



# San Joaquin Valley Air Pollution Control District

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

### GOVERNING BOARD

Judith G. Case, Chair  
Supervisor, Fresno County

Sam Armentrout, Vice Chair  
Councilmember, City of Madera

Barbara Patrick  
Supervisor, Kern County

Mike Maggard  
Councilmember, City of Bakersfield

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Supervisor, Merced County

Jack A. Sieglock  
Supervisor, San Joaquin County

Nick W. Blom  
Supervisor, Stanislaus County

Tom Applegate  
Councilmember, City of Newman

William Sanders  
Supervisor, Tulare County

David L. Crow  
Executive Director/  
Air Pollution Control Officer

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[www.valleyair.org](http://www.valleyair.org)

Wednesday, October 17, 2001  
10:00 a.m.

Meeting held via video teleconferencing (VTC) with the Northern Region Office (Modesto) included via VTC.

1. **Call Meeting to Order** – The Chairman, James V. Glaser, MD, called the meeting to order at 10:00 a.m.

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

Salvador M. Blanco (*)	Attorney
Gerry Mulligan	Public
Robert Schumacher (Alternate)	Public
Jerry K. Boren, Vice Chairman (absent)	Engineer
James V. Glaser, MD, Chairman	Medical

(\*) Arrived at start of Agenda Item # 4

**Also present in the Central Region Office (Fresno)** – Philip M. Jay, District Counsel, Robert J. Kard, Director of Compliance, Ted Strauss, Supervising Air Quality Inspector, Michael Carrera, Senior Air Quality Inspector, Rick Boyer, Jennifer McKinney and Robert Garabedian, Air Quality Inspectors and Sissy Smith, Clerk to the Board.

**Also present in the Northern Region Office (Modesto)** – Judy Lewis, California Air Resources Board representative.

3. **Approve Minutes of August 15, 2001** – The Chairman asked if there were any corrections, comments or additions to the Minutes. The Board did not have any corrections, comments or additions to the Minutes. The Chairman declared that the Minutes of August 15, 2001 were approved as submitted.

4. **Public Hearings:**

All persons testifying were sworn in by the Chairman.

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

The Chairman requested that the Hearing Board Packet and any Addenda brought forth in todays Hearings be entered into the Official Record.

The Chairman requested the Petitions sign the Sign In Sheet.

**Michael Carrera presented the Staff Reports.**

**Mr. Carrera introduced Ms. Judy Lewis, California Air Resources Board (CARB), Compliance Division. Mr. Carrera noted that CARB is currently conducting a audit of the District's Compliance Division.**

<p>A.) Docket No. C-01-22R, Regular Variance, NEO California Power LLC, 16457 Avenue 24 ½, Chowchilla, CA. 93610. Type of Business: Electric Power Generating Facility.</p>
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**Petitioner** – Jim Kennelly, Ben Heuser and Don Ries represented NEO California Power LLC.

**Decision on Finding No. # 3** – Mr. Schumacher stated that in order to make Finding No. # 3 he would make a motion to remove the climate in Finding No. # 3 of the Petitioner violating the requirements of the FERC order. The motion was seconded by Mr. Blanco and carried unanimously.

*Therefore, the Board took the following action: regarding the Board making Finding No. #3, removed the climate of the Petitioner violating the requirements of the FERC order.*

**Public Comments** – No Public Comments.

**Decision** – The Board reviewed and discussed the required six findings set forth on pages 2 and 3 of the Staff Report and with the modification to Finding No. #3 concurred that the findings could be made. Mr. Schumacher made a motion to grant the variance with the staff's recommended thirteen conditions set forth on pages 4 and 5 of the staff with a modification to Condition No. # 2. The motion was seconded by Mr. Mulligan and carried unanimously.

*Therefore, the Board took the following action: granted a Regular Variance to Docket No. C-01-22R, NEO California Power LLC. The variance shall be effective from September 10, 2001 to November 16, 2001. The variance is subject to the thirteen conditions set forth on pages 4 and 5 of the Staff Report with a modification to Condition No. # 2 that eliminates Condition No. # 7 of the Authority to Construct (ATC). The thirteen conditions will be set forth in the Order.*

**B.)  
Docket No. C-01-24S, Short Variance, Mendota Biomass Power Company,  
400 Guillen Parkway, Mendota, CA. 93640. Type of Business: Biomass  
Fired Electric Power Generation.**

**Petitioner** – Tom Hadden, Dave Righthouse and Don Fritz represented Mendota Biomass Power Company.

**The Petitioner provided the Board and staff a handout titled AES Mendota, Short Variance C-1-24S, CO Emissions Reduction Data.**

**Public Comments** – No Public Comments.

**Decision** – The Board reviewed and discussed the required six findings set forth on pages 2 and 3 of the Staff Report and concurred that the findings could be made. Mr. Mulligan made a motion to grant the variance with the nine recommended conditions. The motion was seconded by Mr. Blanco and carried unanimously.

*Therefore, the Board granted a Short Variance to Docket No. C-01-24S, Mendota Biomass Power Company. The variance shall be effective from October 2, 2001 to December 15, 2001 or until compliance is achieved, whichever occurs first. The variance is subject to the nine conditions set forth on pages 3 and 4 of the Staff Report which will be set forth in the Order.*

5. **Receive and File: 2002 Central Region Hearing Board Meeting Schedule**  
The Board received and filed the 2002 Central Region Hearing Board Meeting Schedule.
6. **Public Comments** – No Public Comments.
7. **Hearing Board Member Comments** – No Hearing Board Member Comments.
8. **New Business** – No New Business.

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for Wednesday, October 17, 2001  
Central Region Hearing Board Meeting*

9. **Next Scheduled Meeting** – Wednesday, November 21, 2001 at 10:00 a.m., Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno, CA.
10. **Adjournment** – The Chairman, James V. Glaser, MD, adjourned the meeting at 11:10 a.m.

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