

**San Joaquin Valley Air Pollution Control District  
NORTHERN REGION HEARING BOARD MEETING**

Northern Region Office Magnolia Room  
4800 Enterprise Way, Modesto, CA 95356

**ACTION SUMMARY MINUTES**

**Wednesday, November 4, 2009**

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

**MINUTES**

1. CALL MEETING TO ORDER

The Chair, Mark Kanai, called the meeting to order at 10:02 a.m.

2. ROLL CALL

Roger Gohring - Public	Present
Gerald Schneider - Public	Present
Steve Benak, MD - Medical	Present
Alexander Scheflo - Engineer	Present
Mark A. Kanai (Chair) - Attorney	Present

Staff present:

Northern Region (Modesto): Ron Giannone, Supervising Air Quality Inspector, John Cadrett, Compliance Manager, Yousif Zardo, Air Quality Inspector

Central Region (Fresno): Patrick Houlihan, Senior Air Quality Specialist, Michael Carrera, Supervising Air Quality Inspector, Vicki Christie, Senior Office Assistant, Catherine Redmond, Legal Council, George Heinen, Supervising Air Quality Engineer

3. APPROVE MINUTES OF October 7, 2009

The Chair asked if there were any comments regarding the Minutes for October 7, 2009. Hearing no comments the Chair declared the minutes were approved as submitted.

4. PUBLIC HEARING

The Chair swore in all those present to testify for all matters.

<u>Docket No.</u>	<u>Type</u>	<u>Company Name</u>
A. N-09-11R	Regular	Green Farms 30324 E Lone Tree Road Oakdale, CA 95361

Petitioner: Richard Green, representing the GROWERS

Patrick Houlihan presented the report with one correction. On page two, paragraph three, it should read as *most* hay companies instead of *no* hay companies.

Green Farms and the GROWERS are requesting a regular variance from November 4, 2009 to May 31, 2010, and if granted would allow rice straw burning of greater than 70% of the total rice acreage when there are no other viable alternatives to burning.

The District believes that the six required findings can be made and recommends that Green Farms and other GROWERS, be granted a regular variance with the conditions as stated on pages three and four of the report.

Mr. Green reiterated the information in the report. Patrick stated the total acreage is less than 8,000. Mr. Green said that if the variance didn't pass, the 30% acreage that couldn't be burned would result in land that wouldn't be put into production. The question of using cogeneration was asked. Mr. Green stated his understanding is that burning rice straw leaves too much silt on the walls at the cogeneration plants. It is very difficult to remove so they stopped burning rice straw.

The question was asked about how many separate growers are involved. Patrick Houlihan is unsure of exact number of growers, but he stated they will have to fill out a rice straw burning request form and meet the criteria listed on page 2 of this report.

Public Comment:  
None

Motion: Gohring  
Second: Benak

Ayes: Benak, Kanai, Gohring, Schneider, Scheflo  
Nays: None

*The Hearing Board voted to pass the Motion to grant the variance subject to the conditions in the staff report.*

<u>Docket No.</u>	<u>Type</u>	<u>Company Name</u>
B. N-09-12S	Short	Seneca Foods 2801 Finch Road Modesto, CA 95354

Petitioner: Thomas Bert and Esther Cardenas, Seneca Foods

Patrick Houlihan presented the report.

Seneca Foods is requesting a short variance from the requirements of District Rules 2070.7.0 and 2201 in addition to a condition on the subject PTO. The short variance period would be for a period to occur between November 4, 2009 and December 31, 2009.

The District believes that the six required findings can be made with a correction to finding number 5. "No excess emissions will be emitted" will be stricken. The District recommends that Seneca Foods be granted a short variance with the conditions as stated on pages three and four of the report. Mr. Kanai knows Mr. Bert personally and therefore feels it is appropriate to recuse himself from voting.

Public Comment:  
None

Motion: Scheflo  
Second: Schneider

Ayes: Benak, Gohring, Schneider, Scheflo  
Nays: None

*The Hearing Board voted to pass the Motion to grant the variance subject to the conditions in the staff report.*

<u>Docket No.</u>	<u>Type</u>	<u>Company Name</u>
C. N-09-09R	Regular	DSS Company dba Knife River Construction 2648 W Blewett Road Tracy, CA 95361

Variance request was withdrawn.

5. EMERGENCY VARIANCE  
The Northern Region Hearing Board neither heard nor approved any emergency variance orders since the October 7, 2009 Hearing.
6. PUBLIC COMMENTS  
No public comment.
7. HEARING BOARD MEMBER COMMENTS  
No comment.
8. NEW BUSINESS  
On behalf of the Clerk to the Board, Patrick Houlihan asked for feedback by email or letter on the following two topics. These items are for an advisory vote to be given to the Clerk to the Board.

- a. Increasing the board member's stipend from \$100 to \$150.

Mr. Kanai asked if the District is in a deficit position. Legal counsel, Catherine Redmond explained that there is an adopted budget for this fiscal year and if the board recommends the increase it would go before the Governing Board for approval.

Mr. Schneider felt that the amount of increase is too high and does not want to personally ask for an increase for himself.

- b. The District is entertaining asking ARB to present a two-day, advanced training session geared toward board members, apprising them of Health and Safety Code Laws and conduct. This would be scheduled for early in 2010. This could be held in the Fresno office or broadcast via VTC to the other regional offices. This is just a refresher class. Attendance is not mandatory.

9. NEXT SCHEDULED MEETING

The next scheduled meeting is December 2, 2009. The meeting will be held via teleconferencing in the Northern Region Office (Modesto) with the Central Region Office (Fresno) participating via teleconferencing.

10. ADJOURN

The Chair adjourned the meeting at 10:35 a.m.