

**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, January 7, 2015**

*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 10:02 a.m.

2. Roll Call

Roger Gohring – Public	Present
Gerald Schneider (Vice Chair) – Engineer	Present
Rob Hofmann – Public	Present
Mark Kanai – (Chair) Attorney	Present

Staff Present:

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

Central Region (Fresno): Clay Bishop, Supervising Air Quality Inspector; Patrick Houlihan, Senior Air Quality Specialist; Jessi Fierro, Assistant District Counsel; Carol Flores, Operations and Program Support Supervisor

3. Approve Minutes of October 1, 2014

The Chair asked if there were comments regarding the Minutes for October 1, 2014. 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.

A.	N-12-07X	Extension	Fiscalini Farms & Fiscalini Dairy 7130 Kiernan Avenue Modesto, CA 95358	<i>continued</i>
B.	N-14-14S	Short	Pacific Ethanol Stockton, LLC 3028 Navy Drive Stockton, CA 95206	

Petitioners: Joe Mooring

Patrick Houlihan presented the Staff Report.

Pacific Ethanol has requested a short variance from the applicable requirements of District Rule 2070, 2201, 2520, and 4623 in addition to the applicable conditions of the subject permits. The requested short variance would be from January 8, 2015,

until the end of January 9, 2015. If granted, the variance would allow for continued ethanol fermentation while the RTO and scrubbers are shut down to conduct preventative maintenance.

Mr. Mooring explained there was necessity for an early shut down period and the work will be now be completed at the next scheduled shut down approximately in 9 weeks.

Mr. Houlihan noted the modification in Condition:

1. The variance shall be effective for a 48 hour consecutive period within a 90-day period effective January 7, 2015 until the end of April 6, 2015, or until the control equipment is back online at operating conditions, whichever occurs first.

Public Comments: None

Mr. Hofmann expressed concern towards the justification for the second finding adding he did not believe the explanation in the staff report or the oral presentation made clear there is an arbitrary or unreasonable taking of property or closure of a lawful business.

Mr. Houlihan commented the hearing is the appropriate time to discuss any concerns of this nature. Ms. Fierro added if the finding cannot be found to be justified, the approval of the variance would not be appropriate.

Mr. Kanai commented he believed the second finding was justified to be arbitrary and unreasonable due to no provisions in the rules or permit conditions that allow for the control equipment to be shut down for preventative maintenance. Mr. Hofmann commented the sole reason of a business losing money does not support an unreasonable finding. Mr. Kanai added the issue is unreasonable if the facility has no other means of performing preventative maintenance and also the facility is paying for excess emissions.

Mr. Houlihan noted a modification to Finding #2:

2. That, due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in an arbitrary or unreasonable taking of property.

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 short variance.

C. N-14-15S	Short	Owens-Brockway Glass Containers Inc. 14700 West Schulte Road Tracy, CA 95377
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Petitioners: Steve Howie

Patrick Houlihan presented the Staff Report.

Owens has requested a short variance from the applicable requirements of District Rules 1080, 2070, 2201, 2520, and 4354, in addition to the applicable conditions of the subject permits. The requested variance period would be from December 23, 2014, until March 22, 2015. If granted, the variance would allow the continued operation of the glass melting furnace and the manufacture of glass until the furnace leak is repaired and the RATA is conducted.

Mr. Schneider asked the amount of damage to the facility from the melted glass. Mr. Howie explained there's no damage if the melted glass stays within the containment area. He added the structure may be damaged if the glass gets around it.

Mr. Howie commented the decision to keep the process running was made to prevent the bricks from collapsing.

Public Comments: None

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

5. Emergency Variance

The Northern Region Hearing Board had not heard nor granted any emergency variances since the October 1, 2014, Hearing Board meeting.

6. Public Comments

No public comment.

7. Hearing Board Member Comments

None.

8. New Business

Mr. Gohring made the motion to maintain the current Chair and Vice Chair.

Motion: Gohring

Seconded: Hofmann

Ayes: Kanai, Schneider, Gohring, Hofmann

**Motion unanimously passed to maintain the current Chair as Mr. Kanai and the current Vice Chair as Mr. Schneider.**

9. Next Scheduled Meeting

The next scheduled meeting is February 4, 2015. 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 10:26 a.m.