

**San Joaquin Valley Air Pollution Control District
NORTHERN REGION HEARING BOARD MEETING**

Northern Region Office Magnolia Room
4800 Enterprise Way, Modesto, CA 95356

ACTION SUMMARY MINUTES

Wednesday, November 3, 2010

*Meeting held via teleconferencing with the
Central Region Office (Fresno) participating via teleconferencing.*

MINUTES

1. CALL MEETING TO ORDER

The Chair, Mark Kanai, called the meeting to order at 10:03 a.m.

2. ROLL CALL

Roger Gohring - Public	Present
Gerald Schneider - Public	Present
Steve Benak, MD - Medical	Present
Alexander Scheflo - Engineer	Present
Mark A. Kanai (Chair) - Attorney	Present

Staff Present:

Northern Region (Modesto): Ron Giannone, Supervising Air Quality Inspector,
Michael Hamaguchi Air Quality Inspector II.

Central Region (Fresno): Patrick Houlihan, Senior Air Quality Specialist, Ryan
Hayashi, Supervising Air Quality Specialist, Michael Carrera, Compliance Manager,
Catherine Redmond, Legal Counsel, Vicki Christie, Senior Office Assistant.

3. APPROVE MINUTES OF October 6, 2010

The Chair asked if there were any comments regarding the Minutes for October 6,
2010. Hearing no comments, the Chair declared the minutes were approved as
submitted.

4. PUBLIC HEARING

The Chair swore in all those present to testify for all matters.

<u>Docket No.</u>	<u>Type</u>	<u>Company Name</u>
A. N-10-07R	Regular	Owens-Brockway Glass Containers, Inc. 14700 W Schulte Road Tracy, CA 95377

Petitioners: Mark Tussing, Dan Armagost, Hank Wiegel

Patrick Houlihan presented the Staff Report.

Owens has requested a regular variance from the requirements of District Rules 1080, 2010, 2070.7.0, 2201, 2520, and 4354, in addition to the applicable conditions of the subject Authorities to Construct (ATCs) and Permit to Operate (PTO). The requested variance period would be for a period to occur sometime between January 1, 2011 and April 15, 2011. If granted, the variance would allow the subject furnaces to continue to operate beyond the Rule 4354 compliance deadline until the SO_x control equipment can be installed; and without any emissions controls while the switchover to the new equipment is being completed. In addition, it would also allow for the operation of the furnaces without a CEMS and COMS until the new systems can be certified.

The petitioner, Mark Tussing thanked Patrick Houlihan and agreed fully with the District's presentation of their petition and with the conditions in the staff report. He then said that this is the largest and most expensive project in Owens history. The company is fully committed to being in compliance with all the District's rules.

Gerald Schneider asked why the ATC application took one year to process. Owens replied that Owens and District had several modifications during the ATC process. Mr. Schneider asked for clarification of the fee for exceeding SO_x. Patrick Houlihan explained that if the SO_x exceeds 2,000 lbs. during the variance period, there will be a \$3.75 per lb. fee starting at one lb. Mr. Schneider's asked what would be the determining factor for measuring excess SO_x ? Mr. Houlihan explained that both Owens and the District will use CEMS read-outs during the switch over.

Public Comment: None

Motion: Gohring
Second: Scheflo

Ayes: Kanai, Scheflo, Gohring, Schneider, Benak
Nays: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance subject to the conditions of the staff report with the following changes:

Number 2 - Remove Rule 4001 from the conditions because it is not applicable. Add condition number ten from ATCs to item B, C, and D. Condition number 2 should read:

Relief shall be granted from the requirement of the applicable sections of District Rules 1080, 2010, 2070.7.0, 2201, 2520, and 4345, in addition to the following:

- A. Condition 7 of PTO N-593-0-3;*
- B. Condition 3, 10, 17, 25, 28, 30, 43, and 44 of ATC N-593-10-14;*
- C. Condition 3, 10, 17, 25, 28, 30, 42, and 43 of ATC N-593-12-12;*
- D. Condition 3, 10, 17, 25, 28, 30, 43, and 44 of ATC N-593-13-10*

<u>Docket No.</u>	<u>Type</u>	<u>Company Name</u>
B. N-10-10S	Short	Ripon Cogeneration 944 South Stockton Avenue Ripon, CA 95366

Petitioners: Robyn Hachigan, Jim Groff

Patrick Houlihan presented the Staff Report.

RIPON has requested a short variance from District Rules 2070.7.0, 2201, 2520 and 4703, in addition to conditions of the applicable Permit to Operate (PTOs). The requested short variance period would be for a cumulative total of 60 hours to occur from November 8, 2010 until November 12, 2010. If granted, the variance would allow RIPON to operate the subject turbine with excess NO_x and CO emissions while conducting the testing and commissioning of the synchronizer.

The petitioners thanked Patrick Houlihan for the District's accurate presentation of their petition.

Public Comment: None

Motion: Schneider
Second: Benak

Ayes: Kanai, Scheflo, Gohring, Schneider, Benak
Nays: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance subject to the conditions of the staff report.

5. EMERGENCY VARIANCE

The Northern Region Hearing Board has not heard nor granted any emergency variances since the October 6, 2010 Hearing.

6. PUBLIC COMMENTS

No public comment.

7. HEARING BOARD MEMBER COMMENTS

No comment.

8. NEW BUSINESS

No new business.

9. NEXT SCHEDULED MEETING

The next scheduled meeting is December 1, 2010. The meeting will be held via teleconferencing in the Northern Region Office (Modesto) with the Central Region Office (Fresno) participating via teleconferencing.

10. ADJOURN

The Chair adjourned the meeting at 10:40 a.m.