

**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 3, 2012

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

1. CALL MEETING TO ORDER

The Chair, Mark Kanai, called the meeting to order at 9:59 a.m.

2. ROLL CALL

Roger Gohring - Public	Present
Gerald Schneider - Public	Present
Mark A. Kanai (Chair) - Attorney	Present
Alexander Scheflo - Engineer	Present

Staff Present:

Northern Region (Modesto): Ron Giannone, Supervising Air Quality Inspector

Central Region (Fresno): Patrick Houlihan, Senior Air Quality Specialist; Ryan Hayashi, Supervising Air Quality Specialist; Annette Ballatore-Williamson, Legal Counsel; Carol Flores, Operations and Program Support Supervisor

3. APPROVE MINUTES OF August 1, 2012

The Chair asked if there were any comments regarding the Minutes for August 1, 2012. 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-12-15S	Short	Pacific Ethanol Stockton, LLC 3028 Navy Drive Stockton, CA 95206

Petitioners: Kirk Lund

Patrick Houlihan presented the Staff Report.

PES has requested a short variance from the requirements of District Rules 2070.7.0 and 2201 in addition to the applicable conditions of the PTOs. The requested short variance would be for a consecutive 48 hour period to occur sometime between October 4, 2012, and December 8, 2012, inclusive. If granted,

the variance would allow for continued ethanol production while the RTO and scrubbers are shut down for preventative maintenance.

Public Comments: None

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

<u>Docket No.</u>	<u>Type</u>	<u>Company Name</u>
B. N-12-16i	Interim	Northern California Power Agency Lodi Energy Center 12745 N. Thornton Road Lodi, CA 95241

Petitioners: Jeff Adkins and Mike DeBortoli

Patrick Houlihan presented the Staff Report.

LEC has requested an interim variance, to be followed by a regular variance, from the requirements of District Rules 2010, 2070.7.0, 2201, 2520, 4305, 4306, and 4320 in addition to conditions of the subject PTO and ATC. The requested variance period would be for a period to occur from October 3, 2012, until December 5, 2012, or until the hearing for the regular variance can be heard. If granted, the variance would allow the auxiliary boiler to operate with excess CO emissions and would provide for the postponement of the compliance source test.

Mr. Houlihan explained the following modifications to the petition:

- LEC started the auxiliary boiler on September 14, 2012 and determined, via use of portable emissions analyzer, that the CO emissions were above the permit limit of 50 parts per million by volume (ppmv).
- Condition 1: The variance shall be effective from September 19, 2012, until December 5, 2012 or until the Northern Region has heard the petition for the regular variance, or if the auxiliary boilers CO emissions achieve compliance and a compliance source test is initiated, whichever occurs first.
- Condition 2B: Conditions # 15, 26, 37 & 38 of ATC N-2697-7-0

Mr. Adkins informed the Board the equipment is scheduled for delivery on October 8, 2012 and will install soon after.

Mr. Scheflo asked how often the auxiliary boiler will be brought online. Mr. DeBortoli explained the auxiliary boiler is used to start the facility, but it is not run continuously. Mr. Schneider asked how often is the auxiliary boiler started and stopped once the facility is running. Mr. DeBortoli explained LEC analyzed 256 starts per year.

Public Comments: None

Having decided the petition has met the required findings, on motion of Mr. Schneider and seconded by Mr. Scheflo, unanimously passed, the petitioner was granted an interim variance.

<u>Docket No.</u>	<u>Type</u>	<u>Company Name</u>
C. N-12-17S	Short	Recology Grover Environmental Products 3909 Gaffery Road Vernalis, CA 95385

Petitioners: Vince Tye, Bryan Clarkson, and Jordan Norris

Patrick Houlihan presented the Staff Report.

RECOLOGY has requested a short variance from District Rules 2070.7.0 and 2201, in addition to conditions of the applicable Permit to Operate (PTO). RECOLOGY has requested that the short variance be effective from October 3, 2012, until December 31, 2012. If granted, the variance would allow RECOLOGY to exceed its annual permitted hour limit on the subject diesel engine.

Mr. Houlihan reported the District does not believe the Hearing Board has jurisdiction over this matter. Mr. Kanai asked Ms. Williamson if the Board has jurisdiction. Ms. Williamson explained this matter comes under state law and the Board does not have jurisdiction over this matter. Mr. Kanai asked when the petitioner knew the Board did not have jurisdiction. Mr. Houlihan explained the petitioners were advised on September 27, 2012. He added the petitioners wished to attend to be able to speak to staff after Hearing Board meeting.

Mr. Kanai stated the Northern Region Hearing Board having no jurisdiction over the matter cannot proceed and the petitioner was not granted a short variance.

5. EMERGENCY VARIANCE

The Northern Region Hearing Board granted two emergency variances since the August 1, 2012, Hearing.

6. PUBLIC COMMENTS

No public comment.

7. HEARING BOARD MEMBER COMMENTS

None

8. NEW BUSINESS

9. NEXT SCHEDULED MEETING

The next scheduled meeting is November 7, 2012. 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 10:33 a.m.