



# San Joaquin Valley Air Pollution Control District

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**David L. Crow**  
Executive Director/  
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## Action Summary Minutes Northern Region Hearing Board Meeting San Joaquin Valley Unified Air Pollution Control District 4230 Kiernan Avenue, Suite 130 Modesto, CA. 95354

Wednesday, June 1, 2005  
10:00 a.m.

**Meeting held via video teleconference (VTC) with the Central Region Office (Fresno) participating via VTC.**

1. **Call Meeting to Order** – The Chair, Mark A. Kanai, called the meeting to order at 10:00 a.m.

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

Steve Benak, MD	Medical
Don Ohlinger	Engineer
Roger Gohring	Public
Gerald A. Schneider, <b>Vice Chair</b>	Public
Mark A. Kanai, <b>Chair</b>	Attorney

**Also present in the Northern Region Office (Modesto)** – Jami Aggers, Air Quality Compliance Manager, Ronald Giannone and Lisa Middleton, Supervising Air Quality Inspectors, Steve Brodie, Air Quality Inspector and Jim Swaney, Permit Services Manager.

**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 January 5, 2005** – The Chair asked if there were any corrections to the Minutes. Hearing no comments the Chair declared the Minutes of January 5, 2005 were approved as submitted.

4. **Public Hearing:**

All persons testifying were sworn in by the Chair.

The Petitions were properly noticed and on file with the Clerk.

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

**The Petitioners for A.) Docket N-05-06S, Nestle Food Company, were not in attendance.**

**The Petitioners for B.) Docket N-05-08S, Cargill Inc., were not in attendance.**

**The Chair moved A.) and B.) to the end of the agenda.**

C.) Docket N-05-09S, Short Variance, Dairy Farmers of America, Inc., 600 Trade Way, Turlock, Ca. 95380. Type of Business: Dairy Products Manufacturing.
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**Petitioners** – Tom Baker and Larry M. Alves represented Dairy Farmers of America, Inc.

**Public Comment** – No Public Comment.

**Decision** – Board Member Ohlinger made the motion to grant the variance. The required six findings set forth on pages 3 and 4 of the Staff Report were adopted by reference. The variance is subject to the twelve recommended conditions with the Condition # 1 amended to read: between June 1, 2005 and August 23, 2005 and Condition # 8 to read: August 23, 2005. Seconded by Board Member Benak and carried unanimously with the following **Roll Call Vote:**

**Ayes:** **Benak, Ohlinger, Gohring, Schneider and Kanai.**

**Absent:** **None.**

*The Board granted a Short Variance to Docket N-05-09S, Dairy Farmers of America, Inc. The variance shall be effective for a period between June 1, 2005 and August 23, 2005, or until such time that the new burner unit can be installed and the subject boiler brought into compliance with the requirements of Rule 4306, whichever occurs first. The variance is subject to twelve recommended conditions with amended dates to Condition # 1 and # 8. The twelve recommended conditions will be set forth in the Hearing Board Order.*

D.)  
Docket N-05-11S, Short Variance, Georgia Pacific Corporation, 2400 Lapham Drive, Modesto, CA. 95354. Type of Business: Corrugated Packaging Manufacturer.

**Petitioner** – Thomas McHenry and Roger Hillstrom represented Georgia Pacific Corporation.

**Public Comment** – No Public Comment.

**Decision** – Board Member Benak made the motion to grant the variance request. The required six findings set forth on pages 3 and 4 of the Staff Report were adopted by reference. The variance shall be subject to the eleven recommended conditions set forth on pages 4 and 5 of the Staff Report with amendment to condition # 4 revised from 15 ppmvd to 30 ppmvd. Seconded by Board Member Gohring and carried unanimously with the following **Roll Call**

**Vote:**

**Ayes:** ***Benak, Ohlinger, Gohring, Schneider and Kanai.***

**Absent:** ***None.***

*The Board granted a Short Variance to Docket N-05-11S, Georgia-Pacific Corporation. The variance shall be effective for a period between June 2, 2005 and July 15, 2005, or until such time that the new burner unit can be installed and the subject boiler brought into compliance with the requirements of Rule 4306, whichever occurs first. The eleven recommended conditions with amendment to # 4 will be set forth in the Hearing Board Order.*

8. **New Business** – Dr. Benak provided a brochure to the Board titled “*What Your Doctor Wants You To Know About Air Pollution*” provided by the Fresno Medical Society. Dr. Benak noted that the Air District should obtain the brochure and consider making it available to Valley residents.

Dr. Benak noted he received a rather powerful memo from an office called Community Alliance for Responsible Environmental Stewardship regarding emissions from cows. Dr. Benak stated that he believes the Air District was supposed to make a recommendation regarding dairy emissions by April 15, 2005. Dr. Benak asked if the Air District made their recommendation.

Morgan Lambert explained that a subcommittee was formed and held several meeting in an effort to establish a emissions factor number. Mr. Lambert noted the subcommittee consisted of members of industry, the District and others. Mr. Lambert stated his understanding is the subcommittee recommended three different numbers based on their meetings and provided the three number to the District. The District is now in the process of reviewing the three numbers and

will be coming up with an emissions factor the District will utilize. Mr. Lambert stated as far as he know the review is still in process.

Dr. Benak requested staff report the results of that review at the next regularly scheduled Northern Region Hearing Board meeting.

A.)  
Docket N-05-06S, Short Variance, Nestle Food Company, 736 Garner Road, Modesto, CA. 95357. Type of Business: Food Processing.

**Petitioners** – A representative of Nestle Food Company was not present at the hearing.

**Public Comment** – No Public Comment.

**Decision** – Board Member Ohlinger made the motion to grant the variance request. The required six findings set forth on pages 3 and 4 of the Staff Report were adopted by reference. The variance shall be subject to the eleven recommended conditions set forth on pages 4 and 5 of the Staff Report. Seconded by Board Member Benak and carried unanimously with the following

**Roll Call Vote**

**Ayes:** Benak, Ohlinger, Gohring, Schneider and Kanai.

**Absent:** None.

*The Board granted a Short Variance to Docket N-05-06S, Nestle Food Company. The variance shall be effective for a period between June 2, 2005 and August 30, 2005, or until such time that the new burner unit can be installed and the subject boiler brought into compliance with the requirements of Rule 4306, whichever occurs first. The eleven recommended conditions will be set forth in the Hearing Board Order.*

B.)  
Docket N-05-08S, Short Variance, Cargill Inc., 407 S. Tegner Road, Turlock, CA. 95380. Type of Business: Animal Nutrition Products.

**Petitioners** – A representative of Cargill Inc. was not present during the hearing.

**Public Comment** – No Public Comment.

**Decision** – Board Member Benak made the motion to grant the variance request. The required six findings set forth on pages 3 and 4 of the Staff Report were adopted by reference. The variance shall be subject to the eleven recommended conditions set forth on pages 4, 5, and 6 of the Staff Report.

Seconded by Board Member Gohring and carried unanimously with the following

**Roll Call Vote:**

**Ayes:** Benak, Ohlinger, Gohring, Schneider and Kanai.

**Absent:** None.

*The Board granted a Short Variance to Docket N-05-08S, Cargill, Inc. The variance shall be effective for a period between June 2, 2005 and June 30, 2005, or until such time that the existing Kewanee boiler is replaced by the new Cleaver-Brooks boiler, thus bringing the facility into compliance with the requirements of Rule 4306, whichever occurs first. The eleven recommended conditions will be set forth in the Hearing Board Order.*

**E.) Withdrawn**

Docket N-05-10S, Short Variance, Associated Feed & Supply, 5213 W. Main Street, Turlock, CA. 95381

5. **Emergency Variance:**

A.) Docket N-05-07E International Corn Products

6. **Public Comments** – Earle Pfefferkorn, Cleaver-Brooks and Mike MacDonald, R. F. MacDonald Company, commented they are in full support of providing ultra low emission products to meet the standards that have been set forth in the Valley. Mr. Pfefferkorn and Mr. MacDonald explained they have received a lot of orders over the past twelve months that they could not fill because the company was in the process of designing and developing the product. Mr. Pfefferkorn and Mr. MacDonald assured the Board that they are making every effort to fulfill their obligations. Mr. Pfefferkorn and Mr. MacDonald thanked the Board for approving today's variances.

7. **Hearing Board Member Comments** – No Hearing Board Member Comments.

8. **New Business** – Morgan Lambert indicated staff is currently working with ARB to setup a date and time for a ARB Hearing Board Training Session. Staff will be contacting members of the Hearing Board to see if they have an interest in attending a training session.

9. **Next Scheduled Meeting** – Wednesday, July 6, 2005 at 10:00 a.m. The meeting will be held via video conferencing (VTC) in the Northern Region Office, 4230 Kiernan Avenue, Suite 130, Modesto, CA., with the Central Region Office (Fresno) participating via VTC.

10. **Adjournment** – The Chair adjourned the meeting at 10:45 a.m.