

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

ACTION SUMMARY MINUTES

Wednesday, June 15, 2022

Meeting held via Zoom webinar

1. Call Meeting to Order

The Chair, Daniel Hartwig, called the meeting to order at 10:03 a.m.

2. Roll Call

Gerry Mulligan – Public	Present
David Soldani – Attorney*	Present
Daniel Hartwig – Chair	Present
Lorraine Goodwin – Vice Chair / Medical	Absent
Andrew Robertson – Engineer	Present

**David Soldani joined at 10:16am*

3. Approval of Consent Items (9-12)

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 May 18, 2021

10. Stipulated Order of Abatement Report

None

11. Emergency Variance Report

12. Next Scheduled Meeting

The next scheduled meeting is on July 20, 2022. The meeting will be held via Zoom webinar.

Public Comments: None

Moved: Mulligan
Seconded: Robertson
Ayes: Mulligan, Robertson, Hartwig
Nays: None

Motion unanimously carried to approve Consent Calendar Items 9-12

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.	C-15-36D	SOA	San Joaquin Valley APCD To terminate Stipulated Order of Abatement C-15-36D in accordance with Condition #8, as an economically feasible alternative to open burning of subject agricultural material has been identified consistent with state law.
B.	C-22-08S	Short	Guardian Industries, LLC 11535 E. Mountain View Ave. Kingsburg, CA 93631
C.	C-22-09S	Short	AERA Energy, LLC 29010 Shell Road Coalinga, CA 93210

C-15-36D

John Stagnaro presented the Staff Report.

Gerry Mulligan asked John Stagnaro what effects the termination of the Stipulated Order of Abatement (SOA) would have on growers. Stagnaro shared that the District offers the Alternative to Agricultural Burning Grant/Incentive program for growers working on removal projects. Additionally, a project-specific SOA can also be issued for growers with specific needs.

Andy Robertson asked Stagnaro for clarification about the power source of the chipping machines that are used and Stagnaro noted that the machines are fossil fuel powered. Robertson then asked if there are still biomass plants available to accept agricultural waste, and Stagnaro shared that the plants do exist but are less common than in the past.

Daniel Hartwig asked Stagnaro if growers would still have the ability to file for a variance if an unexpected issue arises requiring mandatory agricultural burning, Stagnaro confirmed. Clay Bishop clarified that the District utilizes Crop Codes that allow the District to approve agricultural burning for various emergency reasons.

Gerry Mulligan asked Stagnaro what the preferred method is for growers, reintroducing into the soil or utilizing biomass plants for waste. Stagnaro shared that those participating in the Alternative to Agricultural Burning Incentive Program prefer to reincorporate the waste into the soil because more grant money is made available to growers who utilize reincorporation. Stagnaro also noted that the total amount of grant money received by growers is determined per acre and by property type.

Mulligan then asked Stagnaro how long he estimates the Alternative to Agricultural Burning Incentive program would be available. Stagnaro clarified that the \$170 million

received by the District for this program signified a long-term commitment to keep the program active.

Daniel Hartwig asked how much of the \$170 million in funding was spent on the program during the current year. Stagnaro noted that District has already disposed of 150,000 acres this year, however, the total amount of money has yet to be calculated.

Andy Robertson asked if the District has received any pushback from the agricultural industries for ending the SOA. Stagnaro shared that the District has been in contact with stakeholders who have shown support for the decision. As president of the farm bureau, Daniel Hartwig agreed with Stagnaro's statement.

Public Comment: None

Moved: Mulligan
Seconded: Robertson
Ayes: Mulligan, Robertson, Hartwig, Soldani
Nays: None

Motion unanimously carried to terminate SOA No. C-15-36D

C-22-08S

Petitioners: John Roach

Esthela Soto presented the Staff Report.

- A. GUARDIAN has requested a short variance from the applicable requirements of District Rules 2070, 2201, 2520, 4101, and California Health and Safety Code (CH&SC) § 41701 in addition to the applicable conditions of the subject permits. The requested short variance will be for a non-consecutive 56 hour period to occur sometime between June 15, 2022, and August 31, 2022, inclusive. If granted, the variance will allow the continued operation of the glass melting furnace, and continued glass production with excess visible emissions, while GUARDIAN shuts down the emission control system in order to perform routine maintenance on the EP.

John Roach clarified that the variance has been requested to fix the facility's EP system, which was previously addressed in an emergency variance from the District earlier this year. Guardian used the previous variance time to place a temporary fix on the EP system. The root of the issue has been located and Guardian is requesting additional time in order to have contractors fix the issue permanently.

Andy Robertson asked the petitioner if the continuous emission monitor will remain in operation during the repair and Roach confirmed.

Public Comment: None

Moved: Robertson
Seconded: Mulligan
Ayes: Mulligan, Robertson, Hartwig, Soldani
Nays: None

Motion unanimously carried to approve Docket No. C-22-08S

C-22-09S

Petitioners: Aaron Albracht

Shannon Moore presented the Staff Report.

B. AERA has requested a short variance from the applicable requirements of District Rules 2070, 2201, 2520, 4401, and 4623, in addition to applicable conditions of the subject permits. The requested short variance would be for a consecutive 24-hour period to occur sometime between June 20, 2022 and July 20, 2022, inclusive. If granted, the variance would allow AERA to continue to store VOC containing liquids at the Section 32 Dehydration Facility without a functional or operating VRS while they repair a damaged section of line at the tank VRS. In addition, it will allow wells with closed casing gas vents to produce into tanks that do not have a functional or operating VRS.

Andy Robertson asked about excess emissions expected to be released through the relief valves on the tanks during the variance period. Aaron Albracht stated that those are PRV valves and are part of standard operating procedure for the tanks, venting them regularly. Robertson expressed concern about the 260 pounds of emissions expected within a 24-hour period and asked about flammable emissions. Albracht noted that the tanks have high water content and are hooked together with a vapor balance system to keep everything stable. Robertson asked about affordable mitigation efforts to temporarily reduce the amount of emissions released and Albracht alluded that minimal pollutants will actually be released and most of the weight is from the high water content in the vapor.

Public Comment: None

Moved: Robertson
Seconded: Goodwin
Ayes: Mulligan, Robertson, Hartwig, Soldani
Nays: None

Motion unanimously carried to approve Docket No. C-22-09S

5. Public Comments: None.
6. Hearing Board Comments: None.
7. New Business: Annette Ballatore introduced Isela Welz, the District's new Assistant Counsel who will take over Jessi Fierro's previous role on the Hearing Board. Clay Bishop also announced Patrick Houlihan's departure from the Hearing Board due to his recent promotion at the District.

Daniel Hartwig asked for an update on virtual meetings and Annette Ballatore noted that COVID cases have been rising and, although the Governing Board has to vote on the resolution monthly, it is highly likely that virtual meeting will continue for the next 30 days.

8. Adjourn
The Chair adjourned the meeting at 10:35 a.m.