

## Action Summary Minutes

### CENTRAL REGION HEARING BOARD MEETING

Central Region Office Governing Board Room

1990 E. Gettysburg Ave., Fresno, CA 93726  
and  
Southern Region Office  
34946 Flyover Court, Bakersfield, CA 93308

Wednesday, February 16, 2011, 10:00 a.m.

### MINUTES

1. **CALL MEETING TO ORDER:**

The Chair, Jerry Boren, called the meeting to order at 10:00 a.m.

2. **ROLL CALL:**

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

Staff present – Central Region (Fresno): Michael Carrera, Compliance Manager; Patrick Houlihan, Senior Air Quality Specialist; Phil Jay, Legal Counsel; Katy Linebach, Air Quality Specialist; George Heinen, Supervising Air Quality Engineer; Lynn Sargenti, Senior Office Assistant

3. Approval of Minutes from January 19, 2011

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.

Docket Numbers A, B & C were heard together due to all three petitioners requesting the variance for the similar product.

A. C-10-29P                      American Standard Water Heaters  
2808 Metropolitan Place  
Pomona, CA 91767

- B. C-10-30P Bradford White Corporation  
200 Lafayette Street  
Middleville, MI 49333
- C. C10-31P AO Smith Water Products Company  
Tennessee Waltz Boulevard  
Ashland City, TN 37015

Petitioners: Christopher R. Baker, Jack W. Surface, D. Jay Nethercot,  
James Bridegum

Patrick Houlihan presented the staff report. The water heater manufacturers are requesting the variance due to changes in Rule 4308 effective January 1, 2011. The change requires the NOx emissions go from 77 ppm down to 20 ppm. The rule requires each model unit be certified to demonstrate compliance. The rule changes also require other changes made to the industry. The petitioners need time to make the required changes to the product.

This variance only applies to water heaters 75,000 btu/hr to 400,000 btu/hr that will remain on the market at this time. This is only good through 2011. After that, the manufacturers are expected to have compliant units on the market.

Mr. Bridegum spoke briefly regarding the financial impact on property owners and commercial businesses forced to change to new compliant water heaters.

Brief discussion between the board and petitioners regarding venting and condensation and how the venting works.

Public Comment: Mr. Michael Chardukian with Ferguson, a plumbing HVAC waterworks wholesaler, provided public comment. He commented regarding the hardships on small and large business owners including wholesalers that have invested and stocked these products, which they will no longer be allowed to sell. He is concerned about the required removal of these products and the financial impact and hoped the District understands the affect this will have on these businesses.

Mr. Boren informed him that the District and the Hearing Board shares their concerns and that there was discussion regarding this at the February meeting.

There was a comment from one of the petitioners regarding a water heater manufacturer who had chosen not to be included in the variance request that was heard last month. He stated that there are distributors in our area that stock and sell that product who won't be in compliance and asked how they would they be notified.

Mr. Houlihan responded to this explaining that there are procedures in place for notifications. He explained that there are stickers on the current water heater units that indicate they are under variance. This will help out when inspectors are in the field. It is planned that the District will check with distributors that they have the stickers.

Mr. Houlihan mentioned that he has been contacted by RHEEM, a water heater manufacturer that was not represented at the Hearing Board last month. He believes they will be coming forward to seek a variance also.

Having decided the petition has met the required findings, on motion of Mr. Mulligan, seconded by Mr. Waterman, unanimously passed, the petitioners were granted product variances.

D. C-10-23S Saint-Gobain Containers, Inc.  
24441 Avenue12  
Madera, CA 93637

Petitioners: Todd Rosebrock

Mr. Houlihan presented the staff report. The facility is bringing in outside burners temporarily for maintenance purposes. This will increase the NOx during that time. Other excess emissions are not expected, but are included in the variance request. Mr. Houlihan mentioned that the increase NOx levels described in the report are estimates.

The petitioner brought photos of the chamber doors and burners of the furnaces that are being cleaned. These photos were shown to the Board members to help in the understanding of the equipment. Mr. Rosebrock explained the cleaning process and what is involved.

Public Comment: No public comment.

Having decided the petition has met the required findings, on motion of Mr. Waterman, seconded by Mr. Schumacher, unanimously passed, the petitioner was granted a short variance.

E. C-11-02S Chevron, Inc.  
31E Oil Cleaning Plant  
Midway Sunset Oil Field  
Taft, CA

Petitioners: Martin Lundy

Mr. Houlihan presented the staff report. Chevron needs to replace the gas meter on the Vapor Recover System pipeline. This will require them to shut off the Vapor Recovery System while they replace the meter. Excess emissions are not expected to go over what the permit allows during the variance period.

Mr. Lundy explained that the meter needs to be replaced due to the current meter not meeting state requirements and specifications.

Mr. Houlihan asked Mr. Lundy if there is a meter on the by-pass system. Mr. Lundy stated he wasn't sure but would check on that. Mr. Lundy explained the function and monitoring process of the meter.

Public Comment: No public comment.

Having decided the petition has met the required findings, on motion of Mr. Schumacher, seconded by Mr. Mulligan, unanimously passed, the petitioner was granted a short variance.

F. C-11-03S PPG Industries, Inc.  
3333 S. Peach Ave.  
Fresno, CA 93725

Petitioners: Jim Parsons, Krystle Shoate

Ms. Shoate was sworn in at this time as she was not present when the other petitioners were sworn in.

Mr. Houlihan presented the staff report. It appears that a possible breakdown with the EP is imminent. They need to perform an inspection and repair. The CEMS will be bypassed during the inspection and repairs. During the variance period, PM and SOx will be uncontrolled. Excess visible emissions are expected.

The variance request was changed from 4 days to 6 days.

Mr. Boren asked if the SOx emissions would have a smell. Mr. Parsons stated he has never noticed an odor.

Mr. Mulligan asked if it had been considered that this could be done on a weekend so as not to have an affect on commuter traffic. Mr. Houlihan stated this was not considered and that the District is concerned with them getting this done as quickly as possible before the system does break down and cause a longer period of time that excess emissions would be released.

It was asked if the emissions would be a constant flow or intermittent. Ms. Shoate stated that a constant flow is expected. Visible emissions are expected to be between 30% - 60%.

Public Comment: No public comment.

Having decided the petition has met the required findings, on motion of Mr. Mulligan, seconded by Mr. Schumacher, unanimously passed, the petitioner was granted a short variance.

5. The Central Region Hearing Board heard and approved the following emergency variance since the January 19, 2011, Hearing.

A. Docket C-11-01E                      Aera Energy LLC

6. **PUBLIC COMMENTS:** No public comments.

7. **HEARING BOARD COMMENTS:** None.

8. **NEW BUSINESS:**

Mr. Houlihan informed the Hearing Board that it is required by the Fair Political Practice Commission that the board members have ethics training every 2 years. They can watch the video at home or watch it at the District office. This is due by March 15<sup>th</sup>. They need to print and sign a certificate that they have complied and watched the video.

Mr. Phil Jay informed the Hearing Board that he will retire from the District on April 23<sup>rd</sup>, 2011.

9. **NEXT SCHEDULED MEETING:** March 16, 2011. This meeting will be held in the Central Region Office (Fresno) in the Governing Board room.

10. **ADJOURNMENT:** The Chair adjourned the meeting at 11:00 a.m.