

# Fixing Asphalt Factory Air Pollution in Berkeley

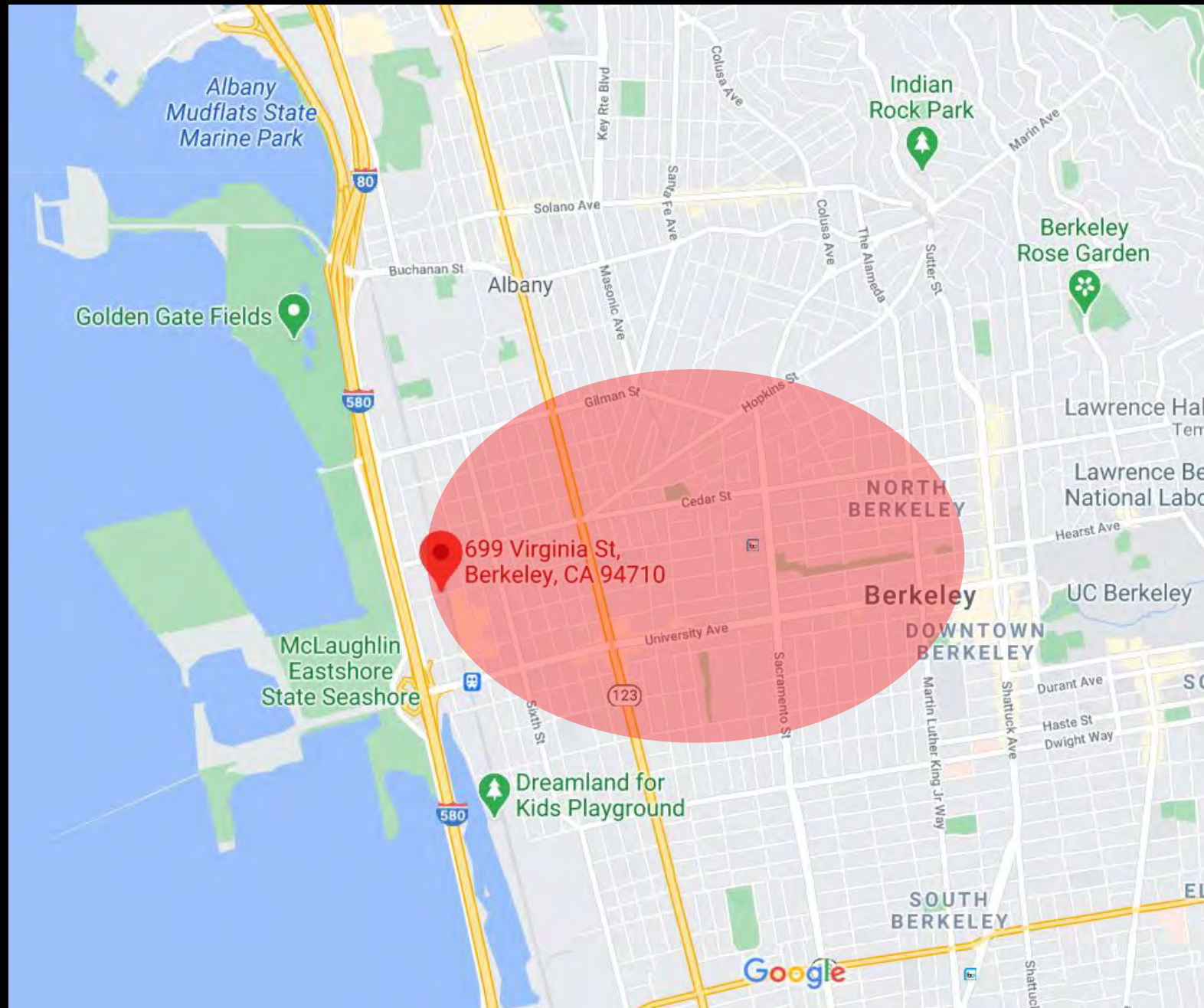
January 9, 2021

[www.iwantcleanAIR.com](http://www.iwantcleanAIR.com)

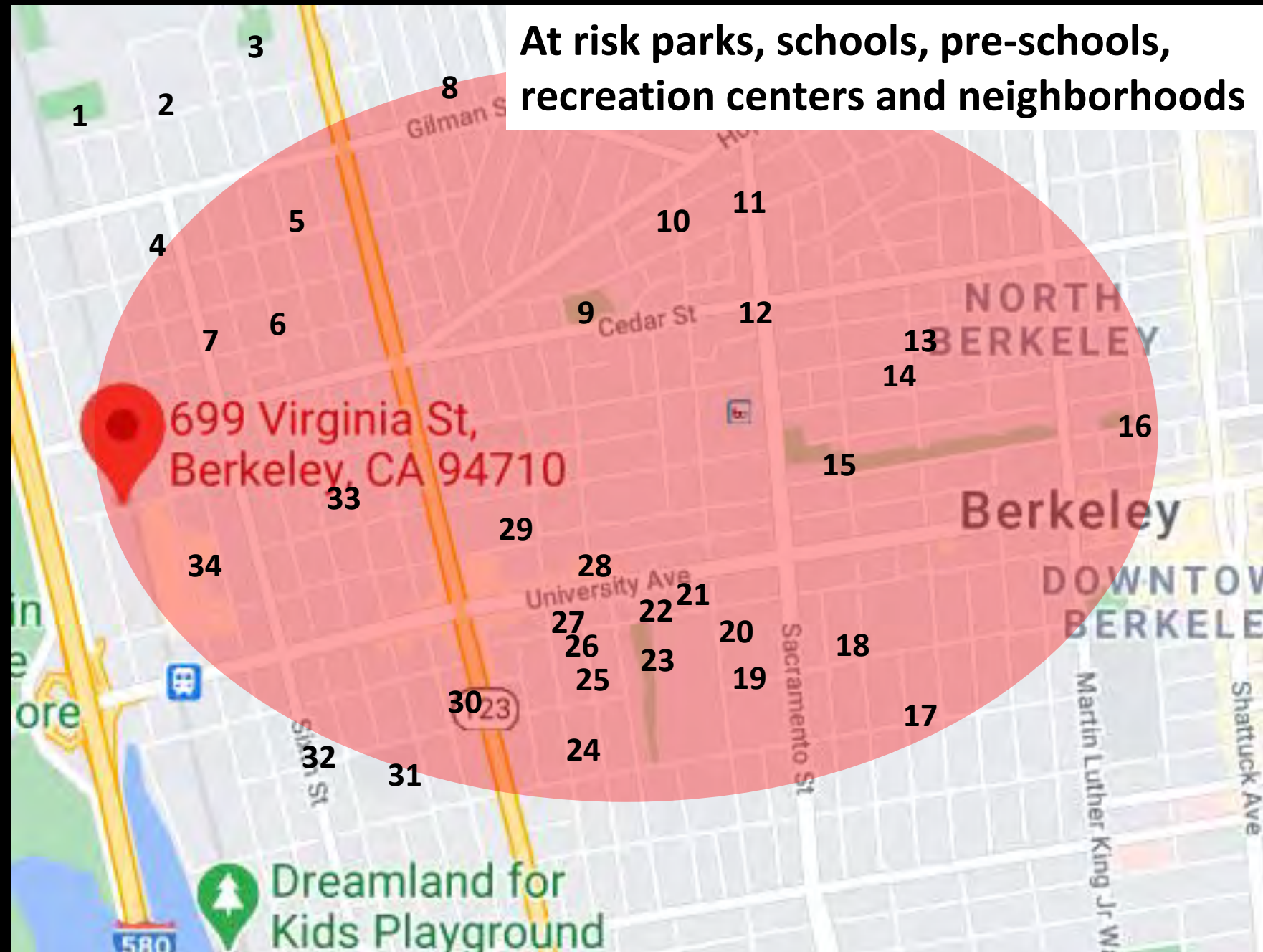
- Sulfurous air pollution started in late October, 2020
- Odor of matches striking, sewage, fireworks, and burning
- Thick odor that seeps through houses and neighborhoods

- Neighbors reporting health impacts
  - Complaints of headache, nausea, stinging eyes, sore throat
  - Aggravated asthma and other chronic illness
- People forced to close windows and retreat inside

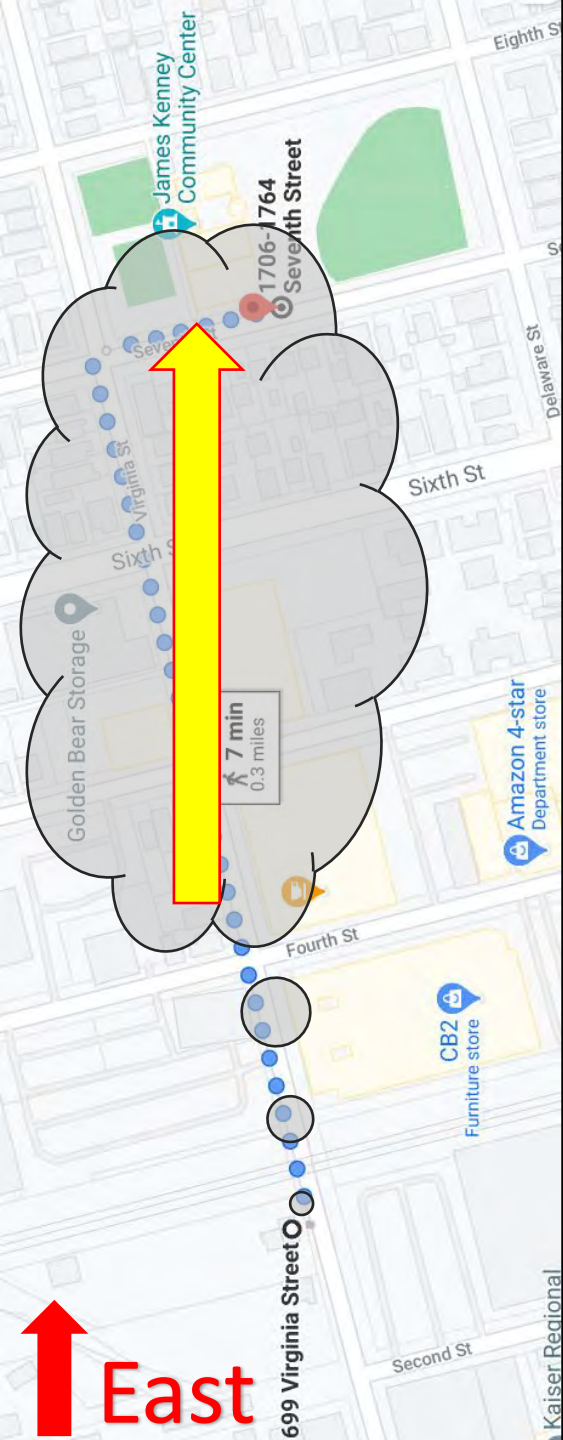
# West and North Berkeley impacted



1. Berkeley Skate Park/Harrison Park
2. Urban Adamah
3. UC Village Little League Ballfields
4. Duck's Nest Preschool
5. Centro Vida Preschool
6. Franklin Preschool
7. Golden Gate Learning Center
8. Redwood Garden Preschool
9. Cedar Rose Park
10. Jefferson Elementary School
11. Crowden School
12. Cedar Creek Montesorri School
13. The Berkeley School Early Childhood Center
14. Virginia-McGee Totland
15. Ohlone Greenway
16. Ohlone Park
17. Gan Shalom Preschool
18. Presentation Park
19. 29 Berkeley Lawn Bowling Club
20. Little Beans Preschool; Charlie Dorr Mini Park
21. Netivot Shalom Preschool
22. The Berkeley School
23. Strawberry Creek Park
24. Berkeley International Montessori School
25. Child Education Center
26. West Campus Pool
27. Oxford Elementary School
28. Berkeley Mini Way Park
29. Fox & Bear Child Care and Preschool
30. George Florence Park
31. Rosa Parks Elementary School
32. Berkeley Urban Garden School
33. James Kenney Park and Recreation Center/After School Program/Bahia
34. 4th Street Shopping District







Asphalt plant smokestack emissions



James Kenney Park and Recreation Center

0.3 miles downwind



- >200 odor pollution complaints reported to Bay Area Air Quality Management District (BAAQMD) about the sulfur stink from late October-end of December, 2020
- Partial listing of days shown below
- Pollution and complaints continue into 2021

OCTOBER 2020							NOVEMBER 2020							DECEMBER 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3	1	<del>2</del>	3	4	5	<del>6</del>	<del>7</del>			<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	5
4	5	6	7	8	9	10	8	9	10	11	<del>12</del>	13	14	6	<del>7</del>	<del>8</del>	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	<del>20</del>	21	13	<del>14</del>	<del>15</del>	<del>16</del>	<del>17</del>	<del>18</del>	19
18	19	20	21	22	23	24	22	<del>23</del>	24	25	26	27	28	20	<del>21</del>	<del>22</del>	23	24	25	26
25	26	27	28	<del>29</del>	<del>30</del>	31	29	<del>30</del>						27	<del>28</del>	<del>29</del>	<del>30</del>	31		

- Bay Area Air Quality District (BAAQMD) and City of Berkeley ruled out sources
- BAAQMD factsheet 12/9/20



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

Lehigh Hanson Berkeley Asphalt  
Site #A0123  
699 Virginia Street  
Berkeley, CA 94710

## West Berkeley Odors Fact Sheet December 9, 2020

### Background

- **Berkeley Asphalt** is an industrial facility located in Berkeley, CA. The facility began operations in 1955 and was acquired by Lehigh Hanson in 2005.
- Berkeley Asphalt has a Permit to Operate, issued by the Air District, which limits total asphalt production to 3,000 tons per day and 250,000 tons per consecutive 12 months. Berkeley Asphalt is in compliance with these limits.
- There are thirteen (13) Air District permitted sources at the facility that include the asphalt batch plant, asphalt oil tanks, conveyers and stockpiles.
- Dust abatement devices include conveyer water sprays, particulate baghouse and cyclone, and a street sweeper.
- Starting October 29, 2020, the Air District began receiving many complaints from West Berkeley residents alleging "sulfur", "sewage" and "burning" odors from unknown source(s). Staff have received approximately 193 similar Berkeley odor complaints through December 8, 2020. The alleged odor has been fleeting and difficult for staff to confirm even when response times often only takes minutes.

### Air District investigation

- In the past, the Air District has received many 'sulfur' odor complaints related to



# Berkeley residents angry over air quality

By ABC7  
Saturday, February 21, 2009

BERKELEY, CA  
**SIGN-UP: Get breaking news**

One group of protesters say they believe Pacific Steel has been in Berkeley for decades and has been a major polluter in the area. They want their message heard. Dozens of parents, children and West Berkeley residents are angry about what they say is coming from the Pacific Steel foundry. "This is our city. These are our kids. This is our air. Clean it up," she said.



## Pacific Steel foundry emitting toxic metals Three schools are surrounded by toxic air

By ABC7  
Tuesday, December 9, 2008

BERKELEY, CA  
Scientists have long known that children are still developing and they breathe more air in proportion to their weight than adults do. This latest study focused on schools.

Many parents picking up their kids at Black Pine Circle School in Berkeley had already heard that the school is surrounded by toxic air. They say emails have been going back and forth between parents and the school district.

**Latest chapter of historic struggle for clean air in West Berkeley**

### Berkeley asphalt plant emissions dangerous to residents

By Charles Siler, June 12, 2014, 2 p.m.



# Berkeleyside

CRIME & SAFETY

## Fire at northwest Berkeley asphalt plant 'under control'

Crews responded to a fire at the Berkeley Asphalt Plant on Friday morning.

By Natalie Orenstein, March 23, 2018, 10:35 a.m.



and has some information about the fire. Original report from northwest Berkeley area near railroad streets.

## What's causing the stinky, sulfur smell tormenting people in Northwest Berkeley?

The Bay Area Air Quality Management District filed a violation against Berkeley Asphalt on Dec. 8 in response to complaints of a "burning, sulfurous" smell. By Supriya Yelimeli, Dec. 22, 2020, 4:49 p.m.

In several messages to Berkeleyside, residents said the smell was "carbon dioxide-y," sometimes even casting a haze over the area and reported getting headaches and nausea from their windows.



- BAAQMD issued **Notice of Violations to Lehigh Hanson Asphalt, 699 Virginia St., Berkeley for air pollution December 3 & 22, 2020**



## If You Receive a Notice of Violation

Take immediate action to prevent the violation from continuing. Under state law, each additional day of noncompliance is considered an additional violation.

Correct the violation and fix any problems indicated, then notify the Compliance and Enforcement group within 10 business days. Have the following information ready when you call:

- Notice of Violation serial number
- Violation(s) cited
- Corrective actions and the dates they were made
- Preventative actions to avoid future violations

[www.baaqmd.gov/rules-and-compliance/compliance-assistance/notices-of-violations](http://www.baaqmd.gov/rules-and-compliance/compliance-assistance/notices-of-violations)



Pollution continued after first Violation,  
 resulting in 2<sup>nd</sup> violation 13 business days later  
 and continued pollution after that

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- Air pollution's two components:

- Odorous and/or and visible
  - These can alert us to dangers



- Odorless and invisible
  - Need equipment to detect
  - Can pose more hazard





# Asphalt manufacture air pollution types

## Greenhouse gases and health hazards

- sulfur oxides (SOx)
- nitrogen oxides (NOx)
- carbon monoxide (CO)

## Health and environmental hazards

- polycyclic aromatic hydrocarbons (PAHs)
- phenol
- volatile organic compounds (VOCs)
- metals
- particulates





# BACK TO THE FUTURE



SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

COMMUNITIES FOR A BETTER  
ENVIRONMENT,

Petitioner and Plaintiff,

Case No. 807882-5

PEREMPTORY WRIT OF MANDATE

CITY OF BERKELEY,

Respondent and Defendant.

BERKELEY ASPHALT COMPANY,

Real Party in Interest.

The Court having entered Judgment and having so ordered, upon stipulation of the parties,

**YOU ARE COMMANDED**, immediately upon receipt of this Writ, to take those actions set forth below.

A. The City shall modify Use Permit No. 3033 as necessary to incorporate the following conditions and requirements and to delete or modify any conditions inconsistent therewith.

City of Berkeley obligations

## 1999 Settlement agreement

1. Oceanview Neighborhood Association
2. City of Berkeley
3. Berkeley Asphalt Company

25. Odors. BAC shall implement the following measures to reduce odors from its facilities:

- (a) BAC shall enclose the asphalt product truck loading operations;
- (b) BAC shall vent vapors from the truck loading operations to the baghouse;
- (c) BAC shall hire an inspector acceptable to all parties to conduct a one time odor audit of the asphalt silo storage truck loading operation when it is fully operating to determine if this loading operation versus the background odors of the general plant is a source of odor problems at the BAC facility's property line, and if so, BAC shall implement measures to mitigate the odor problem. BAC shall pay no more than \$200 for the cost of the odor inspector;
- (d) BAC shall close up vent openings and other fugitive leaks in the conveyor system leading to the asphalt cement storage silos;
- (e) BAC shall add condensers to the two storage tanks now without such equipment;
- (f) BAC shall follow good engineering practice for minimizing emissions for all fugitive sources, such as pumps, hatches, valves, flanges, and other pipe connections. Such practices include, among other things, ensuring that: all hatches are closed during operation, pumps are outfitted with appropriate seals, the pug mill is kept under sufficient negative pressure, the vent line from the pug mill to baghouse is inspected at least daily to ensure that it is not plugged, the baghouse magnehelic measurement is inspected for pressure drop (such as zero pressure drop indicating broken bags and high pressure indicating plugged bags should be shaken down more often), and the truck loading doors are kept in good repair; and

Asphalt pollution controls

Six odor reduction requirements

- a) Enclose asphalt truck loading
- b) Vent vapors to the baghouse

[www.berkeleyside.com/wp-content/uploads/2014/06/BARM\\_Settlement.pdf](http://www.berkeleyside.com/wp-content/uploads/2014/06/BARM_Settlement.pdf)





Six odor reduction requirements

a) Enclose asphalt truck loading

b) Vent vapors to the baghouse



**Unenclosed asphalt loading areas April 5, 2013.  
13 years of non-compliance with legal settlement.**



**Non-compliant**

- a) Enclose asphalt truck loading
- b) Vent vapors to the baghouse

See video of unenclosed, unvented asphalt loading: <https://bit.ly/3oCCFEN>.  
Visible emissions plumes being blown into the neighborhood.  
Worker exposed unprotected to emissions.  
August 14, 2019, 20 years of non-compliance with legal settlement.





CITY COUNCIL

ACTION CALENDAR

February 9, 2016

*(Continued from January 19, 2016)*

TO: Honorable Mayor and Members of the City Council

FROM: Councilmembers Linda Maio and Lori Droste

SUBJECT: Final Status Report on West Berkeley Industry

INTRODUCTION:

On January 20, 2015, the Berkeley City Council passed the following actions:

1. Councilmembers Linda Maio and Lori Droste to work with residents, businesses, and City Staff to review complaints and make good faith efforts to mitigate impacts in the areas where the City has authority such as noise and odors and to bring their findings back to City Council.
2. Direct the City Manager to enforce the terms of the Use Permit and the 1999 Settlement Agreement with the Oceanview Neighborhood Association.
3. If the City Manager and delegated staff or department finds the West Berkeley Lehigh Asphalt Company plant is not compliant with the Use Permit or the 1999 Settlement Agreement with the Oceanview Neighborhood Association, the City and its jurisdictional bodies or the appropriate authority implements corrective action and enforces the 1999 Settlement Agreement Use Permit immediately.

## 2016 Berkeley City Council Report

**2. Enforce the Use Permit and 1999 Settlement Agreement**

**3. corrective action immediately**






Office of the City Manager

November 30, 2015

To: Councilmember Maio and Councilmember Droste

From:  Dee Williams-Ridley, Interim City Manager

Subject: Hanson Aggregates/Berkeley Asphalt

City Code Enforcement staff has reviewed current conditions and operating practices at the Lehigh Hanson asphalt facility at 699 Virginia Street based on the current Use Permit and conditions of the 1999 Settlement Agreement between Communities for a Better Environment and City of Berkeley. This Settlement Agreement directed the City to modify the Use Permit for the Berkeley Asphalt Company (now owned by Lehigh Hanson), imposing specified new conditions on their operations.

Staff attended an initial site visit on March 27<sup>th</sup> where Councilmembers Maio and Droste met with plant management to review current operation practices and steps they have taken to comply with the Settlement Agreement. Code Enforcement staff subsequently conducted a formal inspection on October 30, 2015 and again reviewed operations based on the Settlement Agreement. Staff's conclusion was that **current operations are compliant with the terms of the Agreement** and existing Use Permit conditions.

Staff findings are described in the attached memo.

## 2016 Berkeley City Council Report (continued)

¿¿¿Staff conclude  
operations *compliant* with  
Settlement???

sustainable and responsible

Find a location

Bought Berkeley Asphalt in 2005  
Acquired its assets  
And its liabilities



## SUSTAINABILITY

Lehigh Hanson is committed to operating in a safe and environmentally responsible manner.

### ***Reducing our Environmental Footprint***

"We are committed to fulfilling our share of the global responsibility to keep temperature rise below 2°C, and we will continue to reduce our impacts on air, land and water."

### ***Being a Good Neighbor***

"We are committed to supporting the social and economic development of our neighboring communities and ensure transparent communication to all our stakeholders."

## SAFETY

Lehigh Hanson is committed to operating in a safe and environmentally responsible manner. We believe in taking a proactive approach to reducing workplace risks and hazards and we apply industry best practices for safety and health across all of our facilities and office locations in North America.

## ETHICS & COMPLIANCE

At Lehigh Hanson, we believe a successful company is not only characterized by many aspects of our company culture is a commitment to lawful and ethical conduct.



09.22.2020

# UNION BRIDGE PLANT WINS ENVIRONMENTAL EXCELLENCE AWARD



07.12.2019

## GIVING BACK TO THE COMMUNITIES WHERE WE DO BUSINESS



Lehigh Hanson is committed to giving back to the communities where we do business. As part of that commitment, the company introduced its Lehigh Hanson Cares program earlier this year. The program includes –an employee donation matching component and a “Dollars for Doers” component – where the company donates to charities where our employees volunteer.

Lehigh Hanson is proud to announce its Lehigh Cement plant in Union Bridge was the winner of the Overall Environmental Excellence Award as part of the 2020 Energy and Environment Awards from the Portland Cement Association (PCA). The awards recognize outstanding environmental and community relations efforts that go above and beyond what is required. Submissions from plants across the U.S. were evaluated and recognized for environmental efforts completed in 2019.

## LEHIGH HANSON CARES

The Company contributes to organizations grouped under the three following general categories: **Arts & Education**, **Environment** and **Health & Well-being**. Within these categories, contributions are made for the public welfare, or for charitable, scientific, educational, environmental and safety purposes.

# Clean Air Action

## City of Berkeley

### 1. Suspend Use Permit

2. 3<sup>rd</sup> party inspection
3. Revise Use Permit to protect Berkeley public health and environment

- Suspension of Use Permit until all required mitigations are in place, tested, and shown to be effective
- Include additional state of the art pollution controls such as chemical scrubbers for sulfur pollution



## City of Berkeley

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2. 3<sup>rd</sup> party inspection
3. Revise Use Permit to protect Berkeley public health and environment

## Asphalt Plant

1. Comply with 1999 settlement
2. + state of the art pollution controls and monitors
3. +mitigations for >20 years of non-compliance

Install continuous pollutant monitors within the asphalt plant

- running logs of pollution emission content and levels
- alarms for exceedances
- real time operations management based on pollution monitoring

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## BAAQMD

1. Enforce
2. Monitor
3. Permitting



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## Community

1. Organize
2. Report
3. Mandate

- [cleanAIRberkeley@gmail.com](mailto:cleanAIRberkeley@gmail.com)
- 800-334-ODOR (6367)
- Mandates to City officials

# Clean Air Action

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# Clean AIR Berkeley

[Home](#)[Background](#)[Events](#)[Contact the City](#)[Report Air Pollution](#)

**Neighbors working for clean air in West Berkeley and throughout the City.**

## Background - Asphalt Plant Pollution

In late 2020, West Berkeley begins suffering increased and intense episodes of air pollution.

**Get up to speed >**

## Contact Berkeley City Officials

The City of Berkeley must enforce requirements set for the plant's operations and pollution controls.

**Contact City officials >**

## Report Air Pollution Odor Complaints

Help fix air pollution at the source.

**Report and learn more >**