



San Joaquin Valley Air Pollution Control District

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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 30, 2006
10:00 a.m.**

1. **Call Meeting to Order** – The Vice Chair, Jerry Boren 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 Waterman	Attorney
Jerry Boren, Vice Chair	Engineer
James Glaser, MD, Chair (absent)	Medical

Also present in the Central Region Office (Fresno)

Meggyn Boranian, Attorney representing Central Region Hearing Board, Philip M. Jay, District Counsel, Catherine Tognazzini, Assistant District Counsel, Michael Carrera and Morgan Lambert, Supervising Air Quality Inspectors, George Heinen, Supervising Air Quality Engineer, Brian Dodds, Senior Air Quality Inspector, Samir Sheikh, Permit Services Manager, and Sissy Smith, Clerk to the Board.

3. **Public Hearing:**

All persons testifying were sworn in by the Chair.

The Chair asked if the Petition was 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 Hearing be entered into the Official Record.

A.)
Docket C-06-12A, The Center on Race, Poverty and the Environment on behalf of Association of Irrigated Residents, 450 Geary Street, Suite 500, San Francisco, CA. 94102.

Permit Appeal for:

Foster Farms El Dorado Ranch
1324 S. El Dorado
Tranquility, CA. 93668

and

Foster Farms Davis Ranch
8365 E. Davis
Laton, CA. 93242

Philip M. Jay, District Counsel, announced that Meggin Boranian, Attorney at Law, would be representing the Hearing Board. Mr. Jay indicated his office is involved in the Foster Farms permitting matter and did not believe it would be appropriate if someone from his office sat with the Hearing Board, because his office has been very involved in advising staff regarding this matter.

Mr. Jay suggested the following format, staff go first, perhaps followed by Foster Farms, since they are aligned with staff, and then the petitioner, but he would defer to Ms. Boranian.

Mr. Jay noted that technically there are two appeals on the docket today. The issues in both are identical, so the Hearing Board may want to consolidate the two petitions together, but take a separate vote on each one.

Mr. Jay provided the Hearing Board with background and history information regarding this issue.

Samir Sheikh, Permit Services Manager, introduced information about what Foster Farms is all about.

Dave Duke, Doug Stabelfeld and Elizabeth Weaver represented Foster Farms.

Mr. Stabelfeld provided an overhead presentation to the Hearing Board, staff and the Petitioner.

Avinash Kar and Caroline Farrell represented the Center on Race, Poverty and the Environment.

Mr. Jay indicated that in the Hearing Board packet the actual engineering evaluations for both facilities were included, and requested they be entered into the Official Record for:

Exhibit A: Project #: C-1051505, Foster Farms, El Dorado Ranch

Exhibit B: Project #: C-1051352, Foster Farms, Davis Ranch.

Public Comment – No Public Comment.

Decision for Authority to Construct C-1051505 – Board Member Waterman made a motion to deny the petitioner's request, the Hearing Board believes that the basis for the permit appeal is largely legal in nature and will likely need to be resolved in court. Seconded by Board Member Schumacher and unanimously carried.

The Central Region Hearing Board denied Docket C-06-12A, Permit Appeal for The Center on Race, Poverty and the Environment regarding Authority to Construct, Project Number C-1051505, Foster Farms El Dorado Ranch.

Decision for Authority to Construct C-1051352 – Board Member Waterman made a motion to deny the petitioner's request, the Hearing Board believes that the basis for the permit appeal is largely legal in nature and will likely need to be resolved in court. Seconded by Board Member Schumacher and unanimously carried.

The Central Region Hearing Board denied Docket C-06-12A, Permit Appeal for The Center on Race, Poverty and the Environment regarding Authority to Construct, Project Number C-1051352, Foster Farm Davis Ranch.

4. **Emergency Variance** – The Central Region Hearing Board has not held any hearings for emergency variances since the August 16, 2006 Hearing Board Meeting.
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 20, 2006 at 10:00 a.m., Central Region Office, 1990 E. Gettysburg Avenue, Governing Board Room, Fresno, CA.
9. **Adjournment** – The Vice Chair adjourned the meeting at 11:27 a.m.