



San Joaquin Valley Air Pollution Control District

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Action Summary Minutes Northern Region Hearing Board Meeting San Joaquin Valley Unified Air Pollution Control District 4800 Enterprise Way, VTC Room Modesto, CA. 95356

Wednesday, October 4, 2006
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 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	Engineer
Roger Gohring	Public
Gerald Schneider, Vice Chair	Public
Mark A. Kanai, Chair	Attorney

Also present in the Northern Region Office (Modesto) – Jami Aggers, Air Quality Compliance Manager, Ron Giannone and Lisa Middleton, Supervising Air Quality Inspectors, Dillion Collins and Jan Sudomier, Air Quality Inspectors.

Also present in the Central Region Office (Fresno) – Catherine Tognazzini, Assistant District Counsel, Brian Dodds, Senior Air Quality Inspector, Michael Carrera, Supervising Air Quality Inspector and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of September 6, 2006** – The Chair asked if there were any corrections to the Minutes. Hearing no comments the Chair declared the Minutes of September 6, 2006 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 hearing will be entered into the Official Record.

Brian Dodds presented the Staff Reports.

A.)
Docket N-06-09i, Interim Variance, **Walnut Energy Center**, 600 South Washington Road, Turlock, CA. 95387. Type of Business: Electrical Power Generating Facility

Petitioners – Jeff Adkins and George Davies represented Walnut Energy Center. Mr. Adkins requested Recommended Conditions #1 and #2 be revised accordingly: Recommended Condition #1 effective date be corrected to read: from October 4, 2006 to December 6, 2006; and Recommended Condition #2 reflect the petition pertains to condition 30, ATC No. N-7172-1-0 and –2-0.

Staff concurred with Mr. Adkins corrections.

Public Comment – No Public Comment.

Decision – Board Member Benak made the motion to grant the Interim Variance subject to the ten recommended conditions set forth on pages 2 and 3 of the Staff Report with corrections to #1 and #2. The Hearing Board finds that good cause can be made based on its belief that there is a reasonable possibility that the required findings could be made during the hearing on the regular variance request. Seconded by Board Member Gohring and unanimously carried with the following roll call vote:

Ayes: **Benak, Ohlinger, Gohring, Schneider and Kanai.**
Absent: **None.**

The Northern Region Hearing Board granted an Interim Variance to Docket N-06-09i, Walnut Energy Center. The Interim Variance shall be effective from October 4, 2006 to December 6, 2006, or until the Northern Region Hearing Board has heard the petition for regular variance, whichever occurs first. The ten recommended conditions with corrections to #1 and #2 will be set forth in the Northern Region Hearing Board Order.

B.)
Docket N-06-10i, Interim Variance, **Ripon Cogeneration LLC**, 944 S. Stockton,
Ripon, CA. 95366. Type of Business: Cogeneration Facility

Petitioners – James Charles, Paulette Heuer and David Farabee represented Ripon Cogeneration LLC.

Public Comment – No Public Comment.

Decision – Board Member Benak made the motion to grant the Interim Variance subject to the fourteen recommended conditions set forth on pages 4, 5 and 6 of the Short Variance for Docket N-06-05S, with amendments. The Hearing Board finds that good cause can be made based on its belief that there is a reasonable possibility that the required findings could be made during the hearing on the regular variance request. Seconded by Board Member Ohlinger and unanimously carried with the following roll call vote:

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

Absent: ***None.***

The Northern Region Hearing Board granted an Interim Variance to Docket N-06-10i, Ripon Cogeneration LLC. The variance shall be effective from October 4, 2006 to November 1, 2006 or until the next regularly scheduled Northern Region Hearing Board Meeting. The fourteen recommended conditions with amendments 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 September 6, 2006 Hearing Board Meeting.
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, November 1, 2006 at 10:00 a.m. The meeting will be held via video conferencing (VTC) in the Northern Region Office, 4800 Enterprise Way, VTC Room, Modesto, CA. with the Central Region Office (Fresno. CA.) participating via VTC.
10. **Adjournment** – The Chair adjourned the meeting at 11:00 a.m.