

## Action Summary Minutes

### CENTRAL REGION HEARING BOARD MEETING

Central Region Office Governing Board Room

1990 E. Gettysburg Ave., Fresno, CA 93726

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

### MINUTES

1. **CALL MEETING TO ORDER:**

The Chair, Jerry Boren, called the meeting to order at 10:02 a.m.

2. **ROLL CALL:**

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

Staff present – Central Region (Fresno): Ryan Hayashi, Supervising Air Quality Specialist; Patrick Houlihan, Senior Air Quality Specialist; Catherine Redmond, Legal Counsel; Lynn Sargenti, Senior Office Assistant

3. Approval of Minutes from February 16, 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.

A. C-11-04i Rheem Sales Company  
2600 Guntar Park Drive East  
Montgomery, AL 36109

Petitioners: Allen Wicher, Josh Nickelberg

Mr. Houlihan presented the members of the Hearing Board with an attachment, Appendix A-Product List, to be included with the staff report.

Patrick Houlihan presented the staff report. The water heater manufacturer is 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. The new units are required to be certified to be sold in the valley. The petitioner can be certified either by South Coast AQMD or the San Joaquin Valley APCD.

Rheem has indicated they have very few units that are certified to meet the new emission requirement. Rheem would like to continue to sell their current models that were certified last year through 2011. They are in the middle of the development stage to bring on the model that will meet the 20 ppm next year.

Appendix A-Product List presented and entered into the record. Mr. Houlihan explained that the units allowed for sale in the variance is limited to the lower, smaller units only.

Rheem will return in April for the product variance presentation.

Appendix B-Sample variance label entered into the record.

Mr. Houlihan reminded the Hearing Board members that for an interim variance, findings are not necessary, only good cause needs to be found.

Mr. Wicher presented comments to the Board, explaining the reasons behind Rheem's request for the variance and explained why they were late in requesting the variance.

Ms. Goodwin asked the petitioner the cost difference between the most popular unit and a similar, compliant unit.

Mr. Wicher estimated the cost to be \$2,000-\$3,000 higher for installation and unit price.

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.*

5. The Central Region Hearing Board had not heard nor granted any emergency variances since the February 16, 2011 meeting.
6. **PUBLIC COMMENTS:** No public comments.
7. **HEARING BOARD COMMENTS:** None.
8. **NEW BUSINESS:** Mr. Houlihan thanked the board members for completing the ethics training.

Mr. Houlihan mentioned to the board that, currently, there are no alternate members available at this time and that if they know of anyone that would be interested, please have them contact the Clerk To The Boards.

The Board members welcomed Dr. Lorraine Goodwin as a primary member replacing Dr. Glaser, who has retired from the Hearing Board.

9. **NEXT SCHEDULED MEETING:** April 20, 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 10:19 a.m.