



# San Joaquin Valley Air Pollution Control District

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**David L. Crow**  
Executive Director/  
Air Pollution Control Officer

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Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9322  
(209) 557-6400  
FAX (209) 557-6475

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Central Region Office  
1990 East Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000  
FAX (559) 230-6061

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Southern Region Office  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2373  
(661) 326-6900  
FAX (661) 326-6985

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## Action Summary Minutes Central Region Hearing Board Meeting San Joaquin Valley Unified Air Pollution Control District Governing Board Room 1990 E. Gettysburg Avenue, Fresno, CA.

**Wednesday, August 31, 2005  
10:00 a.m.**

1. **Call Meeting to Order** – The Chair, James V. Glaser, MD, called the meeting to order at 10:02 a.m.

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

Gerry Mulligan	Public
Robert Schumacher	Public
James B. Waterman	Attorney
Jerry K. Boren, <b>Vice Chair</b>	Engineer
James V. Glaser, MD, <b>Chair</b>	Medical

### **Also present in the Central Region Office (Fresno)**

Catherine Tognazzini, Assistant Counsel, Wayne Clarke, Air Quality Compliance Manager, Michael Carrera, Supervising Air Quality Inspector, Morgan Lambert, Senior Air Quality Inspector and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of May 31, 2005 and June 15, 2005** - The Chair asked if there were any comments regarding the Minutes of May 31, 2005 and June 15, 2005. Hearing no comments the Chair declared the Minutes of May 31, 2005 and June 15, 2005 approved as submitted.

4. **Public Hearing:**

All persons testifying were sworn in by the Chair.

The Chair asked if the Petitions were properly noticed and on file with the Clerk. Ms. Smith responded affirmative.

The Chair requested the Hearing Board Packet and any addenda brought forth in today's Hearings be entered into the Official Record.

**Morgan Lambert presented the Staff Reports.**

A.)  
Docket C-05-13i, Interim Variance, **Virtus Nutrition Inc.**, 520 Industrial Way, Corcoran, CA. 93212. Type of Business: Animal Feed Supplement Manufacturing

**Petitioner** – Terry Pepper represented Virtus Nutrition Inc.

**Public Comments** – No Public Comments.

**Decision** – Board Member Boren made the motion to grant the variance. Board Member Boren stated the required six findings could be made for good cause. Seconded by Board Member Schumacher. Board Members Boren and Schumacher amended their motion by stating the variance was subject to the eight recommended conditions set forth on pages 2 and 3 of the Staff Report.

*The Central Region Hearing Board granted an Interim Variance to Docket C-05-13i, Virtus Nutrition Inc. The variance shall be effective from August 29, 2005 to September 21, 2005, or until the next regularly scheduled Central Region Hearing Board Meeting, or until source testing can be conducted, whichever occurs first.*

Staff requested the following items be held at the same time. The Hearing Board and the Petitioner concurred with staff's request.

**The Hearings for:**

B.)  
Docket C-05-12i, Interim Variance, **Vie-Del Company – Fresno**, 11903 S. Chestnut Ave., Fresno, CA. 93725. Type of Business: Agricultural Products Processing - Winery

**and**

C.)  
Docket C-05-14i, Interim Variance, **Vie-Del Company – Kingsburg**, 13363 S. Indianola Ave., Kingsburg, CA. 93631. Type of Business: Agricultural Products Processing – Winery,

**will be held at the same time with a separate vote on each item.**

**Petitioners** – Dianne Nury and Christopher L. Campbell represented Vie-Del Company.

Correspondence received from Baker, Manock & Jenson, to the Hearing Board from Christopher L. Campbell RE: Vie-Del Company ("Vie-Del"), dated: August 31, 2005

**Public Comments** – No Public Comments.

Board Member Schumacher stated for the record that he has a personal friend that works for Vie-Del Company. Board Member Schumacher stated he feels that he can make a fair and impartial decision on this matter. Staff and the Petitioner concurred with Board Member Schumacher remaining at the dais to hear this matter.

**Decision for C.) Docket C-05-14i** – After consideration Board Member Waterman made the motion to deny Vie-Del Company-Kingsburg their variance request. The Board discussed the required six findings and concurred that good cause could not be made. Seconded by Board Member Boren and unanimously carried.

*The Central Region Hearing Board denied granting an Interim Variance to Docket C-05-14i, Vie-Del Company – Kingsburg.*

**Decision for B.) Docket C-05-12i** – After consideration Board Member Waterman made the motion to deny Vie-Del Company – Fresno their variance request. The Board discussed the required six findings and concurred that good cause could not be made. Seconded by Board Member Schumacher and unanimously carried.

*The Central Region Hearing Board denied granting an Interim Variance to Docket C-05-12i, Vie-Del Company – Fresno.*

5. **Public Comments** – No Public Comments.
6. **Hearing Board Member Comments** – No Hearing Board Member Comments.
7. **New Business** – No New Business.
8. **Next Scheduled Meeting** – Wednesday, September 21, 2005 at 10:00 a.m., Central Region Office, 1990 E. Gettysburg Avenue, Governing Board Room, Fresno, CA.
9. **Adjournment** – The Chair adjourned the meeting at 11:21 a.m.

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