



# 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  
4800 Enterprise Way  
Modesto, CA 95356-8718  
(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 Northern Region Hearing Board Meeting San Joaquin Valley Unified Air Pollution Control District 4800 Enterprise Way, Magnolia Conference Room Modesto, CA. 95356

**Wednesday, November 2, 2005  
10:00 a.m.**

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

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

|                                     |          |
|-------------------------------------|----------|
| Steve Benak, MD                     | Medical  |
| Donald Ohlinger ( <b>absent</b> )   | Engineer |
| Roger Gohring                       | Public   |
| Gerald Schneider, <b>Vice Chair</b> | Public   |
| Mark A. Kanai, <b>Chair</b>         | Attorney |

**Also present in the Northern Region Office (Modesto)** – Ron Giannone and Lisa Middleton, Supervising Air Quality Inspectors, Jim Swaney, Permit Services Manager, George Heinen Supervising Air Quality Engineer and Dillon Collins, Air Quality Inspector.

**Also participating via telephone in the Central Region Office (Fresno)** – Catherine Tognazzini, Assistant Counsel and Sissy Smith, Clerk to the Board.

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

4. **Public Hearing:**

All persons testifying were sworn in by the Chair.

The Petition was properly noticed and on file with the Clerk to the Board.

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

**Staff Report presented by Ron Giannone.**

A.)  
Docket N-05-22R, Regular Variance, **Walnut Energy Center Authority**, 325 S. Washington, Turlock, CA. 95381. Type of Business: Electrical Power Generating Facility.

**Petitioners** – Jeff Adkins and George Davies represented Walnut Energy Center Authority.

**Public Comment** – No Public Comment.

**Decision** – Board Member Schneider made the motion to grant the variance. The required six findings set forth on pages 2 and 3 of the Staff Report could be made. The variance shall be subject to the twelve recommended conditions set forth on pages 4 and 5 of the Staff Report with amendments to recommended condition #7 changing the time to submit an application for an Authority to Construct (ATC) from 15 days to 21 business days. Seconded by Board Member Benak and unanimously carried with the following roll call vote:

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

**Absent:** **Ohlinger.**

*The Northern Region Hearing Board granted a Regular Variance to Docket N-05-22R, Walnut Energy Center Authority. The Northern Region Hearing Board concurred the required six findings could be made. The variance shall be effective from November 2, 2005 to November 1, 2006, or until the District's Governing Board amends Rule 4703, which would allow for startup and/or shutdown periods exceeding two consecutive hours following a case-by-case review and approval by the District's PSD, and the District approves WECA's proposal to allow startup and/or shutdown operation of each turbine unit exceeding two consecutive hours, whichever occurs first. If, following the amendments to Rule 4703, the District's PSD does not approve WECA's proposal to allow startup and/or shutdown operation of each turbine unit exceeding two consecutive hours, the variance shall be effectively terminated and WECA shall operate in accordance with Rule 4703. The twelve recommended conditions with amendments to recommended condition #7 will be set forth in the Northern Region Hearing Board Order.*

5. **Emergency Variances** – The Northern Region Hearing Board has not heard or approved an emergency variance order since the October 5, 2005 Hearing Board meetings.

6. **Public Comments** – No Public Comments.
7. **Hearing Board Member Comments** – No Hearing Board Member Comments.
8. **New Business** – No New Business.
9. **Next Scheduled Meeting** – Wednesday, December 7, 2005 at 10:00 a.m. the meeting **will not be held via video conferencing**. Location of the meeting: 4800 Enterprise Way, Magnolia Conference Room, Modesto, CA. with the Central Region Office (Fresno) participating via telephone.
10. **Adjournment** – The Chair adjourned the meeting at 10:14 a.m.

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