

South Bay Odor Stakeholders' Group

Meeting Minutes

Date: July 21, 2016

Time: 11:30 am – 1:30 pm

Location: Beverly Heritage Hotel (1820 Barber Lane, Milpitas)

Attendees: Sign-in sheet & BAAQMD Power Point Presentation attached

Recorder: Josh Mills, Republic Services

Discussion

Evan Boyd	Introductions, asked everyone to sign in, reviewed the last meeting minutes, inquired if anyone needed modifications to the minutes or any action items that were not addressed and distributed current agenda. No modifications to the minutes from last meeting were requested.
John Marvin	<p>Bay Area Air Quality Management District (BAAQMD) - Area Manager of Compliance and Enforcement gave an overview of what the BAAQMD does and their authority. Area spans from Gilroy, through Novato, to the edge of Santa Rosa, and up to Fairfield. BAAQMD covers approx. 9 counties, and have more than 10,500 facilities that they regulate. There are 35 air districts throughout the state; BAAQMD is the second or third largest by area. The BAAQMD is comprised of approx. 345 employees.</p> <p>The Compliance and Enforcement Division of BAAQMD represent the field inspectors. This division consists of approx. 100 employees; the largest division in the district. Half of the employees in this division are air quality inspectors. The field inspectors visit facilities such as dry cleaners and gas stations all the way to refineries and landfills. Complaint investigation has been a large portion of the work performed by the inspectors. Since December of 2014 through June of this year, the BAAQMD has received 9,000 air quality complaints within the 9 counties, of which, 5,800 complaints were reported to be from San Jose, Milpitas and Fremont area.</p> <p>Tracy Lee, BAAQMD Field Supervisor for the San Jose, Milpitas, and Fremont Area, has a staff of six inspectors. Other resources and staff from surrounding areas have been brought in to assist complaint investigation in the area.</p> <p>The BAAQMD complaint program is accessible via telephone or internet. The air district is available to receive complaints 24/7. During the week, Mon. through Friday (7:30 AM to 6:00 PM) a dispatcher take a complaint and forward it to a field inspector. During off hours there is a phone service to receive calls, and depending on the urgency, a supervisor will be called, available 24/7, to handle any off hour complaint. Not every complaint after hours is investigated when the complaint is received. Typically it takes three or more complaints in a</p>

	<p>city or zip code to trigger a call to the supervisor who make a decision of whether or not to call a field inspector.</p> <p>When responding to a complaint, typically the field inspector will call or meet with the complainant to verify the complaint. If the inspector can verify the complaint, then the inspector will attempt to track the complaint back to the source. The inspector has to be able to track the complaint back to the source to confirm the complaint. Many cases, this includes site visits to the facilities in the area to determine where emissions are emanating from. The complaint verification rate is much lower than the number of complaints reported by the Citizens. John believes the Citizens may feel slighted. Complaint confirmation is indicative of what kind of enforcement action is taken. For instance, if there are multiple confirmed odor complaints, a Public Nuisance Violation may be issued. It is at the discretion of the Air District to determine the level of enforcement.</p> <p>Some types of complaints are outside the BAAQMD’s jurisdiction. Composting operations and associated complaints, is something the LEA regulates. The Air District operates per the CA Health and Safety Code 41700 in regards to Public Nuisance. The LEA is responsible for regulating the odors emanating from the operations that produce, manufacturer, or handle compost. Every complaint, regardless if it is from a compost operation, will be investigated by the BAAQMD. If it is determined that the odor is compost related, the BAAQMD will forward the complaint onto the LEA for further investigation. The LEA has their own regulations and will take enforcement action if operations are noncompliant.</p> <p>Much of the wet commercial organic material disposed of in the San Jose is hauled to Zero Waste Energy Development Company (ZWED) where the organics are placed in an anaerobic digester to recover the methane produced from the decomposition process where it is then converted to energy. BAAQMD has compliance authority over the ZWED facility but does not have the authority regarding the odors associated with the facility. Additionally, if food waste is received by a waste water treatment plant and placed in a large digester, without comingling waste water with the organics, it is considered a compost operation and the associated odor complaints and not regulated by the BAAQMD. Wood chipping and green waste operations are considered to be processes within the composting operations, therefore are also excluded from the BAAQMD odor enforcement. The BAAQMD will need to work closely with the LEA to manage some of the potential odor issues.</p>
Joseph Weinstein – John Marvin	<p>Previously when we met, we spoke about the 24/7 detection monitoring system. BAAQMD was not inclined to use the system, but was looking into alternative ways to monitor and detect odors, other than sending an inspector to the field. It has been about a year since the meeting; Joseph asked if the BAAQMD made any plans to implement some type of 24/7 monitoring and detection system.</p> <p>Joseph has requested that all the Regulating Agencies and Public Representatives, would ask the San Jose Planning Commission that every one of the permitted sources in the area be required by permit to attend the SBOSG Meetings. –John has attempted to encourage the Waste Water Treatment Plant and ZWED to attend the SBOSG Meeting with no avail.</p>
Kathy Cote – Bob Bates	<p>Kathy asked if Bob could talk about the LEA’s roll regarding odor complaints. – The LEA abides by the guidelines within CCR Title 14. Bob has been the LEA Inspector over Newby Island for a couple of years and has worked closely with Republic to revise and update the</p>

	<p>Odor Impact Minimization Plan and evaluate Best Management Practices (BMP). Per the new composting regulations, Bob has requested that Republic produce a Compost Odor Best Management Practices Feasibility Report which is an evaluation of the current BMPs and assessment of potential BMPs to be implemented in the future.</p> <p>Does the LEA send inspectors out if they receive a referral complaint? – If the LEA receives complaints in real time, during business hours, they will actively investigate when the complaint is received. Many of the compost complaints are received the next day or after the fact. Odor complaints are often not described as the real source. It is at the discretion of the inspector to determine the source. In responding to complaints, the LEA receives complaints with generalized addresses, which is different than what the BAAQMD receives. The LEA is at Newby Island two to three times a week to follow up on any compost related odor complaints and verify the site is implementing their BMPs and operating in compliance with their permit and regulations.</p>
<p>Minh Le – John Marvin</p>	<p>Minh - Does the BAAQMD have the statistical percentages of complaints broken down to source description? Many residents are unable to distinguish the differences in objectionable odor. Newby is the most visible facility in the bay.</p> <p>John - Most of the complaints that are received, refer to garbage odor. During complaint investigations BAAQMD will attempt to educate the public on odor sources. The vast majority of complaints received allege Newby Island. Whether justified or not, it is a social media phenomenon on one side and there is politics surrounding the permit appeal processes. The complaint traffic is currently down considerably compared to previous months.</p>
<p>Joseph Weinstein – John Marvin</p>	<p>Joseph – If there is an odor emanating from the Waste Water Treatment plant and the wind is blowing into Milpitas, how does the BAAQMD distinguish which source the odor is coming from if they are only using the human nose? I’ve lived in the area since 1976, there have certainly been many different odors, but it seems like since ZWED commissioned their operation, the odor complaints have increased drastically. As a resident, I have been going to the Republic site for years and have not noticed a change in their operation. I question some of the complaints alleging Newby. Why did all the complaints increase since ZWED started their operation? I think BAAQMD needs to figure out a technology based monitoring system to use on a 24/7 basis to help detect and track odor sources. Since 1976, Newby has never been a nuisance like they are being portrayed these past couple of years. There have been quite a few new operations added to this area.</p> <p>John – We perform odor patrols around the perimeter of each facility, would be the first check. Although close in proximity, there is a distinguishable difference between Newby Island, the Waste Water Treatment Plan and ZWED. Joseph is asking for electronic noses, placed in strategic locations, calibrated for certain odors to be used with prediction technology in conjunction with meteorology to model an odor plume. I am unsure of how successful the technology has been used to monitor landfills. We are aware what kind of potential odors are associated with each facility, and we have been monitoring this data.</p>
<p>Bob Bates – Joseph Weinstein</p>	<p>Bob - Within the past couple of years, the LEA has made ZWED get rid of their compost windrows. All of the outside composting has been relocated. We have also worked with ZWED to increase the effectiveness of their bio filters. The transportation of the overs, produced by the ZWED operation, created an odor and methane issue. Since removing the outside composting operation at ZWED, the odor issue has gotten better.</p>

	Joseph - I would like to hear you say that publically. Not only would the people at this table get credit for it, but you have also identified one thing that you did at ZWED to help things. This would show the Citizens how the Government representatives have changed things. It would be beneficial to have a quarterly updates from the regulating agencies.
Evan Boyd	We are not a Government Agency; we are a consortium of entities trying to solve an issue. I am not sure the information discussed in this forum matriculates down to others. This group's hope is to get the word out to the Community as to what we are doing to solve the issue and make sure they feel as though they are being heard.
Evan Boyd – Achaya Kelapanda – Mike Caprio	Roundtable Update: The annual Bio-Solids dredging, transportation and disposal will occur between mid-September to October. This historically has created some significant odors. We have had discussions with the Air District about the measures Republic will be taking to mitigate the odors on our side. Republic will use a portion of the Bio-Solids as daily cover, and a portion will be stockpiled. One of the mitigation measures we will be implementing are the engine powered misting fan to apply odor neutralizer to the area where the bio-solids are being used. We will also be placing a bio-filter cap on top of the stockpiled bio-solids. The waste water treatment facility has the capacity to store approx. 1 years' worth of bio-solids before their system needs to be purged to make room for the material that accumulates during the next year.
John Bourgeois	The Salt Ponds Restoration Project has completed a couple milestones relevant to this group. One of the ponds, A-19, which is just northwest of Newby, will be retrofit with some additional breaches to increase circulation. It is anticipated this construction will start in 2018. The larger project, in conjunction with the Army Corps of Engineers, and is comprised of restoration of these ponds as well as a flood control levee that will extend from Coyote Creek to the flood control levee on Guadalupe River by the Marina. It will be a very large project over multiple years which will commence in 2020. Depending on how the Waste Water Treatment Plant re-configures their operation, there is a potential to take some of the Bio-Solid lagoons offline.
Evan Boyd – Jeanne Serpa	In regards to the website, the website is fully functional. Many of the comments from last meeting have been incorporated. Any time there is a significant; the subscriber will receive a notification email. There was a revised materials flow diagram that has been added to the website. If anyone has a significant event update they would like to share on the website, please send information to Jeanne.

Action Items

1. The LEA and Republic Services have been asked to present at the next meeting.
2. Salt Pond Restoration Project update information to be added to the SBOSG website.
3. Republic to send Joseph a statement regarding the official website launch.

Next Meeting

Thursday, October 20, 2016, 11:30am to 1:30pm, Beverly Heritage Hotel (1820 Barber Lane, Milpitas)