



San Joaquin Valley Air Pollution Control District

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Action Summary Minutes for the Northern Region Hearing Board Meeting San Joaquin Valley Unified Air Pollution Control District 4230 Kiernan Avenue, Suite 130 Modesto, CA. 95354

Wednesday, August 6, 2003
10:00 a.m.

Meeting held via video teleconferencing (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 10:02 a.m.

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

Steve Benak, MD	Medical
Roger Gohring	Public
Donald Ohlinger	Engineer
Gerald A. Schneider, Vice Chair	Public
Mark A. Kanai, Chair	Attorney

Also present in the Northern Region Office (Modesto) – Ron Giannone and Tony Scott, Supervising Air Quality Inspectors.

Also present in the Central Region Office (Fresno) - Philip M. Jay, District Counsel and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of July 2, 2003** – The Chair asked if there were any comments regarding the Minutes of July 2, 2003. Hearing no comments the Chair declared the Minutes of July 2, 2003 were approved as submitted.

All persons testifying were sworn in by the Chair.

The Petitioners signed the Sign In Sheet.

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

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

Staff Reports presented by Tony Scott

4. **Public Hearings:**

A.)

Docket N-03-09R, Regular Variance, Forward Inc., Landfill, 9999 S. Austin Road, Manteca, CA. 95336. Type of Business: Municipal Solid Waste Landfill.

Petitioners – Pat Sullivan, Lochlin Caffey and Butch Stefani represented Forward Inc., Landfill.

Public Comments – No Public Comments.

Decision – Board Member Gohring made the motion to grant the variance based on the fact that the required six findings could be made. The variance shall be subject to eleven conditions. Seconded by Board Member Ohlinger and carried unanimously with the following **Roll Call Vote:**

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

Absent: ***None.***

The Board granted a Regular Variance to Docket N-03-09R, Forward Inc., Landfill. The Regular Variance shall be effective from August 7, 2003 to November 29, 2003, or until the ATC increasing the NOx emission limit has been issued, whichever occurs first. The eleven conditions shall be set forth in the Order.

B.)

Docket N-03-12S, Short Variance, Hershey Chocolate & Confectionary Co., 1400 S. Yosemite Avenue, Oakdale, CA. 95361. Type of Business: Milk Chocolate Candy Manufacturer.

Petitioners – Roger Avery, Steve Bortz, Mike MacDonald and Craig Thiry represented Hershey Chocolate.

Mr. Thiry provided the Board with a copy of Hershey Chocolate diagrams in respect to Docket N-03-12S.

Decision – Board Member Benak made the motion to grant the variance subject to thirteen conditions. Seconded by Board Member Schneider 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-03-12S, Hershey Chocolate & Confectionary Co. The variance shall be effective from July 24, 2003 to October 22, 2003, or until source testing has been initiated, whichever occurs first. The thirteen conditions shall be set forth in the Order.

5. **Administrative Agenda – Receive and File**: The Northern Region Hearing Board approved the following emergency variance orders:
 - A.) Docket N-03-10E Gallo Glass Company
605 S. Santa Cruz Avenue, Modesto, CA.
 - B.) Docket N-03-11E Stockton Cogen. Company
1010 Zephyr Street. Stockton, CA.
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, September 3, 2003 at 10:00 a.m. The meeting will be held via video teleconferencing (VTC) in the Northern Region Office, 4230 Kiernan Avenue, Suite 130, VTC Room, Modesto, CA. with the Central Region Office (Fresno) participating via VTC.
10. **Adjournment** – The Chair adjourned the meeting at 10:19 a.m.

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