

**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, October 5, 2011

*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 10:00 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, Ryan Hayashi, Supervising Air Quality Specialist, Catherine Redmond, Legal Counsel.

Central Region (Fresno): Patrick Houlihan, Senior Air Quality Specialist, and Vicki Christie, Acting as Clerk to the Board.

3. APPROVE MINUTES OF September 7, 2011

The Chair asked if there were any comments regarding the Minutes for September 7, 2011. 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-11-12S	Short	Pacific Ethanol Stockton, LLC 400 Capitol Mall Sacramento, CA 95814

Petitioners: Cheryl Davis

Patrick Houlihan presented the Staff Report.

Pacific Ethanol Stockton, LLC (PES) has requested a short variance from District Rules 2070.70 and 2201, in addition to the applicable conditions of the PTOs. The requested short variance would be effective for a consecutive 48 hour period to occur sometime between October 5, 2011, and January 2, 2012. If granted, the variance would allow for continued ethanol production while the RTO is shut down for preventative maintenance.

Mr. Kanai asked if excess emissions are what prevents maintenance allowances from being built into the permits. It seems that if all parties know in advance that some maintenance will need to be done, why do they have to go through the variance process?

Mr. Houlihan explained that the District Rules do not have a provision for preventative maintenance. But as Rules are being amended, some will have an allowance for preventative maintenance built in.

Ms. Davis commented that PES's goal is to reduce variance requests from quarterly this year, to twice a year in the future.

Public Comments: None

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

B. N-11-14S	Short	Thermal Energy Development Partnership, LP 14800 W Schulte Rd Tracy, CA 95377
-------------	-------	---

Petitioners: Jeffrey Adkins, Joel Lepoutre, Bill Lax, Tike Heshimu, Greg Myers

Patrick Houlihan presented the Staff Report.

Thermal Energy Development Partnership (TEDP) has requested a short variance from District Rules 2070.70, 2201, and 2520, in addition to conditions of the applicable PTOs. The short variance would be effective for 90 days beginning October 5, 2011 and ending on January 2, 2012. If granted, the variance would allow TEDP to continue to use non-compliant fuel materials until their Permits can be modified.

Mr. Adkins explained that they are seeking a minor modification to the phrasing of condition # 33 on their Permits that would allow the burning of less than 1% of contaminants in urban wood waste.

Mrs. Redmond commented that if indeed this is a permit issue, the Board cannot grant a variance from the requirement to get a permit.

Mr. Houlihan commented that this is something that could be taken into consideration during the permitting process with Permitting staff.

Mr. Houlihan also stated that the District believes that the variance could be avoided because TEDP did not need to bring in contaminated wood fuel, can choose not to burn the contaminated wood fuel on site, and can bring in clean wood going forward.

Public Comments: None

Having decided the petition has not met the required findings, on motion of Mr. Gohring and seconded by Mr. Scheflo, unanimously passed, the petition was denied.

5. EMERGENCY VARIANCE

The Northern Region Hearing Board heard an emergency variance on September 21, 2011, for Air Products Manufacturing Corporation Stockton Cogen.

6. PUBLIC COMMENTS

No public comment.

7. HEARING BOARD MEMBER COMMENTS

No comment.

8. NEW BUSINESS

None

9. NEXT SCHEDULED MEETING

The next scheduled meeting is November 2, 2011. 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 10:41 a.m.