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Minutes

Northern Region Hearing Board Meeting

San Joaquin Valley Unified Air Pollution Control District
4800 Enterprise Way VTC Room
Modesto, CA

Wednesday, June 6, 2007

Meeting held via teleconferencing (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
Roger Gohring—public present
Gerald Schneider—public present
Steve Benak, MD—medical present
Mark A. Kanai (Chair)—attorney present

Staff present—Northern Region (Modesto): Catherine Redmond, Assistant District Counsel; Ron Giannone, Supervising Air Quality Inspector; Jim Swaney, Permits Manager.

Central Region (Fresno): Brian Dodds, Senior Air Quality Inspector, and Toni Taber, Clerk to the Boards

3. APPROVE MINUTES OF FEBRUARY 7, 2007
The Chair asked if there were any comments regarding the Minutes for February 7, 2007. Hearing no comments, the Chair declared the Minutes 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-07-01A	Permit Appeal	Cilion Inc. 4209 Jessup Road Ceres, CA 93227

Petitioner: Richard L. Harriman 191 West Shaw Avenue, Suite 205B, Fresno, CA 93705

The Chair asked for District Staff to present its staff report. Catherine Redmond, Assistant District Counsel, noted that no staff report had been prepared because the issues contained in the petition as submitted were unclear. Although Mr. Harriman had agreed several times to amend his petition to clarify the issues, no amended petition had been received. Ms. Redmond then noted that it did not appear that the Hearing Board had jurisdiction over the issues presented in the petition as submitted for several stated reasons. The Hearing Board heard testimony from Richard Harriman on the issue of jurisdiction. The Hearing Board agreed with Ms. Redmond that it did not appear that the Board had jurisdiction over the issues raised in the petition. Mr. Harriman asked for a continuance to amend his petition. The Chair declined based on the fact that Mr. Harriman had been given every opportunity to submit an amended petition and that the hearing had already been postponed once to give him more time to amend the petition.

The Hearing Board then reaffirmed that it did not believe that it had jurisdiction over the issues as submitted in the petition.

Public Comment: NONE

Motion: Schneider

Second: Gohring

Ayes: Benak, Gohring, Schneider, Kanai

Nays: None

Absent: None

Motion unanimously passed to deny the petition based on lack of jurisdiction.

5. EMERGENCY VARIANCE--
Between February 7, 2007 and June 6, 2007, the Northern Region Hearing Board approved one emergency variance: Docket no. S-07-02E – POSDEF Power Company, L.P.

6. PUBLIC COMMENTS
No public comment.
7. HEARING BOARD MEMBER COMMENTS
None
8. NEW BUSINESS
No new business.
9. NEXT SCHEDULED MEETING
Due to the July 4th holiday, the next scheduled meeting is July 5, 2007. The Meeting will be held via video conferencing (VTC) in the Northern Region Office (Modesto) with the Central Region Office (Fresno) participating via VTC.
10. ADJOURN
The Chair adjourned the meeting at 10:24 a.m.