

Coalition for West Oakland Revitalization

1801 Adeline Street, Suite 209

**Oakland, CA
94607**

FROM: West Oakland Clean Air Coalition

TO: Bay Area Air Quality Management District Board of Directors
Supervisor Haggerty Councilperson Townsend
Supervisor DeSaulnier Supervisor Hill
Supervisor Uilkema Supervisor Kniss
Supervisor Brown, Jr. Supervisor Miley
Mayor Brown, Jr. Mayor Cooper
Ms. Ayerdi Supervisor McGoldrick
Supervisor Smith Mayor Miller
Supervisor Daly Mayor Mossar
Vice Mayor Ross Supervisor Silva
Councilperson Torliatt Supervisor Wagenknecht
Mayor Young
Bill Norton, Executive Officer
Supervisor Keith Carson, State Assemblywoman Wilma Chan, Congresswoman Barbara Lee, Jack Broadbent, USEPA, Arnold Perkins, Alameda County Health, Leroy Griffin, City of Oakland, Emergency Services

DATE: February 28, 2003

RE: Comments on Regulation 8, Rule 53
Yeast Manufacturing

After initial review of the proposed Yeast Manufacturing Rule, and the accompanying Staff Report, the following comments are entered:

- 1) **The community continues to insist that this facility cannot and has not been in compliance with its air pollution permit**, and Bay Area Air Quality Management District has no choice but to tell the facility that the air pollution permit must be denied. The constant and ongoing odors from this facility are a violation of the permit contract which explicitly

2. **Furthermore, the facility is not in compliance with the State Implementation Plan**, the federally enforceable regulation applicable to the State, the Bay Area Air Quality Management District and the facility. The BAAQMD has not ensured compliance with the State Implementation Plan. This facility must be denied a permit because of its failure to comply with the Clean Air Act, and its failure to control odors. The BAAQMD knew

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that yeast manufacturing facilities were not eligible for a food processor exemption well before the October 22, 2003 letter when they informed Lesaffre Yeast of the revocation of this exemption. It has been four months since the facility was informed that it was no longer entitled to the exemption, and the facility has yet to come into compliance with the Clean Air Act.

3. **While the Yeast Rule suggests** a concentration limit at 75 ppm of total carbon on a dry basis, the previous miscellaneous operations rule included a pounds per day limit of 15 pounds/day. It appears spurious to include a concentration limit without a mass limit, as the operator could increase the air flow rate to dilute the concentration of the total carbon for monitoring purposes. To be accurate, the rule should also include a pounds per day limit of, at the absolute maximum, 3.5 pounds/day. The rule should include limits for total carbon as well as for acetaldehyde (as 20% on a concentration and mass basis), and include requirements for monitoring for the acetaldehyde specifically.

4. **It is not at all clear from the analysis** that was presented that the proposed concentration limit would actually result in the reductions needed to eliminate odors. The odors from this facility in West Oakland have been chronic in nature. This facility was recently listed on the Air District's list of Chronic Odor Violators. The Air District's clear mandate is to eliminate odors from this facility in order to be responsive to an overburdened community and ensure that the facility complies with its current and proposed permits. Yet the analysis suggests that current emissions levels result in peak acetaldehyde air emissions that are over 10 times the odor threshold of 90 mcg/m³ that was used by the BAAQMD. This means that at the very least a 10-fold decrease must be mandated in order to achieve the goal of complete odor elimination. There was no information about how the Maximum 1-Hour Average Acetaldehyde Concentrations became translated into the final concentration limit that was set in the rule. There is clearly not a one to one mapping between the need to reduce Maximum 1-Hour Average Acetaldehyde Concentrations and the needed reduction in the concentration and pounds/day in the rule. Yet, it is clear from the severe odor problems that this facility presents and the numerous constraints of the model that the BAAQMD used to make this estimate that **AT THE VERY LEAST** a 10 fold reduction in the maximum concentration and the pounds/day is **REQUIRED** in order for this rule to be effective. Yet, only a one quarter reduction has been proposed.

Constraints of the BAAQMD Model: The measurements of acetaldehyde flows from only one stack are used to estimate acetaldehyde flows from all the remaining four stacks. The BAAQMD uses a 90 mcg/m³ odor threshold which may or may not be the level at

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which actual complaints are being registered. Complaints may be registered at even lower levels and be a better measure of the actual odor threshold in this community. It does not appear that the BAAQMD has mapped odor concentrations under different climatic scenarios. Under varying climate scenarios, a lower concentration from the stack may result in higher maximum concentrations at specific geographic locations.

5. **Again, the BAAQMD presents a Toxic Evaluation Section which completely fails to consider the numerous sources of acetaldehyde and other carcinogens** in the West Oakland Community and appropriately determine cumulative risk. The BAAQMD's modeling of acetaldehyde concentrations does not incorporate the high level of mobile source pollution in this neighborhood, which adds to the exposure faced by neighborhood residents. Diesel exhaust contains 41 Toxic Air Contaminants as listed by the State of California, including acetaldehyde and other carcinogens such as benzene and arsenic. Because of the projected increase in truck traffic through West Oakland (22,000 trucks by 2020), West Oakland residents face increasing diesel exhaust (including acetaldehyde) in their community. West Oakland is also surrounded by freeways, and houses the US Postal Service, both of which contribute to local air pollution and air pollution health risks in this community. The mission of the BAAQMD is to protect human health. We do not have the information necessary to determine whether the health of West Oakland residents is being protected, since we do not have accurate exposure estimates. Looking at Lesaffre Yeast emissions without taking into account the other sources of acetaldehyde in the area, does not fulfill the BAAQMD district mandate to protect and preserve clean air for this area. Exposure modeling for this community must incorporate mobile source pollution, particularly diesel trucks and freeways traffic, before a permit for this facility can be considered.

- 6) **The Rule still measures emissions as a percentage of total VOCs**, rather than speciated monitoring that the West Oakland Air Coalition has requested on several occasions. This is unacceptable as BAAQMD and the facility cannot assure the community that the amount of acetaldehyde is the percentage they estimate. In fact, when source tests were done, specifically looking for acetaldehyde emissions, the emissions levels were higher than estimated values.

- 7) **The Rule is based on a number of inaccurate and/or false assumptions.** These include:
 - a) odors would be made undetectable EXCEPT for extremely unusual conditions – too vague and has no measurable threshold for “extremely unusual conditions”

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- b) emissions of odorous compounds are “occasionally noticeable” to “nearby” residents – these odors, which indicate the presence cancer causing chemicals, are frequently, in fact, continuously, present to residents within West Oakland, downtown Oakland and as far away as Emeryville and Alameda In fact, the odor threshold used in the analysis is a relatively high level, compared to the lowest level at which odor is detectable.
- c) the raw material for fermentation is molasses AND SUGAR which is not included in the rule. Sugar changes the emissions and changes the wastewater discharge to levels that are outside of the minimum/maximum TSS and BOD levels.
- d) “The District found no correlation between complaints and the higher emissions that occur during stock... batches.” How was this conclusion determined? Was there a comprehensive study, was it independently monitored, etc.
- e) “District staff have determined that Lesaffre’s impact on public health is insignificant.” Again, how was this determination made? Where is the study, was it independently monitored, etc.
- f) “perceptible but not annoying” How can the Air District determine what is annoying in terms of odor in the community? Obviously, based on the recorded history of odor complaints, and the community position that the odors have not been reduced, the District must have thought that the odor was merely annoying all along. However, in 3 months they categorized the facility as a “Chronic Odor Nuisance”.

Signed,

The West Oakland Clean Air Coalition (with email addresses for response)

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