

**San Joaquin Valley Air Pollution Control District
NORTHERN REGION HEARING BOARD MEETING**

ACTION SUMMARY MINUTES

Wednesday, November 3, 2021

Meeting held via Zoom

1. Call Meeting to Order
The Chair, Mark Kanai called the meeting to order at 10:02 a.m.

2. Roll Call

Mark Kanai – Attorney	Present
Michael Smedshammer – Public	Present
Gerald Schneider – Engineer	Absent
Rob Hofmann– Public	Present

3. Approval of Consent Calendar Items 9-11
These items are routine in nature and are usually approved by a single vote. Prior to action by the Hearing Board, the public will be given the opportunity to comment on any consent item.
 9. Approve Minutes of October 7, 2020

 10. Emergency Variance Report – The Northern Region Hearing Board has not heard nor granted any emergency variances in 2021, to date.

 11. Next Scheduled Meeting
The next scheduled meeting is on December 1, 2021. The meeting will be held via teleconference.

Public Comments: None

Moved: Hofmann
Seconded: Smedshammer
Ayes: Kanai, Smedshammer, Hofmann
Nays: None

Motion unanimously carried to approve Consent Calendar Items 9-11

4. Public Hearing
The Chair, Mark Kanai swore in all those present to testify for all matters.

<u>Docket No.</u>	<u>Type</u>	<u>Company Name</u>
A. N-21-01S	Short	Stockton Regional Wastewater Control Facility 2500 Navy Drive Stockton, CA 95206

Petitioners: Deedee Antypas, Deputy Director of Wastewater Operations.

Mr. Houlihan, Senior Air Quality Specialist, presented the Staff Report. He stated the District plays an advisory role to the Hearing Board in such capacity, as to either support, take a neutral stance or deny the petition. He said in this case, staff recommends the Hearing Board deny this petition.

RWCF has requested a short variance from applicable requirements of District Rules 2201, 2070, 2520, and 4702 in addition to the applicable conditions on the subject permits. The requested variance period would be from November 3, 2021, through January 9, 2022. If granted, it would allow three digester gas-fired internal combustion engines and one emergency flare to burn digester gas laden with an H₂S concentration exceeding the permit limit of 5 grains of total sulfur per 100 standard cubic feet. In addition, to allow excess SO_x emissions from said devices.

Mr. Houlihan stated the District has strong concerns that Finding #2 cannot be confirmed. RWCF was alerted of impending restrictions in delivery of chemicals on July 2, 2021. RWCF stated that they contacted several manufacturers of the product afterward and were informed that they were not taking on additional clients at the time to ensure they had enough product to satisfy the needs of their existing clients. According to RWCF, the manufacturers were contacted via telephone, however, there is no record of how many companies were contacted or documentation of their responses. After being informed on July 2, 2021, that ferric chloride would be limited, RWCF was advised by their consultants that ferrous chloride was an acceptable alternative and began receiving this product from their supplier. However, on September 16, 2021, their supplier informed them that ferrous chloride supplies were also limited due to supply chain issues.

In the District's estimation, due diligence would have required RWCF to develop a contingency plan that addresses the possibility of supply chain issues. However, in the three months from the initial notification of supply disruption, no such contingency plan was drafted. Even if the belief was that supplies of ferrous chloride would be readily available, after September 16, 2021 RWCF should have immediately begun reaching out to other suppliers given that the chemicals are vital to maintaining compliance with set permit requirements. Contact only occurred after District staff advised RWCF, with the first contact attempts occurring several weeks after their notification.

District staff reached out to other wastewater plants operating in a similar manner to determine whether there were any supply chain issues impacting their ability to obtain necessary chemicals and they were not, District staff requested the name of the manufacturers/suppliers they were procuring the chemicals from in order to pass the information to RWCF. It is the District's understanding that only after being provided the names of manufacturers/suppliers did RWCF reach out to alternate suppliers. RWCF contacted the supplier, Kemira, after the District provided the contact information and were informed on October 25, 2021, they would be able to supply them with the necessary chemicals. On October 29, 2021, RWCF informed the District that they had filed a purchase order with Kemira and are hopeful that deliveries will begin in a few weeks. Had RWCF reached out to Kemira

after July 2, 2021, and even after September 16, 2021, it is probable that a delivery could have been made prior to them exhausting their supply on October 27, 2021.

To further substantiate the belief that Finding #2 cannot be made, the District was not made aware of the situation facing RWCF until October 4, 2021. The California Air Resources Board (CARB) is the oversight agency of the state mandated variance program and offers the following guidance:

“Petitioners who take days or weeks to conduct testing programs, attempt remedies, confer with vendors, consult experts, meet with attorneys, and so forth, prior to filing for the variance, are not considered to be exercising diligence for purposes of determining good cause.”

Based on the information available, Mr. Houlihan shared that the District recommends RWCF’s petition for short variance be denied. Understanding that the RWCF provides an essential service to the City of Stockton, the District will not be taking actions to require operations to cease, however, the District will be requesting RWCF to contract with a third party emissions testing company to sample the engines exhaust on a daily basis, and to submit required Federal Title V Deviation Reports as appropriate.

Mr. Kanai clarified that if the Board decides to deny the variance, it would not mean the facility would be shut down. Jessi Fierro, Assistant District Counsel, responded affirmatively and said a denial simply means the facility would not be entitled to relief from enforcement actions related to the regulations

Petitioners Comments: Ms. Antypas said the series of events that occurred were beyond the control of her facility. She explained the chain of events and asked the Board to reconsider their request.

Mr. Smedshammer said based on the emails and information provided, it seemed as the supplier had no idea there was a real crisis brewing.

Public Comments: None

Moved: Hofmann
Seconded: Smedshammer
Ayes: Kanai, Smedshammer, Hofmann
Nays: None

Motion unanimously carried to deny Docket No. N-21-01S

5. Public Comments - None
6. Hearing Board Member Comments - None
7. New Business: Nominate and Elect Chair and Vice Chair for 2022 – Mr. Smedshammer nominated Mr. Kanai as Chair, and Mr. Schneider as Vice Chair for 2022.

Public Comments: None

Moved: Smedshammer
Seconded: Hoffman
Ayes: Kanai, Smedshammer, Hofmann
Nays: None

Motion unanimously carried to elect Mr. Kanai as Chair and Mr. Schneider as Vice Chair for 2022

8. Adjournment - The Chair adjourned the meeting at 11:14 a.m.