against the property. If the Council orders that an assessment be charged as a personal obligation of the property owner, it shall direct appropriate City personnel to collect the same by use of all appropriate legal remedies. If the Council orders that an assessment be assessed against the property, it shall also direct that the same be recorded on the tax assessment roll and thereafter said assessment shall constitute a special assessment and lien against the property. The special assessment and lien shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City.

- (h) The City Manager is authorized and directed to pay as a reward, a sum equal to twenty-five (25) percent of the penalty or the fine actually paid by a person cited for violating any provision of this chapter, in the aggregate per case, where a claim for reward is made, for information leading to the arrest and successful collection of a fine or fee.

9.22.120 - Summary abatement.

- (a) If, in the opinion of an authorized City employee or, if a hearing has been requested, the Board of Appeals, there exists a condition on any premises which is of such a nature as to be substantially dangerous to the public health, safety or welfare, which, if not abated, would, during the pendency of the abatement procedures set forth in this chapter, subject the public to potential harm of a serious nature, the same may be abated by the City forthwith without compliance with the provisions of this chapter.
- (b) No summary abatement shall be undertaken unless it shall first be approved by the City Attorney or his authorized representative.
- (c) The cost of summary abatement including all administrative costs of any action taken hereunder, including reasonable attorney's fees, may be assessed against the subject real property as a special assessment lien and/or made a personal obligation of the owner as provided in Section 9.22.110.
- (d) As soon as practicable following completion of the abatement, an authorized City employee shall issue a notice of violation and/or noncompliance notice and order in accordance with this chapter. Persons receiving such notices shall be entitled to all hearing rights as provided in this chapter.

9.22.130 - Abatement of dangerous buildings.

Notwithstanding the procedures set forth in Section 9.22.110 of this chapter, whenever the Director of Public Works has inspected or has caused to be inspected any building or structure and has determined that such building or structure is a dangerous building pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by the State of California and Chapter 6.10 of this Code, abatement of the conditions causing the building to be dangerous shall be undertaken pursuant to the procedures set forth in the Uniform Code for the Abatement of Dangerous Buildings and this Code.

9.22.140 - Vector control—Summary abatement.

Notwithstanding and in addition to any other remedy available under the ordinance codified in this section or other federal, state or local law or regulation, if a public nuisance as defined in this chapter exists and constitutes an immediate threat to public health or safety, the City may summarily and without notice or hearing abate such nuisance at the expense of the persons creating, causing, committing, or maintaining the nuisance. The expense of abatement of the vector nuisance shall be a lien against the property on which it is maintained and a personal obligation against the property owner, in accordance with Section 38773.1 or 38773.5 of the California Government Code and Section 9.22.110 of this chapter.

SECTION 2. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3. Effective Date.

This ordinance amendment shall be effective 30 days after passage and adoption. First introduced at a regular meeting of the City Council of the City of Richmond held on _____ and finally passed and adopted at a regular meeting held on _____ by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor

Approved as to form:

City Attorney

Attachment

Item 6a

Contra Costa County
HAZARDOUS MATERIALS COMMISSON

Draft Minutes
April 26, 2018

Members and Alternates Present: Lara DeLaney, Fred Glueck, Frank Gordon, Steve Linsley, Mark Ross, George Smith, Leslie Stewart, Peter Dragovich (alternate), Lisa Park (alternate)

Absent: Rick Alcaraz, Jack Bean, Don Bristol, Jim Payne, Ralph Sattler, (represented by Alternate), Usha Vedagiri (represented by alternate)

Staff: Michael Kent, Randy Sawyer

Members of the Public: Julia Walsh, No Coal in Richmond; Jim Holland

1. Call to Order: Commissioner Smith called the meeting to order at 4:10.

Announcements and Introductions:

Michael Kent announced:

- The Board of Supervisor's Transportation, Water and Infrastructure committee accepted the Commission's recommendation to provide the California Department of Education with input on their new school siting guidelines, and a letter containing these recommendations should be approved by the Board of Supervisors next month.
- Commissioner Vedagiri has informed the Commission that she needs to resign her position effective immediately.
- The DEA is holding one day collections events for unused pharmaceuticals throughout the County this Saturday.
- There will be a community workshop on AB 617 at the Pleasant Hill Community Center at 5:30 on April 30th.
- The next meeting of the Northern Waterfront Economic Development Initiative will be on May 3rd at 1:00 at 30 Muir Road.
- Dave Hudson, former Hazardous Materials Commissioner has been appointed as the chairperson of the Bay Area Air Quality Management District this year.
- DTSC has sent out a number of announcements about clean-up sites in the county that are being distributed during the meeting.

Commissioner Gordon announced that the John Mansville site in Pittsburg that was cleaned up with some contamination in place, and thus had DTSC deed restrictions put on its use, was recently sold to a company that builds charter schools.

2. Approval of the Minutes:

The minutes of January 25, 2018 meeting were moved by Commissioner Gordon, seconded by Commissioner Dragovich, and passed 7-0 -2 with Commissioners Glueck and DeLaney abstaining.

3. Public Comments: None

4. Hazardous Materials Programs Report:

Randy Sawyer, Hazardous Materials Program Director reported:

- There was an apartment fire in Concord early in the week which caused lots of smoke. There are still about 70 firefighters on the scene dealing with hot spots. Hazmat helped with the air monitoring. They issued a Health Advisory for a mile around the site at 5:00 am because of the potential impact on people with respiratory concerns. The Health Advisory was lifted at 5:00 am. They are now developing advise about how to manage the ash, and are working with the Concord Public Works Department to clean up the ash.
- He is tracking progress of several pieces of proposed legislation at the state level:
 - AB 1202 – This would increase the statute of limitations for Above Ground Storage Tanks from one year to five years.
 - AB 3138 – This would increase penalties hazardous waste penalties and would change the standard for intentional violations from “Knowingly violate” to “Knowingly violate with reasonable notice”
 - Unknown number: Some types of tanks that were previously covered under Underground Storage Tank rules would now be covered under Above Ground Storage Tank Rules.
 - AB 2904 – This would relax the standards for prohibiting CUPAs from issue permits because of any violation to major violation. It would also give the Water Boards the ability to red tag tanks.
- The Contra Costa Fire District is getting a hazmat truck and training 22 staff on how to respond to an incident.

Commissioner Gordon asked Mr. Sawyer about an incident at the end of February concerning a leaking railcar in Pittsburg. He said that it was an empty car with some residue in it. ConFire responded and asked Hazmat to respond as well. ConFire thought another care was leaking and they asked for a Shelter in Place for 60 – 90 minutes. The Hazmat team took the valve off the tank car to allow the fumes to dissipate.

- The County will consider a marijuana Land Use Ordinance as well as an Health Ordinance at their May 8th meeting. Since it isn't considered a food, the ordinance doesn't need to address food issues. Most of the hazmat issues are addressed by state law. He is concerned about the solvents manufactures might be using to extract THC from the plant. He would like manufacturers to use non-volatile solvents.

5. Operations Committee Report:

The Operations committee met in March with Lynda Deschambault of Contra Costa Climate Leaders (CCCL) to discuss their interest in enhancing information sharing of hazardous materials data for the jurisdictions in Contra Costa County. As part of this effort, they want to rate cities on various practices related to hazardous materials. The committee made comments and offered

suggestions. CCCL will follow up with staff to see what information they should collect. The Committee did not meet in April.

6. Planning and Policy Development Committee Report:

The Committee did not meet in April.

7. Old Business: None

8. New Business:

- a) Update from Ellen Dempsey, Hazardous Materials Program, on efforts to address seal level rise**

This item will have to be moved to the next meeting because Ms. Dempsey was engaged in the follow-up to the Concord fire.

- b) Presentation by Dr. Julia Walsh, No Coal in Richmond, concerning coal shipments from Richmond.**

Dr. Walsh introduced herself and indicated that in addition to being a medical doctor, she also has a Master in Public Health and taught at the University of California at Berkeley for 22 years. Her interests were in community health and global health, and cost/benefit analyses. She has been retired for two years.

Ms. Walsh then gave a power point presentation on her concerns about the coal and petroleum coke shipments being brought into Levin Terminals by rail and truck and exported by ship to other countries (attached).

Commissioner Smith asked her why there has been an increase in exports. She said international economic demand was driving the increase. Petroleum coke was going to Mexico and coal was being sent to Vietnam and China.

Commissioner Gordon mentioned that the remaining marine terminal in Pittsburg is the model for best management practice for petroleum coke loading facilities. They get petroleum coke from Shell and Andevor. She said the petroleum coke come the Phillips 66 refinery by truck. And while more dust comes from the rail shipment of coal, petroleum coke dust is more toxic. The coal comes from Utah.

She added that in 2015, Baykeeper won a law suit against Levin for putting materials in the Bay. As a result, Levin upgraded their containment system, but the settlement is closed. Shipping containers are now used as a windbreak and containment at Levin. There is one train every three days delivering coal to them.

She also explained that there have been lots of cases of spontaneous explosions happening in covered coal cars, which is why they ship the coal in uncovered containers. Containers can lose 10 – 15% of their load as dust during a long trip.

Commissioner Dragovich noted that he witnessed a coal train coming into Martinez slowly and could smell the coal ahead of the train.

She is concerned because there is now a new source of pm2.5 coming into an area that already has high pm levels, and that this is a substantial increase.

Commissioner Delaney expressed her concern about this issue and thanked the speaker for her presentation.

Commissioner Gordon said that in Pittsburg they couldn't get action out of the Air District about a coke loading facility there because the dust wasn't thick enough and there weren't enough complaints. They were able to get the facility closed because the State Lands Commission has a strong Environmental Justice program and state law prevents contaminants from going into the Bay.

Commissioner Ross concurred that usually water laws are stricter than air laws.

Michael Kent asked if she knew of the cancer potency of coal or pet coke dust. She did not, but she said there are three groups as UCB looking into particulate levels in Richmond.

Commissioner Glueck, who works near the Levin Terminal, said he has not seen visible coal dust in Richmond.

Commissioner Gordon recommended they take air samples along the rail route between Martinez and Crockett to see what the particulate levels might be. Ms. Walsh noted it is hard to obtain the rail shipping schedule.

Commissioner Dragovich explained that he has a Purple Air particulate monitor at his home, and he got a spike of pm from 10 – 50 one morning. There are a network of these monitors in Contra Costa.

Commissioner Gordon noted that Richmond has been granted permitting rights above mean high tide at the port, but the State Lands Commission still has authority over pollution. She said she doesn't know the status of their Conditional use permit. She has seen a permit from 1981 which allowed coal. In 1987 there were apparently modifications, but these aren't being made available.

Ms. Walsh concluded by stating that her group's goal is to have Levin stop shipping coal and pet coke out of their facility and to switch to something less toxic because they don't see any practical mitigations to the dust it causes. But they don't want to put Levin out of business. She feels No Coal in Oakland did two good health studies.

Attachment

Item 7a

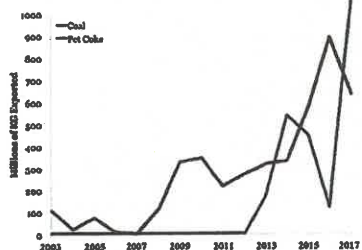
Coal Dust from Coal Trains Increases Mortality

Presentation for Contra Costa Hazardous Materials Commission
 Julia Walsh MD, MSc
 Emeritus Professor Community Health Sciences, UC Berkeley School of Public Health
 jwalshorama@gmail.com
 April 26, 2018

Outline of Presentation

- Health Emergency - Rapid rise in coal exports through Richmond and coal trains spewing toxic dust in Contra Costa County
- Coal dust blows from coal trains
- Health hazards of coal dust
- Mitigation procedures do not work

Port of Richmond Exports of Coal and Petcoke



2017 through December
 Source: US Census International Trade

Port of Richmond Exports of Coal & Petcoke

Year	Coal Metric Tons (000)	Petcoke Metric Tons (000)	Total Metric Tons (000)
2013	176	322	498
2014	540	335	875
2015	453	580	1033
2016	130	806	1036
2017	1078	840	1718

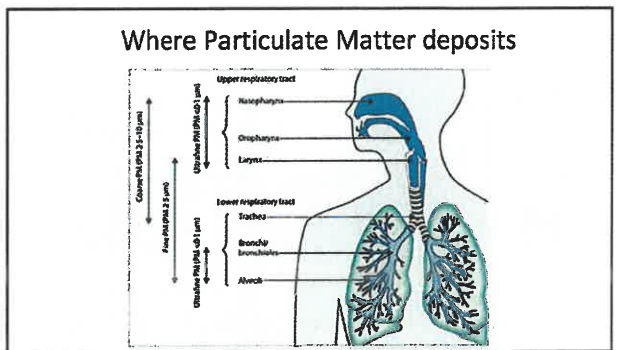
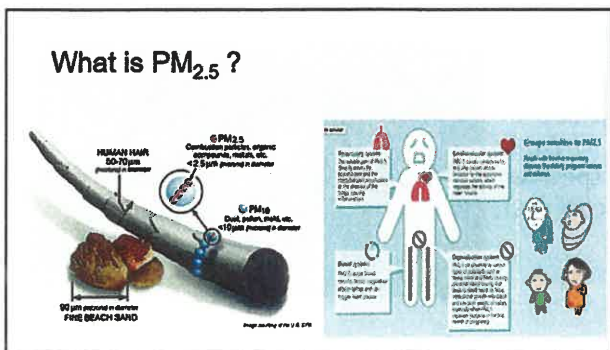
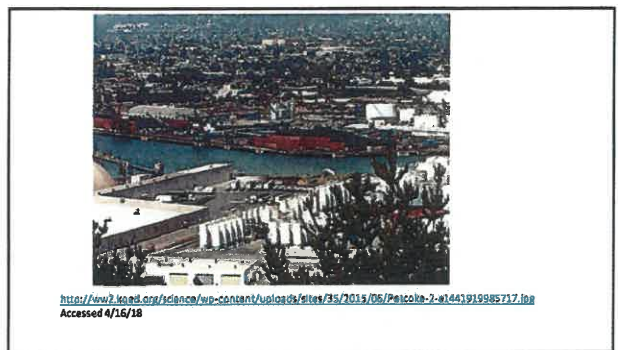
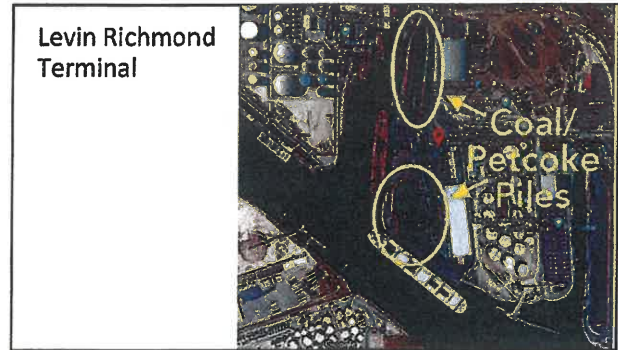
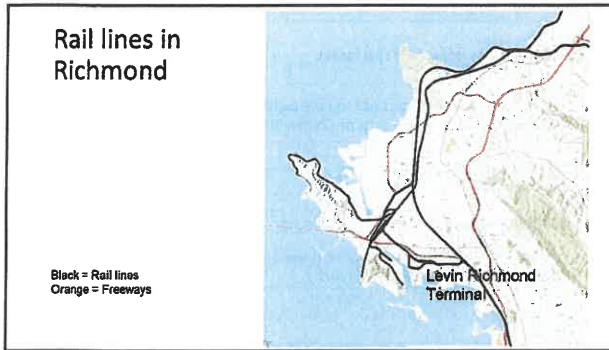
Source: US Census International Trade

Coal Train Columbia River

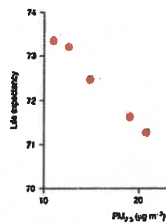


Video of train spewing coal dust



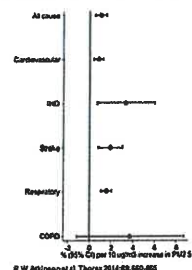


Life expectancy versus PM2.5 in the Harvard Six City Study



Source: Schwartz J. 2011. Life Expectancy adjusted for age, sex, cigarette smoking, Occupation, education, obesity, and chronic disease

Summary estimates (95% confidence intervals) for all-cause and cause-specific mortality



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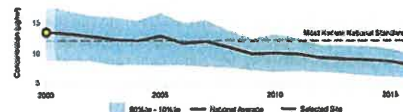
Morbidity from Elevated PM2.5

- Diabetes Type 2
- Low Birth Weight
- Alzheimer's Disease
- Asthma and COPD
 - Exacerbations – ER visits & Hospitalizations
 - New-onset
- Lung Cancer
- Respiratory Infections (pneumonia)
- Stroke
- Congestive heart failure

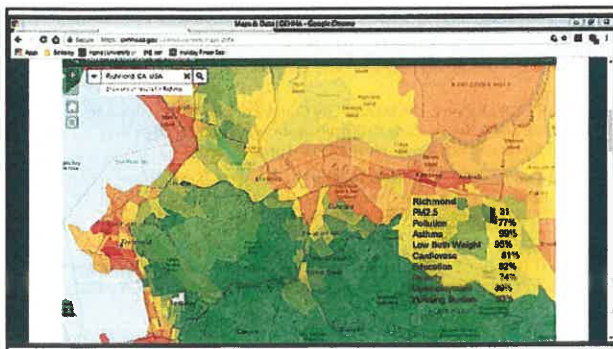
Highest Risk

- Elderly
- Babies & Children
- Pregnant women
- Poor
- Stressed
- Other illnesses

PM_{2.5} Annual Concentration



Direct PM_{2.5} Emissions



SB 535 Disadvantaged Communities 2017 CalEnviroScreen 3.0



Health hazards of coal dust

- Communities near coal terminals have demonstrated worse health problems
 - Virginia community near large coal terminal rates of asthma 2X city and state average
 - England community near coal exporting handling <2MMTPA high levels of asthma

Waterways and Coal Rail lines

- Wildcat Creek
- San Pablo Creek
- Garry Creek
- Pinole Creek
- Refugio Creek



Derailment

- Between July 2012 -2013, at least 40 coal trains in the US derailed, causing four victims to lose their lives, large amounts of coal to spill, major delay to other rail users and significant repair costs
- How coal dust destabilizes train tracks by filling in spaces between ballast



Clean Ballast



Partially Fouled Ballast



Heavily Fouled Ballast

Source: Z Chafe 2016

Derailment from Fouled Ballast



Note coal dust deposit in ballast drainage area



What is below ballast when you "scratch the surface"



Coal dust in ballast section

Figure 18: Pictures posted on BNSF website showing effect of coal dust on train ballast. Note that the coal dust is not always visible at the surface of the ballast, as it accumulates between the aggregate (rocks).

Source: Z Chafe 2016

Current dust mitigation procedures not effective

- No covers for coal cars commercially available
 - Coal dust EXPLOSIVE (ignites at 260-265 degrees F)
- Surfactants sprayed on open coal cars do not completely mitigate coal dust
 - Surfactants degrade over time and distance from mines
 - are not currently required
 - BNSF acknowledges that even if application is required, "there can be significant variation in the quality and consistency of the physical application of topical treatments at the mines"
 - Surfactants may have potential health threats and safety

Richmond Community Action

- 2015 – Resolution by Richmond City Council opposing the transport of Coal and Petcoke along California waterways and through Richmond and other densely populated area
- 2017 – No Coal in Richmond coalition:
 - Sierra Club, Communities for a Better Environment, Sunflower Alliance, 350.org, Asian-Pacific Environmental Network

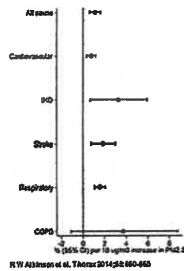
JOIN US at our community meetings every second Wednesday of the month @ 7pm located at 2540 Macdonald Ave, Richmond, CA 94801

Parchester village and Marina Bay residents

- Coal dust in yard and on doors and houses
- Chronic cough

How can the Commission decrease air (and water) pollution from coal dust from open coal cars and storing coal and petcoke in open piles at the Terminal?

Summary estimates (95% confidence intervals) for all-cause and cause-specific mortality.



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Odds Ratio for Cardiovascular Disease and Respiratory Mortality

For every 10microg/m3 Increase in Long Term PM<2.5 Exposure

PM _{2.5} Exposure Type:	Odds Ratio (95% CI):
All mortality cases long-term PM _{2.5}	1.6 (1.5–1.8)
All mortality cases local PM _{2.5}	1.4 (1.3–1.5)
Urban areas	1.7 (1.5–1.9)
Rural areas	1.3 (1.1–1.6)
High education	1.4 (1.2–1.6)
Low education	1.9 (1.60–2.1)

Source: Kloog et al. 2013

Coal dust harmful to fish and wildlife

- Coal trains move along the Sacramento River, Sacramento – San Joaquin Delta, Richmond Riviera, and Santa Fe Channel

