

**Action Summary Minutes for the
Northern Region Hearing Board Meeting
Wednesday, February 2, 2000 at 10:00 a.m.
Northern Region Office
Video Teleconference (VTC) Room
4230 Kiernan Avenue
Modesto, CA. 95356**

Meeting held via VTC in the Northern Region office (Modesto) with the Central Region Office (Fresno) and the Southern Region Office (Bakersfield) included via VTC.

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

2. **Roll Call**

Steve Benak, MD (absent)	Medical
Donald Ohlinger	Engineer
Gerald A. Schneider	Public
Larry Carter, Vice Chairman	Public
Mark A. Kanai, Chairman	Attorney

Also present in the Northern Region Office (Modesto)

Roland Brooks, Air Quality Compliance Manager, Michael Escotto, Supervising Air Quality Inspector, Diane Busalacchi, Air Quality Inspector II.

Also present in the Central Region Office (Fresno) – Philip M.

Jay, District Counsel, Robert J. Kard, Director of Compliance, Ted Strauss, Supervising Air Quality Inspector, Michael Carrera, Senior Air Quality Inspector and Sissy Smith, Clerk to the Boards.

Also present in the Southern Region Office (Bakersfield)

Linda Phillips, Administrative Analyst II.

3. **Approve Minutes of January 5, 2000** – The Minutes of January 5, 2000 were approved as submitted.

4. **Public Hearings:**

All persons testifying were sworn in by the Chair.

Michael Carrera presented the Staff Report.

A.)

Docket No. N-99-16i, Interim Variance, Western Mining Services, 615 Janopaul Lane, Modesto, CA. 95351. Type of Business: Manufacturer of Industrial Rubber Products and Equipment.

Petitioner – Mike Loche represented Western Mining Services.

Mr. Carrera indicated that the District's position that this request for relief cannot come before your Board based on the following:

- 1. On August 2, 1999 an application for an Authority to Construct (ATC) was submitted to allow continued operation of the facility.**
- 2. On September 22, 1999 the District responded to the facility's request by indicating that the application was incomplete and required additional information.**
- 3. As of this writing of this report no additional information has been submitted to the District.**
- 4. Per District Rule 5180 – *Lack of Permit*, a hearing of this petition cannot be held.**

Philip M. Jay, District Counsel, stated that the rule actually says that the Petition should not have even been accepted for filing. Mr. Jay stated that the petition should be dropped from the docket and whatever filing fee was paid should be returned also. Mr. Jay stated that the Hearing Board under the rule does not have jurisdiction to hear the petition

The Chair stated that the Petitioner should meet with staff. The Chair indicated that he concurs with Mr. Jay. The Petitioner should seek reimbursement of fees. The Hearing Board will take no action on this Petition.

B.)

Docket No. N-99-15R, Regular Variance, Engineering Automation, Inc., 20400 N. Kennefick Road, Acampol, CA. 95220. Type of Business: Manufacture of Industrial Rubber Products and Equipment.

Petitioner – Daniel Mills represented Engineering Automation, Inc.

Public Comments – Jim Arnold, The Arnold Law Practice, asked questions pertaining to the variance request.

Decision – Mr. Carter made a motion to grant the variance and the required six findings set forth on pages 3 and 4 of the Staff Report be adopted by this Board by reference. The motion was seconded by Mr. Ohlinger and carried unanimously with the following **Roll Call Vote:**

Ayes: ***Ohlinger, Schneider, Carter and Kanai.***

Noes: ***None.***

Abstain: ***None.***

Absent: ***Benak.***

Therefore, the Board granted a Regular Variance to Docket No. N-99-15R, Engineering Automation, Inc., effective from February 2, 2000 to December 31, 2000. The variance is subject to seven conditions set forth on page 4 of the Staff Report which will be set forth in the Order.

C.)

Docket No. N-00-01i, Interim Variance, Patch Rubber Company, P O Box 14, Roanoke Rapids, N.C. 27870. Type of Business: Manufacturer of Rubber Products and Adhesives.

Petitioner – Robert Vestey represented Patch Rubber Company.

Public Comments – No Public Comments.

Decision – Mr. Schneider made a motion that the variance be granted and the required six findings set forth on can be made with good cause. The motion was seconded by Mr. Carter and carried unanimously with the following **Roll Call**

Vote:

Ayes: ***Ohlinger, Schneider, Carter and Kanai.***

Noes: ***None.***

Abstain: ***None.***

Absent: ***Benak.***

Therefore, the Board granted an Interim Variance to Docket No. N000-01i, Patch Rubber Company, effective from January 18, 2000 to March 1, 2000 or the next scheduled hearing. The variance is subject to six conditions set forth on pages 2 and 3 of the Staff Report which will be set forth in the Order.

Ted Strauss presented the Staff Report

D.)

Docket No. N-99-17i, Interim Variance, Rema Tip Top North America, Inc., 200 Paris Avenue, Northvale, NJ 16514. Type of Business: Market and Distribute Industrial Rubber Adhesives.

Petitioner – James Arnold, Al Bonneau and Mike Loche represented Rema Tip Top North American, Inc.

The representatives for Rema Tip Top North America, Inc. showed the Board a video as well as computer CD in respect to the actual usage of adhesives.

Public Comments – No Public Comments.

Decision – Mr. Ohlinger made a motion to grant the variance and the required six findings set forth on pages 3, 4 and 5 of the Staff Report be adopted by this Board by reference. The motion was seconded by Mr. Schneider and carried unanimously with the following **Roll Call Vote:**

Ayes: ***Ohlinger, Schneider, Carter and Kanai.***

Noes: ***None.***

Abstain: ***None.***

Absent: ***Benak.***

Therefore, the Board took the following action: granted an Interim Variance to Docket No. N-99-17i, Rema Tip Top North America, Inc., effective from February 2, 2000 until March 1, 2000 or the next scheduled hearing board meeting. The variance is subject to eight conditions which will be set forth in the Order.

5. **Public Comments** – No Public Comments.

6. **Other Business** – No Other Business.

7. **Next Scheduled Meeting** – Wednesday, March 1, 2000 at 10:00 a.m., Northern Region Office, Video Teleconference (VTC) Room, 4230 Kiernan Avenue, Modesto. The meeting will be held in the Northern Region Office with the Central Region Office, 1990 E. Gettysburg Avenue, Fresno included via VTC.

8. **Adjournment** – The meeting was adjourned at 11:40 a.m.

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