



San Joaquin Valley Air Pollution Control District

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Action Summary Minutes Northern Region Hearing Board Meeting San Joaquin Valley Unified Air Pollution Control District 4230 Kiernan Avenue, Suite 130 Modesto, CA. 95354

**Wednesday, August 4, 2004
10:00 a.m.**

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

1. **Call Meeting to Order** – The Chair, Mark A. Kanai, called the meeting to order at 10:00 a.m.

2. **Roll Call was taken and a quorum was present.**

Don Ohlinger	Engineer
Roger Gohring	Public
Steve Benak, MD	Medical
Gerald A. Schneider, Vice Chair	Public
Mark A. Kanai, Chair	Attorney

Also present in the Northern Region Office (Modesto) – Jami Aggers, Air Quality Compliance Manager, Rupinder Gill, Supervising Air Quality Engineer, Anthony Scott, Supervising Air Quality Inspector and Dillon Collier, Air Quality Inspector.

Also present in the Central Region Office (Fresno) – Catherine Tognazzini, Assistant District Counsel, Ted Strauss and Michael Carrera, Supervising Air Quality Inspectors and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of May 5, 2004** – The Chair asked if there were any corrections to the Minutes. Hearing no comments, the Chair declared the Minutes of May 5, 2004 were approved as submitted.

4. **Public Hearing:**

All persons testifying were sworn in by the Chair.

The Hearing Board Packet and any addenda brought forth in the hearing will be entered into the Official Record.

The Petitioners signed the Sign In Sheet.

The Petition was properly noticed and on file with the Clerk to the Board.

Michael Carrera presented the Staff Report.

A.) Docket N-04-04S, Short Variance, California Dairies, Inc., 475 S. Tegner, Turlock, CA. 95380. Type of Business: Powdered Milk Processing Facility.

The Petitioners provided the Board and staff with the following documents: Supplemental Information II, Short Variance, Docket No. N-04-04S and Exhibit 1, Daily and Semi-Annual Actual Emissions Report.

Petitioners – David Cooper, Mary Jane Wilson, Harry DeLint and Mike McNulty represented California Dairies.

Public Comment – No Public Comment.

Decision – Board Member Benak made the motion to grant the variance request with the required six findings adopted by reference. The variance shall be subject to twelve recommendations with recommendation # 1 modified to a 60-day period and recommendation # 7 modified to read the petitioner shall surrender ERCs equal to 20% of actual emissions. Seconded by Board Member Schneider and carried unanimously with the following **Roll Call Vote:**

Ayes: **Benak, Ohlinger, Gohring, Schneider and Kanai.**

Absent: **None.**

The Board granted a Short Variance to Docket N-04-04S, California Dairies, Inc. The variance shall be effective for a 60-day period to occur sometime between September 1, 2004 and November 30, 2004. The variance shall expire should the retrofit of Unit A be completed sooner or the FGR on Unit B achieve stable operation without excess NOx emissions. The variance is subject to twelve recommended conditions with recommendations # 1 and # 7 modified during the hearing. The twelve conditions with modifications will be set forth in the Hearing Board Order.

5. **Emergency Variance** - The Northern Region Hearing Board approved the following emergency variance order:

A.) Docket N-04-05E Stockton Cogen Company
1010 Zephyr Street
Stockton, CA. 95206

6. **Public Comments** – No Public Comments.

7. **Hearing Board Member Comments** – No Hearing Board Member Comments.
8. **New Business** – No New Business.
9. **Next Scheduled Meeting** – Wednesday, September 1, 2004 at 10:00 a.m. the meeting will be held via video teleconference (VTC) in the Northern Region Office, 4230 Kiernan Avenue, Suite 130, VTC Room, Modesto, CA. with the Central Region Office (Fresno) participating via VTC.
10. **Adjournment** – The Chair adjourned the meeting at 10:37 a.m.

Sissy Smith, Clerk to the Board
Northern Region Hearing Board
San Joaquin Valley Unified APCD