



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 Video Teleconferencing (VTC) Room Modesto, CA. 95354

Wednesday, February 5, 2003
10:00 a.m.

Meeting held via video teleconferencing (VTC) with the Central Region Office (Fresno) participating via VTC.

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

(*) Arrived during Item # 4

Also present in the Northern Region Office (Modesto) – Tony Scott, Supervising Air Quality Inspector.

Also present in the Central Region Office (Fresno) – Philip M. Jay, District Counsel, Meggin Boranian, Assistant Counsel, Robert J. Kard, Director of Compliance, Michael Carrera, Senior Air Quality Inspector and Sissy Smith, Clerk to the Board.

- Approve Minutes of August 7, 2002** – The Chair asked if there were any corrections, comments or additions to the Minutes of August 7, 2002. Hearing no comments the Chair declared the Minutes of August 7, 2002 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 are 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.

4. **Public Hearings:**

Michael Carrera presented the Staff Reports.

A.)
Docket N-02-13R, Regular Variance, Turlock Irrigation District, 4500 Crows Landing Road, Modesto, CA. 95358. Type of Business: Electrical Power Generating Facility.

Petitioners – Jeff Adkins and George Davies, represented Turlock Irrigation District.

Public Comment – No Public Comment.

Decision – Board Member Schneider make the motion to grant the variance with the changes made to the following conditions set forth on pages 3 and 4 of the Staff Report: # 6, strike second sentence, delete # 7, #8 add the following language consist with District electrical demands, #9 change written report to 30 days after the installation, delete #B and add language to #D, actual and excess NOx and ammonia emissions. Seconded by Board Member Benak and carried unanimously with the following **Roll Call Vote:**

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

Absent: ***Ohlinger.***

Therefore, the Board granted a Regular Variance to Docket N-02-13R, Turlock Irrigation District. The variance shall be effective from December 3, 2002 to November 26, 2003, or until compliance is achieved, whichever occurs first. The variance is subject to ten amended conditions set forth on pages 3 and 4 of the Staff Report. The ten conditions shall be set forth in the Order.

B.) **Withdrawn**
Docket N-02-14S, Short Variance, Lodi Gas Storage, LLC, 23265 Highway 99, Acampo, CA. 95220.

C.)
Docket N-02-15R, Regular Variance, US Intec, Inc., 3301 N. Navone Road, Stockton, CA. 95215. Type of Business: Manufacturer of Rolled Roofing Materials.

Petitioners – Tom Hadden, Chris Ruckman and John Calkin, represented US Intec, Inc.

Public Comments – No Public Comments.

Decision – Board Member Gohring made the motion to grant the variance based on the required six findings set forth on pages 2 and 3 of the Staff Report and the eleven recommended variance conditions set forth on pages 3 and 4 of the Staff Report. Seconded by Board Member Schneider and carried unanimously with the following **Roll Call Vote:**

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

Absent: ***Ohlinger.***

The Board granted a Regular Variance to Docket N-02-15R, US Intec, Inc. The variance shall be effective from January 30, 2003 to August 30, 2003, or until compliance is achieved, whichever occurs first. The variance is subject to eleven conditions. The eleven conditions shall be set forth in the Order.

Michael Carrera noted that item D.) and E.), GWF Energy, LLC were identical in nature with different locations. Mr. Carrera asked the Board and the Petitioner if they would be willing to link the two items into one hearing with two separate motions for D.) and E.)

The Petitioner and the Board were agreeable to Mr. Carrera's suggestion.

D.)
Docket N-03-01S, Short Variance, GWF Energy, LLC (Tracy Peaker Project – Unit 1, 14950 Schulte Road, Tracy, CA. 95377. Type of Business: Electrical Power Generating Facility.

E)
Docket N-03-02S, Short Variance, GWF Energy, LLC (Tracy Peaker Project – Unit 2, 14950 Schulte Road, Tracy, CA. 95377. Type of Business: Electrical Power Generating Facility.

Petitioners – Doug Wheeler and Mark Kehoe represented D.) and E.) GWF Energy, LLC.

Public Comments – No Public Comments.

Decision for Docket N-03-01S, Unit 1 – Board Member Schneider made the motion to grant the variance with the required six findings set forth on pages 3 and 4 of the Staff Report and the fifteen conditions set forth on pages 4 and 5 of

the Staff Report. Seconded by Board Member Gohring 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-03-01S, Short Variance to GWF Energy, LLC, Tracy Peaker Project – Unit 1. The variance shall be effective between February 21, 2003 and May 21, 2003, or until compliance is achieved, whichever occurs first. The variance is subject to fifteen conditions. The fifteen conditions shall be set forth in the Order.

Public Comments – No Public Comments.

Decision for Docket N-03-02S, Unit 2 – Board Member Benak made the motion to grant the variance with the required six findings set forth on pages 3 and 4 of the Staff Report with fifteen conditions set forth on pages 4 and 5 of the Staff Report. Seconded by Board Member Gohring 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-03-02S, GWF Energy, LLC, Tracy Peaker Project – Unit 2, 14950 Schulte Road, Tracy, CA. 95377. The variance shall be effective between February 21, 2003 and May 21, 2003, or until compliance is achieved, whichever occurs first. The variance is subject to fifteen conditions. The fifteen 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-02-11E | Chevron Products USA
22888 Kasson Road
Banta, CA 95304 |
| B.) | Docket N-02-12E | Pilkington North America
500 E. Louise Avenue
Lathrop, CA. 95330 |
| C.) | Docket N-02-15E | US INTEC, Inc.
3301 N. Navone Road
Stockton, CA. 95205 |

6. **Public Comments** – No Public Comments.

7. **Hearing Board Member Comments** – No Hearing Board Member Comments.

8. **New Business** – Philip M. Jay, District Counsel, introduced Meggin Boranian, Assistant District Counsel to the Board. Mr. Jay noted that Ms. Boranian will be helping out with the hearing boards and a lot of other matters.

A.) 2003 – Chair and Vice Chair Election

Board Member Benak nominated Mark Kanai as Chair for 2003. Seconded by Board Member Ohlinger.

Board Member Ohlinger nominated Gerald Schneider as Vice Chair for 2003. Seconded by Board Member Benak.

The nominations carried with the following Roll Call Vote:

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

Absent: None.

The Board elected Mark A. Kanai, Chair for 2003 and Gerald A. Schneider as Vice Chair for 2003.

B.) 2003 – Northern Region Hearing Board Meeting Schedule

The Board received the 2003 – Northern Region Hearing Board Meeting Schedule.

9. **Next Scheduled Meeting** – Wednesday, March 5, 2003 at 10:00 a.m. The meeting will be held via video conferencing (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 10:40 a.m.

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