



Action Summary Minutes

SOUTHERN REGION HEARING BOARD MEETING

Southern Region Office Video Teleconference (VTC) Room

34946 Flyover Court, Bakersfield, CA 93308

Wednesday, June 10, 10:00 a.m.

**Meeting held via teleconferencing (VTC) with the
Central Region Office (Fresno) participating via VTC.**

MINUTES

1. CALL MEETING TO ORDER:

The Chair, Hollis Carlile, called the meeting to order at 10:06 a.m.

2. ROLL CALL:

Kimm Wolber - Medical	Present
John Stovall - Attorney	Present
Hollis Carlile (chair) - Engineer	Present

Staff present—Southern Region (Bakersfield): Dave Baldwin

Central Region (Fresno): Patrick Houlihan, Sr. Air Quality Specialist; Ryan Hayashi, Supervising Air Quality Specialist; Catherine Redmond, Assistant District Counsel; and Michelle Banuelos, acting as Clerk to the Boards.

3. APPROVE MINUTES OF MAY 13, 2009

The Chair, Hollis Carlile, asked if there were any comments regarding the Minutes of May 13, 2009. Hearing none, the Minutes for May 13, 2009, were approved.

4. PUBLIC HEARING:

The Chair asked the Clerk to verify that all items had been properly noticed. The Clerk responded yes, they had been properly noticed. All those present to testify were sworn in by the Chair, and he requested that they sign in.

A. S-08-74X Extension Land O' Lakes, Inc.
400 South M Street
Tulare, CA 93274

Petitioners: Doug Findley
Eric Tiegen
Rahul Pendse

Patrick Houlihan presented the report. Land O' Lakes, Inc. (LOL), is seeking an extension of the regular variance. The requested variance period would be from June 1, 2009, to November 30, 2009, or until the new boiler is installed and operational. LOL is requesting to run the old one until the new one is ready.

Petitioner, Doug Findley, stated they initially came in for a six month variance, but found out the gas company cannot provide the sufficient gas load to the new boiler. They need an extension to allow time to get the new boiler on line with the current source. They may need additional time until the gas company installs a new gas line to the facility. Boiler #6 can be taken off line once the new boiler is ready. They anticipate getting it done before the end of the year.

Mr. Carlile asked questions about the length and width of the line to be added. Mr. Tiegen answered they would allow the existing line to stay in place to supply the current equipment and the new separate line would be dedicated to the new boiler. Ms. Wolber asked what size line the gas company would be installing. Mr. Tiegen answered they have not been given that information, but believe it will be a bigger line.

Public Comments: None

Motion: Stovall Second: Wolber

AYES: Wolber, Carlile, Stovall

NAYS: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance subject to the conditions in the staff report on pages four and five of the staff report.

B. S-09-28R Regular Elk Hills Power, LLC
4026 Skyline Road
Tupman, CA 93276

Petitioners: Sonnie Pineda
George McMurren
Marilyn Teague

Patrick Houlihan presented the report. Elk Hills Power, LLC (EHP), is seeking a regular variance for the period between June 10, 2009, and June 10, 2010, to allow the continued operation of the facility while emitting excess particulate matter from the cooling tower.

Mr. Houlihan stated there is a slight correction to be made to the District's Staff Report. Page three, first paragraph under Recommendations, should read:

"Should the Southern Region Hearing Board make the required findings and move to grant a *regular* variance to Elk Hills Power, LLC, the District recommends the following conditions:"

George McMurren stated they are using more water than they are allotted by West Kern Water District, which limits the operation of their facility. By allowing them to increase from 9.4 pounds per day to 18, they would be able to continue operating with the same amount of water they originally planned on using.

Public Comments: None

Motion: Wolber Second: Stovall

AYES: Wolber, Carlile, Stovall

NAYS: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance subject to the conditions and changes in the staff report on pages three and four of the Staff Report.

C. S-09-29S Short South Kern Industrial Center, LLC
2653 Santiago Road
Taft, CA 93268

Petitioners: Lorrie Loder
Douglas McCormick

Patrick Houlihan presented the report. South Kern Industrial Center, LLC (South Kern), is requesting a short variance period from June 10, 2009, until September 8, 2009, to allow the ASP (aerated static pile) to be shut down for preventative inspection and maintenance.

Petitioner, Douglas McCormick stated South Kern has been in operation continuously since 2007 without maintenance. The plant must be shut down for preventative maintenance.

Mr. Carlile asked what the manufacturer's recommendations are in regard to maintenance. Ms. Loder answered quarterly, monthly, annual, semi-annual, but to

do so, the equipment must be shut down. An inspection must be done now to avoid an emergency in the future.

Mr. Stovall asked if shutting down would create odor problems for communities nearby. Mr. McMurren answered the only plant nearby is Taft Manufacturing, which is located upwind. They don't expect any odors to come off of this operation.

Ms. Loder added that they will not be moving any materials during the inspection and will be placing a compost blanket over the top of the compost piles.

Public Comments: None

Motion: Wolber Second: Stovall

AYES: Wolber, Carlile, Stovall

NAYS: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance subject to the conditions and changes in the staff report on pages three and four of the Staff Report.

D. S-09-31S Short Pregis Innovative Packaging
8201 Elowin Court
Visalia, CA 93291-9262

Petitioners: Sharon Davenport

Patrick Houlihan presented the report. Pregis Innovative Packaging, Inc. (Pregis) is requesting a short variance period from June 15, 2009, until September 10, 2009, to allow Pregis to operate the RTO (regenerative thermal oxidizer) at a temperature below 1500° F for purposes of source testing.

Petitioner, Sharon Davenport, stated that due to the recession and lower demands, they must shut down on weekends. Pregis has encountered problems meeting permit limits in periods of low production. A variance is being requested in order to run an experiment to determine if lower temperatures yield the same destruction efficiency. Ms. Davenport added they would probably only need from July 10th through the 13th.

Public Comments: None

Motion: Stovall Second: Wolber

AYES: Wolber, Carlile, Stovall

NAYS: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance subject to the conditions and changes in the staff report on pages three and four of the Staff Report.

5. The Southern Region Hearing Board heard one emergency variance.
6. PUBLIC COMMENTS: No public comments.
7. HEARING BOARD MEMBER COMMENTS: Mr. Carlile asked for status of the increase of stipends for Hearing Board Members. Mr. Houlihan indicated the District is still waiting for comments. He proposed that possibly a deadline would have to be set in order to move this along. Ms. Wolber asked if the District had received her e-mail. Mr. Stovall and Mr. Carlile thanked the District for their efforts and input, as well as the legal help.
8. NEW BUSINESS: No new business.
9. NEXT SCHEDULED MEETING: Wednesday, July 8, 2009, at 10:00 a.m.
The meeting will be held via video conferencing (VTC) in the Southern Region Office (Bakersfield) with the Central Region Office (Fresno) participating via VTC.
10. ADJOURNMENT: The Chair adjourned the meeting at 11:10 a.m.