

## Second Committee Meeting: Post-meeting comments

From: Gao Frank F. (DNREC)

Sent: Thursday, May 11, 2006 2:44 PM

To: 'Kevin Stewart'; amuller@dca.net; michael.d.fiorentino@law.widener.edu; eft@envirotruth.com; Patrick.Covert@valero.com; John.Deemer@valero.com; pjacoby@powrtechsolutions.com; taras.lewus@erm.com; Llewellyn Gerald (DHSS); Perkins Richard E. (DHSS); Rose.Quinto@epamail.epa.gov; Amirikian Ronald A. (DNREC); Rangan Ravi (DNREC); Harris Bill (DNREC); Steltzer Bruce (DNREC); Lutrzykowski Mark J. (DNREC)

Cc: dbrown@alade.org; Morris.Makeba@epamail.epa.gov; Rivera Jaime Gus H (DHSS); Delaware.chapter@sierraclub.org; dasmail@delawareaudubon.org; Prettyman Mark A. (DNREC)

Subject: RE: Mtg #3: We need to change its date!

Kevin,

I believe that the reason we said "... or you can wait and we will discuss them at the beginning of the next meeting" was to give the committee more time to consider those follow-up issues in the minutes. I am sorry and responsible for any confusion it caused.

Your second paragraph is a very valuable point. To accommodate this, I would suggest the following to formalize the meeting minutes writing:

- (1) Within 7 workdays after a meeting, AQM will distribute a draft and post it as "draft".
- (2) We will ask all committee members to provide input, comment or correction in the following 7 workdays.
- (3) Then, we will incorporate all inputs/comments/corrections into the draft and post it as "final". Any further comments on this final version will be addressed and discussed in the next meeting, and be recorded in the next meeting minutes.
- (4) After the meeting minutes being discussed and approved in the next meeting, an "approved" version will be posted under the next meeting.

I will add "Proper Meeting Minutes Process" as an agenda item for Meeting 3. If you and other committee members have other suggestions, please add and prepare for the discussion.

Thanks again for your support.

Frank

Air Quality Management-DNREC

New Castle, DE 19720

Phone: (302)323-4542 FAX: (302)323-4598

---

From: Kevin Stewart [mailto:kstewart@lunginfo.org]

Sent: Thursday, May 11, 2006 11:40 AM

To: Gao Frank F. (DNREC); amuller@dca.net; michael.d.fiorentino@law.widener.edu; eft@envirotruth.com; Patrick.Covert@valero.com; John.Deemer@valero.com; pjacoby@powrtechsolutions.com; taras.lewus@erm.com; Llewellyn Gerald (DHSS); Perkins Richard E. (DHSS); Rose.Quinto@epamail.epa.gov; Amirikian Ronald A. (DNREC); Rangan Ravi (DNREC); Harris Bill (DNREC); Steltzer Bruce (DNREC); Lutrzykowski Mark J. (DNREC)  
Cc: dbrown@alade.org; Morris.Makeba@epamail.epa.gov; Rivera Jaime Gus H (DHSS);

Delaware.chapter@sierraclub.org; dasmail@delawareaudubon.org; Prettyman Mark A. (DNREC)

Subject: RE: Mtg #3: We need to change its date!

Hello Dr. Gao,

Thanks for your quick response.

Please include the following additional note re the "Finalized Minutes" issue:

I agree that we can discuss this further at our next meeting, however, for the record prior to that meeting, I did want to raise an issue with your statement that "The term 'finalized' should be understood as 'no disagreement' on essential contents of the minutes." I must reiterate that Mr. Amirikian wrote that "... **or you can wait and we will discuss them at the beginning of the next meeting**". Therefore, since someone *may* be waiting to raise substantive issues at the meeting in consonance with Mr. Amirikian's offer, I believe it is premature to suppose that there has yet been demonstrated "no disagreement" on essential contents of the minutes."

Furthermore, since the same words, "Finalized Minutes", are used to identify the posted minutes for Meeting 1, there appears to be no distinction between minutes that have been considered, amended, and approved by the committee and those that have yet to be fully considered by the committee and approved by it. I, for one, was misled by this language, and thought for a moment that I had missed some instruction regarding approving the minutes between meetings. If I was confused, then readers, especially those not on the committee, may be as well. To my understanding "Finalized" means what it says, and I once again suggest that the word "Draft" be retained until the committee formally "Finalizes" the minutes.

Sincerely Yours,

Kevin M. Stewart, [kstewart@lunginfo.org](mailto:kstewart@lunginfo.org)

Director of Environmental Health

American Lung Association of the Mid-Atlantic

*Serving the communities of Delaware, Pennsylvania and West Virginia*

101 Good Drive, Suite 1

Lancaster, PA 17603

Phone: 717.397.5203 Fax: 717.397.5244 HelpLine: 1-800-LUNG-USA ext. 2

Website: [www.lunginfo.org](http://www.lunginfo.org)

**Improving Life, One Breath at a Time**

**EDUCATE. ADVOCATE. DONATE. ELIMINATE.**

Education is the key to the prevention of lung disease. If you have lung health questions about asthma, emphysema, lung cancer, COPD or quitting smoking, please call our toll-free HelpLine and speak directly to our Registered Nurses and Respiratory Therapists at 1-800-LUNG-USA. Get educated today so we can all breathe easier tomorrow!

---

From: Gao Frank F. (DNREC) [mailto:Frank.Gao@state.de.us]

Sent: Thursday, May 11, 2006 12:07 PM

To: Kevin Stewart; amuller@dca.net; michael.d.fiorentino@law.widener.edu;

eft@envirotruth.com; Patrick.Covert@valero.com; John.Deemer@valero.com;

pjacoby@powrtechsolutions.com; taras.lewus@erm.com; Llewellyn Gerald (DHSS); Perkins

**Richard E. (DHSS); Rose.Quinto@epamail.epa.gov; Amirikian Ronald A. (DNREC); Rangan Ravi (DNREC); Harris Bill (DNREC); Steltzer Bruce (DNREC); Lutrzykowski Mark J. (DNREC)**  
Cc: **dbrown@alade.org; Morris.Makeba@epamail.epa.gov; Rivera Jaime Gus H (DHSS); Delaware.chapter@sierraclub.org; dasmail@delawareaudubon.org; Prettyman Mark A. (DNREC)**

Subject: **RE: Mtg #3: We need to change its date!**

Kevin, and other committee members,

Thank you for your response. First, by reviewing your overall message, I put you in "For June 21" category for Meeting 3 date.

Regarding "Meeting 2—Finalized Minutes", I understand your arguments, and would provide the following comments to seek for your understanding of why "finalized" was used.

- (1) The minutes are to reflect what were discussed essentially during Meeting 2. Ron distributed the draft minutes on April 27, and I finalized it on May 10 (actually, afternoon of May 9). We felt that the committee was given enough time to add or correct any content of the draft minutes. The term "finalized" should be understood as "no disagreement" on essential contents of the minutes.
- (2) We have no intent at all to exclude further discussion on any issue raised in Meeting 2. Please pay attention to my tentative agenda for Meeting 3: discussion and approval of Mtg 2 minutes, follow-up issues of Mtg 2, etc. And please be advised that those discussions will be included in Mtg 3 minutes. I want to reiterate herein that we are obligated to make all discussions/comments/arguments etc in this rule-making process on record and available to the public.
- (3) The term "finalized" was placed on our web upon my direction. If you are not satisfied with my explanation above, we can add this issue as an agenda item for Mtg 3.
- (4) We will update "Mtg 2—Post-meeting comments" by adding your e-mail and my reply herein and post it again. If you have further comment, please let me know by COB tomorrow.

Regarding the mis-spelled "indicted" for "indicated", it is absolutely my fault. I did spell-check and unfortunately failed to catch it. I apologize for this apparent error. We will correct it immediately. Thank you for your correction.

In addition, I appreciate very much your detailed reasoning for why you prefer a postponed date for Mtg 3.

Frank

Air Quality Management-DNREC  
New Castle, DE 19720  
Phone: (302)323-4542 FAX: (302)323-4598

---

From: **Kevin Stewart [mailto:kstewart@lunginfo.org]**  
Sent: **Thursday, May 11, 2006 9:36 AM**  
To: **Gao Frank F. (DNREC); amuller@dca.net; michael.d.fiorentino@law.widener.edu; eft@envirottruth.com; Patrick.Covert@valero.com; John.Deemer@valero.com; pjacoby@powrtechsolutions.com; taras.lewus@erm.com; Llewellyn Gerald (DHSS); Perkins Richard E. (DHSS); Rose.Quinto@epamail.epa.gov; Amirikian Ronald A. (DNREC); Rangan Ravi (DNREC); Harris Bill (DNREC); Steltzer Bruce (DNREC); Lutrzykowski Mark J. (DNREC)**  
Cc: **dbrown@alade.org; Morris.Makeba@epamail.epa.gov; Rivera Jaime Gus H (DHSS); Delaware.chapter@sierraclub.org; dasmail@delawareaudubon.org**  
Subject: **RE: Mtg #3: We need to change its date!**

Hello Dr. Gao,

Some responses follow:

- 1) I agree that it is appropriate to seek to have John Deemer present at Meeting 3.
- 2) I must begin by pointing out that despite Ron Amirikian's note of April 27 in which he stated that **"Attached are draft minutes from the April 15<sup>th</sup> Committee meeting. They will be posted on the website shortly. You can send Frank and I comments by email as was done after the first meeting, or you can wait and we will discuss them at the beginning of the next meeting, which is currently scheduled for May 17<sup>th</sup>,"** the Draft minutes are currently listed on the Department's website as [Meeting 2 - Finalized Minutes](#). Since some of us may have been withholding comments until Meeting 3 per Ron's offer, the title should be, for the time being, ["Meeting 2 - Draft Minutes."](#)
- 3) That said, I agree that the minutes reflect essentially the content of the meeting discussion, although I reserve the right to comment on them further prior to a vote to accept them at our next meeting. One small proofreading note: Please correct the spelling of "indicated" in the fifteen places it appears incorrectly in the draft minutes as "indicted" – is someone spending too much time in the legal department? ☺
- 4) Given the tasks outlined in the draft minutes, especially those requested for accomplishment by John Deemer, Given the amount of work both Mr. Deemer and Peter Jacoby indicate would be needed to provide even a rough analysis of costs v. emission rate limits, and Given the anticipated information to be provided in the soon-to-be-released MARAMA report, I can see that a good case can be made on these grounds alone to postpone Meeting 3 to June 21, as Dr. Gao suggests in his option #2.
- 5) I am also aware that our environmental representatives may not be up to full complement in mid-May, so the postponement to June 21 would allow them additional time to assemble presentations should they so choose to make them. This, too, would be for the ultimate benefit of the committee's work, I believe.

Yours,

Kevin M. Stewart, [kstewart@lunginfo.org](mailto:kstewart@lunginfo.org)  
Director of Environmental Health  
American Lung Association of the Mid-Atlantic  
*Serving the communities of Delaware, Pennsylvania and West Virginia*  
101 Good Drive, Suite 1  
Lancaster, PA 17603  
Phone: 717.397.5203 Fax: 717.397.5244 HelpLine: 1-800-LUNG-USA ext. 2  
Website: [www.lunginfo.org](http://www.lunginfo.org)

**Improving Life, One Breath at a Time**

**EDUCATE. ADVOCATE. DONATE. ELIMINATE.**

Education is the key to the prevention of lung disease. If you have lung health questions about asthma, emphysema, lung cancer, COPD or quitting smoking, please call our toll-free HelpLine and speak directly to our Registered Nurses and Respiratory Therapists at 1-800-LUNG-USA. Get educated today so we can all breathe easier tomorrow!

---

From: **Gao Frank F. (DNREC)** [mailto:Frank.Gao@state.de.us]  
Sent: **Thursday, May 11, 2006 8:29 AM**  
To: **amuller@dca.net; kstewart@lunginfo.org; michael.d.fiorentino@law.widener.edu; eft@envirottruth.com; Patrick.Covert@valero.com; John.Deemer@valero.com; pjacoby@powrtechsolutions.com; taras.lewus@erm.com; Llewellyn Gerald (DHSS); Perkins Richard E. (DHSS); Rose.Quinto@epamail.epa.gov; Amirikian Ronald A. (DNREC); Rangan Ravi (DNREC); Harris Bill (DNREC); Steltzer Bruce (DNREC); Lutrzykowski Mark J. (DNREC)**  
Cc: **dbrown@alade.org; Morris.Makeba@epamail.epa.gov; Rivera Jaime Gus H (DHSS); Delaware.chapter@sierraclub.org; dasmail@delawareaudubon.org**  
Subject: **Mtg #3: We need to change its date!**

Dear committee members,

Thank you all for your response to my tentative agenda.

Please see John's message below. I would say that John's presence in Meeting #3 is necessary. I would suggest the following two options:

- (1) Change the date of Meeting #3 to one of the following: May 19, 23, 24, 25, or 26 (or a later date, but I will not be coordinating due a booked vacation from May 29 to June 16). Or,
- (2) Postpone Meeting #3 to our next meeting on June 21 (which means we would postpone Meeting #4 and #5 one month later, accordingly).

Please reply to this e-mail and let me know your preference by COB tomorrow. If you prefer Option 1, please indicate a date since I need to reserve the conference room.

Thanks.

Frank

Air Quality Management-DNREC  
New Castle, DE 19720  
Phone: (302)323-4542 FAX: (302)323-4598

---

From: **Deemer, John J** [mailto:John.Deemer@valero.com]  
Sent: **Wednesday, May 10, 2006 6:37 PM**  
To: **Gao Frank F. (DNREC)**  
Subject: **RE: Tentative agenda for Mtg #3**

**Frank,**

**I won't be able to attend the next meeting. I'll be receiving training on 5/16 through 5/18. I will be unable to provide a follow-up on the Valero issues listed on the agenda.**

**John J. Deemer  
Sr. Environmental Engineer  
The Premcor Refining Group Inc.  
Delaware City Refinery  
4550 Wrangle Hill Road  
Delaware City, De 19706  
Phone: 302-834-6405**

---

From: **Gao Frank F. (DNREC)** [mailto:Frank.Gao@state.de.us]  
Sent: **Wednesday, May 10, 2006 3:05 PM**  
To: **amuller@dca.net; kstewart@lunginfo.org; michael.d.fiorentino@law.widener.edu; eft@envirotruth.com; Covert, Patrick; Deemer, John J; pjacoby@powrtechsolutions.com; taras.lewus@erm.com; Llewellyn Gerald (DHSS); Perkins Richard E. (DHSS); quinto.rose@epa.gov; Amirikian Ronald A. (DNREC); Rangan Ravi (DNREC); Harris Bill (DNREC); Steltzer Bruce (DNREC); Lutrzykowski Mark J. (DNREC)**  
Cc: **dbrown@alade.org; Morris.Makeba@epamail.epa.gov; Rivera Jaime Gus H (DHSS); Delaware.chapter@sierraclub.org; dasmail@delawareaudubon.org**  
Subject: **Tentative agenda for Mtg #3**

Dear committee members,

Yesterday I sent out a request for Meeting #3 agenda items. Based on the responses so far, plus my review of Meeting #2 minutes, I have drafted a tentative agenda for Meeting #3:

1. Discussion and approval of Meeting #2 minutes.
2. Follow-up issues from Meeting #2 by Valero:
  - (1) Better control options: burner replacement vs. stack control.
  - (2) \$/Ton information for ULNB, SCR and SNCR.
  - (3) Feasibility to control some units to levels below 0.04 to average all units to 0.04 lb/mmBTU rate, control technology to each unit.
3. Follow-up issues from the second meeting by AQM:
  - (1) Explanations on estimated 78 TPD NOx/40 TPD VOC reductions.
4. Presentations by environmental groups and concerned citizens (pending, we need presenters. Volunteers?).
5. Discussion on presentations in 4 above.
6. Other issues? And future meetings.

If you want to add or remove any item, please let me know. I will finalize the agenda on Monday, the 15<sup>th</sup>. The final agenda, plus our facilitating slides, will be posted on our web on that day.

Thank you for your attention.

Again, Meeting #3 is scheduled on May 17<sup>th</sup>, Wednesday, from 10 AM to 12 noon, in the large conference room of AQM Grantham Lane Office.

Frank

Air Quality Management-DNREC  
New Castle, DE 19720  
Phone: (302)323-4542 FAX: (302)323-4598

**From:** Alan Muller [amuller@dca.net]  
**Sent:** Thursday, April 27, 2006 11:03 AM  
**To:** Amirikian Ronald A. (DNREC); Gao Frank F. (DNREC); Llewellyn Gerald (DHSS)  
**Cc:** Rangan Ravi (DNREC); Steltzer Bruce (DNREC); Harris Bill (DNREC); Lutrzykowski Mark J. (DNREC); Prettyman Mark A. (DNREC); Malenfant Ray H. (DNREC); Mirzakhali Ali (DNREC)  
**Subject:** Re: Large Refinery Heater/Boiler Regulation Development - Draft Meeting 2 Minutes

At 10:39 AM 4/27/2006 -0400, Amirikian Ronald A. (DNREC) wrote:

**Hi Everyone,  
Attached are draft minutes from the April 15<sup>th</sup> Committee meeting.**

I think draft minutes generally reflect correctly the discussions I heard.  
The Deemer presentation seems not to be available online as I type this.  
Responding to some of the "push back" from Valero:  
Note the following from a speech recently given by a person named Bush:

We also need to ensure that there are not needless restrictions on our ability to get gasoline to the pump. Under federal quality -- air quality laws, some areas of the country are required to use fuel blend called reformulated gasoline. Now, as you well know, this year we're going -- undergoing a rapid transition in the primary ingredient in reformulated gas -- from MTBE to ethanol. And I appreciate the role the ethanol producers are playing to meet this challenge. You're playing a vital role.

Yet state and local officials in some parts of our country worry about supply disruption for the short term. They worry about the sudden change from MTBE to ethanol -- the ethanol producers won't be able to meet the demand. And that's causing the price of gasoline to go up some amount in their jurisdictions.

And some have contacted us to determine whether or not they can ask the EPA to waive local fuel requirements on a temporary basis. And I think it makes sense that they should be allowed to. So I'm directing EPA Administrator Johnson to use all his available authority to grant waivers that would relieve critical fuel supply shortages. And I do that for the sake of our consumers. If Johnson finds that he needs more authority to relieve the problem, we're going to work with Congress to obtain the authority he needs.

Note that the request for a waiver from RFG requirements seems to be discretionary with the State. But this is not the way the media is reporting it and the administration could feel under political pressure to do this.

My point is that if there is to be a negative air quality impact from rollback of RFG requirements, it could be necessary to seek additional reductions from stationary sources--beyond those originally proposed by DNREC in this matter. (Particularly when the subject stationary source is unlikely to be innocent in regard to rollback of RFG requirements....)

Alan Muller

Alan Muller, Executive Director, Green Delaware  
Box 69, Port Penn, DE 19731 USA  
(302)834-3466, fax (302)836-3005  
greendel@dca.net  
[www.greendel.org](http://www.greendel.org)