

**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, September 4, 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 Vice Chair, Gerald Schneider, called the meeting to order at 10:10 a.m.

2. ROLL CALL

Roger Gohring - Public	Present
Gerald Schneider (Vice Chair) - Public	Present
Rob Hofmann – Attorney	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, Legal Counsel; Carol Flores, Operations and Program Support Supervisor

3. APPROVE MINUTES OF July 3, 2013
The Vice Chair asked if there were comments regarding the Minutes for July 3, 2013. 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.

Ms. Williamson requested more information on the possible conflict of interest from Mr. Hofmann. Mr. Hofmann stated he represented Pacific Ethanol Inc from Fresno which predated the existing LLC. He noted he did not know the affiliation between the two companies. Ms. Williamson requested confirmation Mr. Hofmann represented the company in 2005/2006 and has not represented the company in any capacity since then. Mr. Hofmann responded affirmatively. Ms. Williamson stated she did not view this situation as a conflict of interest.

Ms. Williamson asked all parties if there were any objections with Mr. Hofmann serving on the Northern Region Hearing Board hearing testimony on the matters regarding Pacific Ethanol Stockton, LLC. Mr. Houlihan stated the District has no objection. Mr. Schneider stated the Board has no objection. Mr. Cook stated the petitioner has no objection. There was no public comment.

A. N-13-09S Short	Pacific Ethanol Stockton, LLC 3028 Navy Drive Stockton, CA 95206
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Petitioners: Daniel Koch

Patrick Houlihan presented the Staff Report.

PES has requested a short variance from the requirements of District Rules 2070.7.0, 2201, 2520, and 4623 in addition to the applicable conditions of the subject PTOs. The requested short variance would be for a consecutive 48 hour period to occur sometime between September 16, 2013 and October 7, 2013, inclusive. If granted, the variance would allow for continued ethanol production while the RTO and scrubbers are shut down for preventative maintenance.

Mr. Cook stated he had no further comments.

Mr. Schneider asked if the excess emission fees will begin with the first pound if the total excess emissions go over 2,000 lbs. Mr. Houlihan responded affirmatively.

Mr. Hofmann requested clarification on the ability of the facility to shut down. Mr. Cook explained shutting down the facility to a point there were no emissions would mean draining and thorough cleaning every vessel in the facility. Mr. Hofmann requested an estimated cost incurred for a shut down. Mr. Cook responded the cost would be in excess of \$1 million.

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.

5. EMERGENCY VARIANCE
The Northern Region Hearing Board has not heard or granted any emergency variances since the July 3, 2013, Hearing.
6. PUBLIC COMMENTS
No public comment.
7. HEARING BOARD MEMBER COMMENTS
None.
8. NEW BUSINESS
Mr. Houlihan reported Fiscalini has been continued until the October Hearing.

Mr. Houlihan reported the following member vacancies on the Northern Region Hearing Board: Medical Primary and Alternate, Public Primary and two Public Alternates. He noted there are advertisements being placed and encouraged members to refer possible interested persons to the District's website.

9. NEXT SCHEDULED MEETING

The next scheduled meeting is October 2, 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 10:28 a.m.