

ACTION SUMMARY
(Unofficial)

November 1, 2017

APCD Hearing Board

9:30 A.M.

Dr. Francis P. Lagattuta, Chair
Robert J. Saperstein
Lee-Volker Cox, Vice-Chair
Terence Dressler
Francis Peters, Jr.

**BOARD OF SUPERVISORS HEARING ROOM
COUNTY ADMINISTRATION BUILDING
105 EAST ANAPAMU STREET
SANTA BARBARA, CA**

I. 9:33 a.m. – Convened by Chair Lagattuta – Roll Call

Present: 5 - Lagattuta, Saperstein, Cox, Dressler, Peters.

Absent: 0 - None.

II. Approval of minutes of the October 4, 2017 meeting

A motion was made by Hearing Board member Dressler, seconded by Hearing Board member Peters that the minutes be approved. The motion carried by the following vote:

Ayes: 5 - Lagattuta, Saperstein, Cox, Dressler, Peters.

Noes: 0 - None.

Abstain: 0 - None.

Absent: 0 - None.

III. Requests for continuance or addition of Ex-Agenda items.

None.

IV. Announcements/Staff Reports

None.

V. Public Comment Period

There were no public comments.

Clerk of the APCD Board:

Aeron Arlin Genet

VI. Public Hearings – Administration of Oath conducted prior to each hearing.

- 1) Case No. – 2017-21-AP Wine Institute
425 Market Street, Suite 1000, San Francisco, CA 94105

Hearing – To consider a petition submitted on September 15, 2017 by the Wine Institute requesting a public hearing pursuant to California Health and Safety Code section 42302.1 for review of Final Authority to Construct No. 15044 issued to Central Coast Wine Services for modifications to its winery located at 2717 Aviation Way, Santa Maria, California. Petitioner is requesting the District Hearing Board review and determine whether the permit was properly issued as it relates to whether requirements for emissions control requirements for reactive organic compound emissions from wine fermentation tanks have been “achieved in practice” and therefore qualify as Best Available Control Technology.

- 2) Case No. – 2017-24-AP Wine Institute
425 Market Street, Suite 1000, San Francisco, CA 94105

Hearing – To consider a petition submitted on October 11, 2017 by the Wine Institute requesting a public hearing pursuant to California Health and Safety Code section 42302.1 for review of Final Authority to Construct No. 15044-01 issued to Central Coast Wine Services for modifications to its winery located at 2717 Aviation Way, Santa Maria, California. Petitioner is requesting the District Hearing Board review and determine whether the permit was properly issued as it relates to whether requirements for emissions control requirements for reactive organic compound emissions from wine fermentation tanks have been “achieved in practice” and therefore qualify as Best Available Control Technology. Petitioner is also requesting this petition be consolidated into Hearing Board Case No. 2017-21-AP, as they are nearly identical.

Morgan Gilhuly appeared on behalf of the Petitioner; William M. Dillon, Sr. Deputy County Counsel, and Michael Goldman, Engineering Manager, represented the District; Jerry Czuleger acted as Counsel for the Hearing Board.

Hearing Board Case Nos. 2017-21-AP and 2017-24-AP were read into the record simultaneously. Following the reading of these items, Chair Lagattuta noted for the record that he has 700 cases of wine made per year through Tooth and Nail Winery in Paso Robles, but does not have a financial interest in the Petitioner or permit holder’s business. Hearing Board member Saperstein then noted for the record that his law firm handles land use for multiple wineries in San Luis Obispo County, but does not personally handle those cases, nor do they represent either the Petitioner or permit holder so he does not feel he has a financial interest in the matter at hand. Both the Petitioner and District affirmed they saw no conflict of interest or need for either member to recuse himself from the case.

Following the administration of oath, Petitioner stated a proposed stipulation and order had been agreed to by the Petitioner and District requesting that Hearing Board Case Numbers 2017-21-AP and 2017-24-AP be consolidated into a single hearing on March 7, 2018. A motion was made by Hearing Board member Dressler, seconded by Hearing Board member Cox that the cases be combined and continued to March 7, 2018 at 9:30 a.m. in Santa Barbara. The motion carried by the following vote:

Ayes: 5 - Lagattuta, Saperstein, Cox, Dressler, Peters.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 0 - None.

VII. ADMINISTRATIVE AGENDA

Approved by vote on one motion. These items read only on request of Hearing Board members. The following Variance Orders have been approved by the Air Pollution Control District Hearing Board. These orders are available for inspection and reproduction during normal business hours at the office of the Air Pollution Control District, 260 North San Antonio Rd., Suite A, Santa Barbara, California 93110.

A-1) Case No. – 2017-22-I – Freeport McMoRan Oil and Gas, LLC
201 South Broadway, Orcutt, CA 93455

On October 06, 2017 Hearing Board member Francis Peters approved an Interim Variance allowing for continued operation of Petitioner's facility in violation of District Rule 206, Conditions 9.C.14, and 9.C.23 of Permit to Operate 6708 without an odor monitoring station due to the structure being completely destroyed by the Rucker fire. Said variance provides relief for the period of October 03, 2017 through December 31, 2017, or the date of decision on the Petitioner's request for a 90-Day Variance, or the date compliance is achieved, whichever occurs first, while the monitoring station is rebuilt.

A motion was made by Hearing Board member Dressler, seconded by Hearing Board member Peters that Administrative Agenda item A-1 be received and filed. The motion carried by the following vote:

Ayes: 5 - Lagattuta, Saperstein, Cox, Dressler, Peters.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 0 - None.

VIII. ADJOURN

The meeting was adjourned at 9:59 a.m. to December 6, 2017. Meeting is subject to cancellation if there are no items to be heard.