

Action Summary Minutes

CENTRAL REGION HEARING BOARD MEETING

Central Region Office Governing Board Room

1990 E. Gettysburg Ave., Fresno, CA 93726

Wednesday, September 16, 2009, 10:00 a.m.

MINUTES

1. **CALL MEETING TO ORDER:**

The Vice Chair, Robert Schumacher, called the meeting to order at 10:01 a.m.

2. **ROLL CALL:**

| | |
|----------------------------------|---------|
| Jim Waterman – Attorney | Present |
| Dr. James Glaser, M.D. – Medical | Present |
| Jerry Boren – Engineer | Absent |
| Gerry Mulligan – Public | Present |
| Robert Schumacher | Present |

Staff present – Central Region (Fresno): Patrick Houlihan, Senior Air Quality Specialist; Ryan Hayashi, Supervising Air Quality Specialist; Catherine Redmond, District Counsel; Angie DeSantiago, Clerk to the Board.

3. Approval of Minutes from August 19, 2009

4. **PUBLIC HEARING:**

The Chair asked the Clerk to verify that all items had been properly noticed. The Clerk responded that they had. All those present to testify were sworn in by the Chair. The Chair asked that the agenda packet and any addenda brought forth to be entered into the official record.

A. C-09-15S **Wellhead Power Panoche, LLC**
43649 West Panoche Road
Firebaugh, CA 93622

Petitioner: Andrew Robertson, Rachel Garza

Patrick Houlihan, Senior Air Quality Specialist, presented the staff report. He stated Wellhead Power Panoche, LLC (WPP) is requesting a short term variance. He reported WPP plans to swap out the 'B' turbine with a unit that will be leased until the original turbine can be repaired. It is

expected compliance with emission limits will be achieved, however, WPP will still need a variance relief to re-install the original turbine and perform reliability checks. WPP must apply for a Temporary Replacement Equipment Unit (TREU) PTO from the District before installing the leased turbine. This will take approximately a month to obtain the TREU and locate a suitable turbine.

Mr. Houlihan noted a change in the dates submitted in Condition #1. The effective dates in Condition #1, page 4 should read October 5, 2009 to December 3, 2009.

The Hearing Board members determined that the listed findings have been made and to grant a short variance to Wellhead Power Panoche, LLC, subject to the conditions as listed in the staff report.

Moved: Mulligan
Second: Waterman

Ayes: Waterman, Mulligan, Glaser, Schumacher
Noes: None
Abstain: None
Absent: Boren

The Hearing Board voted unanimously to grant the short term variance for a period between October 5, 2009 to December 3, 2009.

B. C-09-13S **PPG Industries, Inc.**
3333 South Peach Avenue
Fresno, CA 93725

Petitioner: Ms. Patricia O'Toole, Mr. Jim Parsons, Ms. Krystle Shoate,
and Mr. Greg Riolo

Patrick Houlihan, Senior Air Quality Specialist, presented an amended staff report. He stated PPG Industries, Inc. is requesting a short term variance. He reported Rule 4354-Glass Melting Furnaces requires glass plants to install PM10 monitoring equipment or choose an alternate monitoring parameter by January 1, 2011. He added PPG has indicated the monitoring equipment does not currently exist in the market place, consequently, PPG has chosen a parametric monitoring scheme whereby they will monitor and record the voltage of the EP. PPG is requesting a variance relief to source test the EP at lower voltage levels, however, PPG does not know what level to set the EP at without exceeding the permitted PM10 limit. He also stated a violation will occur if PPG picks a level that is too low, and they will have to set the voltage higher and retest. In

addition, if the sources test goes as planned, PPG will only need one day to complete the testing.

The Hearing Board members approved the amended staff report and determined PPG Industries has made the listed findings.

Moved: Waterman
Second: Glaser

Ayes: Waterman, Mulligan, Glaser, Schumacher
Noes: None
Abstain: None
Absent: Boren

The Hearing Board voted unanimously to grant the short term variance for a period between September 17, 2009 and December 15, 2009 or until the source test or series of source tests are complete, which ever occurs first.

C. C-09-14S **PPG Industries, Inc.**
3333 South Peach Avenue
Fresno, CA 93725

Petitioners: Ms. Patricia O'Toole, Mr. Jim Parsons, Ms. Krystle Shoate, and Mr. Greg Riolo

Patrick Houlihan, Senior Air Quality Specialist, presented the staff report. He stated due to the continued economic downturn, PPG is set to produce record low amounts of product. PPG is requesting the variance to provide relief from the way that the Permit to Operate (PTO) requires PPG to calculate NOx. The PTO requires PPG to calculate NOx on a pound per ton of glass pulled. He reported PPG will violate the NOx pound per ton of glass pulled PTO limit, and wish to report emissions in pounds per day, in conjunction with the PTO requirement to report pounds per ton of glass pulled. PPG has stated that their daily emission limit will not be violated.

The Hearing Board members approved the staff report and determined PPG Industries has made the listed findings.

Moved: Mulligan
Second: Waterman

Ayes: Waterman, Mulligan, Glaser, Schumacher
Noes: None
Abstain: None

Absent: Boren

The Hearing Board voted unanimously to grant the short term variance for a period between September 21, 2009 and December 19, 2009 and in Condition #2, Rule 4354 shall remain.

D. C-09-21A **Moonlight Dairy & Ag Power Partners**
5061 Avenue 280
Visalia, CA 93277

Moved: Waterman
Second: Mulligan

Ayes: Waterman, Mulligan, Glaser, Schumacher
Noes: None
Abstain: None
Absent: Boren

The Hearing Board moved to grant a continuance to Moonlight Dairy & Ag Power Partners until the October 21, 2009 Hearing

5. Central Region Hearing Board had not heard nor approved any emergency variance petitions since the August 19, 2009, 2009 Hearing Board Meeting.
6. **PUBLIC COMMENTS**: No public comments.
7. **HEARING BOARD COMMENTS**: None.
8. **NEW BUSINESS**: None.
9. **NEXT SCHEDULED MEETING**: October 21, 2009. This meeting will be held in the Central Region Office (Fresno) in the Governing Board room.
10. **ADJOURNMENT**: The Chair adjourned the meeting at 10:29 a.m.