

**Action Summary Minutes**

**CENTRAL REGION HEARING BOARD MEETING**

Central Region Office Governing Board Room

1990 E. Gettysburg Ave., Fresno, CA 93726

**Wednesday, December 17, 2008, 10:00 a.m.**

**MINUTES**

1. **CALL MEETING TO ORDER:**

The Chair, Jerry Boren, called the meeting to order at 10:00 a.m

2. **ROLL CALL:**

Gerry Mulligan – public	Present
Robert Schumacher – public	Present
Jim Waterman – attorney	Present
Jerry Boren – engineer	Present
Dr. James Glaser – medical	Present

Staff present – Central Region (Fresno): Catherine Redmond, Assistant District Counsel; Patrick Houlihan, Senior Air Quality Inspector; Ryan Hayashi, Supervising Air Quality Inspector; Dave Warner, Director Permit Services; Ramon Norman, Air Quality Engineer; Sheraz Gill, Supervising Air Quality Engineer; Lupe Jauregui, Air Quality Inspector; Jon Adams, Director Compliance; Rick McVeigh, Deputy Air Quality Control Officer; Michelle Franco, Supervisor OPS; Lynn Sargenti, Senior Office Assistant.

3. Approval of Minutes from November 19, 2008

4. **PUBLIC HEARING:**

The Chair asked the Clerk to verify that all items had been properly noticed. The Clerk responded that they had. All those present to testify were sworn in by the Chair. The Chair asked that the agenda packet and any addenda brought forth to be entered into the official record.

A. C-08-19R Ampersand Chowchilla Biomass  
15457 Avenue 24 ½  
Chowchilla, CA

Petitioners: David Righthouse  
Steven Carew

Patrick Houlihan presented the District report.

Steve Carew stated he agreed with the staff report. He commented on Condition #7 and stated there are periodic small incidents and asked if the District could be notified of restarts during these small incidents rather than 12 hours prior as the condition currently stated.

Patrick Houlihan agreed that Condition #7 would be changed to read: *Should Ampersand be down for greater than 6 hours, they shall notify the District 3 hours prior to the start up of the fluidized bubbling bed combustor during the variance period.*

David Righthouse commented on Condition 10 which requires that the person(s) monitoring visible emissions be certified by the CARB. He stated they are having trouble finding someone who is available to do this until after January 5<sup>th</sup>, 2009. They are also trying to certify their own people, but due to CARB's schedule, the certifications can't take place until mid-January and mid-February, respectfully.

Patrick Houlihan agreed to change Condition 10 to begin on January 5<sup>th</sup>. David Righthouse agreed with this change.

Public Comment: A member of the public, Mukasa Kezala, came forward to comment that he was in support of the variance due to the many benefits it provides the community and environment. He did express concern over the cost of requirement to have the visible emissions monitored so stringently when it is known that it is only ammonia that is seen.

Patrick Houlihan responded to this explaining that it is a requirement of the California Health and Safety Code that the petitioners monitor the air contaminants, and therefore, they have to observe the visible emissions.

Moved: Mulligan  
Seconded: Schumacher

Ayes: Mulligan, Schumacher, Waterman, Glaser, Boren  
Nos: None  
Abstain: None

*The Hearing Board voted unanimously to pass the Motion to grant the variance subject to the conditions as amended.*

B. C-08-23S McClarty Farms LLC  
8067 S. Bethel  
Visalia, CA

Petitioners: Nathan Martson

Don Patrick

Patrick Houlihan presented the staff report. He began with an overview of District Rule 4103 – Open burning.

The petitioners agreed with the staff report with no changes.

Public Comment: No public comment

Moved: Waterman  
Second: Schumacher

Ayes: Mulligan, Schumacher, Waterman, Glaser, Boren  
Nos: None  
Abstain: None

*The Hearing Board voted unanimously to pass the Motion to grant the variance.*

C. C-08-21A Moonlight Dairy & Ag Power Partners  
5061 Avenue 280  
Visalia, CA 93277

Petitioner: Dave Mitchell

Patrick Houlihan introduced Dave Warner, Director Permit Services, to make the staff presentation. Patrick stated prior to Dave Warner's presentation, that he felt this would go into a continuance due to not having all the information.

Dave Warner made a brief presentation and stated he felt the hearing should be continued until such time that the District can complete the procedural obligation. He asked the Hearing Board, in agreement from the petitioner, to continue the hearing to March 18, 2009.

Dave Mitchell agreed with the District's decision to a continuance.

Public Comment: No public comment

Moved: Schumacher  
Seconded: Waterman

Ayes: Mulligan, Schumacher, Waterman, Glaser, Boren  
Nos: None  
Abstain: None

*The Hearing Board voted unanimously to pass the Motion for a continuance until March 18, 2009.*

D. C-08-22i Hilarides Dairy  
24163 Road 88  
Lindsay, CA

Petitioner: Rob Hilarides

Patrick Houlihan presented the staff report.

There was some discussion and questions between the Hearing Board members and the petitioner regarding the use of, or lack of use of, the engines that capture the methane.

Patrick Houlihan removed condition #7 in its entirety and stated that appropriate timeframes would be discussed at the Hearing for the regular variance.

Moved: Waterman  
Seconded: Glaser

Ayes: Mulligan, Schumacher, Waterman, Glaser, Boren  
Nos: None  
Abstain: None

*The Hearing Board voted unanimously to pass the Motion for the variance subject to the amendment to Condition #7.*

5. The Central Region Hearing Board had not heard or approved an emergency variance order since the November 19, 2008 Hearing Board meeting.
6. **PUBLIC COMMENTS**: No public comments.
7. **HEARING BOARD COMMENTS**: None.
8. **NEW BUSINESS**:

Patrick Houlihan advised the Hearing Board members in regards to their inquiry about an increase in the stipend to provide comments as to why they are asking for an increase. This will be asked of the Southern Region

Board and Northern Region Board members as well. The comments as well as the proposal of what the increase should be will be presented to the Governing Board

A. Election of Hearing Board Chair and Vice Chair.

It was moved and unanimously agreed to keep the Chair and Vice Chair the same. Jerry Boren will remain as Chair and Robert Schumacher will remain as Vice Chair.

9. **NEXT SCHEDULED MEETING**: January 21, 2009. This meeting will be held in the Central Region Office (Fresno) in the Governing Board room.

10. **ADJOURNMENT**: The Chair adjourned the meeting at 11:12. a.m.