

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, March 6, 2013

*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 (Vice Chair) - Public	Present
Alexander Scheflo – Engineer	Present
Mark Kanai – Attorney (Chair)	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 Williamson, Assistant Legal Counsel; Ramon Norman, Air Quality Engineer; Carol Flores, Operations and Program Support Supervisor

3. APPROVE MINUTES OF February 6, 2013

The Chair asked if there were any comments regarding the Minutes for February 6, 2013. Mr. Kanai noted Mr. Schneider called the meeting to order, the Chair declared the minutes were approved with the correction.

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-13-01R	Regular	Northern California Power Agency Lodi Energy Center 12745 N. Thornton Road Lodi, CA 95241

Petitioners: Jeffrey Adkins

Patrick Houlihan presented the Staff Report.

LEC has requested a regular variance, from the requirements of District Rules 2010, 2070.7.0, 2201, 2520, and 4703 in addition to conditions of the subject PTO and ATC. The requested variance would be for a period to occur between March 6, 2013, and August 16, 2013. If granted, the variance would allow excess hourly CO emissions during start-up and/or tuning events.

Mr. Adkins thanked Mr. Houlihan for his presentation, he had no further comments.

Public Comments: None

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

B. N-13-03i Interim Doctors Hospital of Manteca
1205 East North Street
Manteca, CA 95336

Petitioners: Gary Modlin

Patrick Houlihan presented the Staff Report.

DHM has requested an interim variance, to be followed by a regular variance, from the applicable requirements of District Rule 4307, in addition to the applicable conditions of the PEERS. The requested interim variance period would be from March 6, 2013, until May 1, 2013, or until the petition for the regular variance can be heard, whichever occurs first. If granted, the variance would allow for the continued operation of the boilers with excess NO_x emissions until they can be replaced with low or ultra-low NO_x units.

Mr. Modlin stated it has been determined the boilers cannot be replaced and a plan to find a new location for the boilers is currently being developed.

Mr. Schneider asked when the 30 ppm requirement was established. Mr. Houlihan explained the two units are subject to staggered compliance schedules. He added one unit's compliance date was July 1, 2008 and the second unit's compliance date was July 1, 2009. Mr. Schneider clarified the facility had knowledge of the units being out of compliance and expressed concern regarding finding number two. Mr. Kanai clarified the finding is whether or not the facility had reasonable control.

Mr. Kanai asked if there reports available of constant monitoring. Mr. Modlin responded there is not constant monitoring on the boilers. Mr. Kanai asked if there were source tests required. Mr. Houlihan explained the facility did have source tests performed because they were required by the conditions of the Permit Exempt Equipment Registration (PEER). Both boilers failed the source tests.

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 an interim variance.

C. N-12-07M Modify Fiscalini Farms & Dairy
7130 Kiernan Avenue
Modesto, CA 95358

Petitioners: Brian Fiscalini

Patrick Houlihan presented the Staff Report.

Fiscalini has requested a modification of the previously granted regular variance from applicable requirements of District Rules 2010, 2201, 4702, and 4801 in addition to the applicable condition on the subject ATC. The requested variance period would remain from June 6, 2012, until June 5, 2013, and would allow H₂S concentration of the biogas fuel to exceed 50 ppmv until Fiscalini's planned procedures reduce the concentration below 50 ppmv. Fiscalini has requested a modification of the due date for the compliance plan and ATC submittal.

Mr. Fiscalini requested an additional year to meet the 50 ppmv H₂S requirement to research inexpensive technologies. Mr. Fiscalini requested the following modifications to staff recommended conditions:

4. No later than March 31, 2014, Fiscalini shall submit to the District a written plan that specified how they will come into compliance with H₂S limit.
5. Not needed if deadline for written plan is extended
7. Fiscalini shall begin the installation of the control equipment within 30 days of receiving all equipment necessary.

Mr. Kanai noted the variance itself expires on June 21, 2013. Mr. Houlihan clarified the petition before the Board today is to modify the due date of the compliance plan from December 31, 2012 to March 31, 2013. He noted the due date of the compliance plan can be extended to June 5, 2013, the recommendation to expedite the processing of the ATC applications must stand, and the change in wording to recommendation number 7 is possible.

Mr. Fiscalini expressed a concern of not knowing the exact technology to be used by the due date of the plan. Mr. Houlihan explained the facility may apply for an extension of the variance.

Public Comments: The following persons provided testimony on this item:

- Frank Mitloehner, UC Davis

Mr. Schneider requested clarification on how the 50 ppmv was established. Mr. Norman explained at the time the digester was installed there was a change in the Best Available Control Technology (BACT) standard but was primarily focused on NO_x emissions. He added the BACT standard for H₂S had already been established as 50 ppmv and other operations were meeting the standard. Mr. Norman noted the manufacturer of the digester stated the facility would meet the requirement limit. He commented there was not adequate support from the manufacturer to the facility. Mr. Schneider asked if there were references, specifically other dairy digesters, which indicated the 50 ppmv limit was reasonable for BACT. Mr. Norman responded affirmatively and gave examples.

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 a modified variance.

5. EMERGENCY VARIANCE

The Northern Region Hearing Board had not heard or granted any emergency variances since the February 6, 2013, Hearing.

6. PUBLIC COMMENTS

No public comment.

7. HEARING BOARD MEMBER COMMENTS

None.

8. NEW BUSINESS

None.

9. NEXT SCHEDULED MEETING

The next scheduled meeting is April 3, 2013. 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 10:45 a.m.