



San Joaquin Valley Air Pollution Control District

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

Wednesday, January 7, 2004
10:00 a.m.

Meeting held via video conferencing (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 9:58 a.m.

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

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

Also present in the Northern Region Office (Modesto) – Jami Aggers, Air Quality Compliance Manager, James Swaney, Permit Services Manager, Ron Giannone and Tony Scott, Supervising Air Quality Inspectors.

Also present in the Central Region Office (Fresno) – Philip M. Jay, District Counsel, Michael Carrera, Supervising Air Quality Inspector and Sissy Smith, Clerk to the Board.

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

All persons testifying were sworn in by the Chair.

The Petitioners signed the Sign In Sheet.

The Petition was properly noticed and on file with the Clerk to the Board.

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

4. **Public Hearing:**

Michael Carrera presented the Staff Report.

A.)
Docket N-03-17R, Regular Variance, Modesto Irrigation District, 920 Woodland Avenue, Modesto, CA. 95351. Type of Business: Electrical Power Generating Facility.

Petitioners – Jeff Adkins and Greg Salyer represented Modesto Irrigation District.

James Swaney provided additional testimony for the District.

Public Comment - No Public Comment.

Decision – Board Member Ohlinger made the motion to grant the variance with the Board concurring the required six findings set forth on pages 2 and 3 of the Staff Report could be met. The variance shall be subject to ten conditions that were modified during the hearing. Seconded by Board Member Benak 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-03-17R, Modesto Irrigation District. The variance shall be effective from December 11, 2003 to May 19, 2004, or until the date the modified Title V permit incorporating the ATC applications under Project No. N1032119 is issued, whichever occurs sooner.

The following recommendations were modified to read:

1. The variance shall be effective from ~~November 19, 2003~~ December 11, 2003, to May 19, 2004, or until the date, ~~Permit Services takes final action on the modified Title V permit incorporating the ATC applications under Project No. N1032219~~ is issued, whichever occurs sooner.
3. Variance relief shall allow the continued operation of Unit-2 using natural gas with a sulfur content in excess of the permit limit until ~~Permit Services takes final action on the modified Title V permit incorporating the ATC applications under Project No. N1032119~~ is issued.

6. Effective January 7, 2004, throughout the remainder of the variance period, the Petitioner shall sample and record the actual fuel gas sulfur content weekly.
8. By June 2, 2004, or 15 days after ~~Permit Services takes final action on the~~ modified Title V permit incorporating the ATC applications under Project No. N1032119 is issued, whichever occurs sooner, the Petitioner shall submit to the District a written report that includes the following information:

The ten conditions with the above modifications shall be set forth in the Order.

5. **Emergency Variances** - The Northern Region Hearing Board has not heard or approved an emergency variance order since December 3, 2003.
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, February 4, 2004 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 10:25 a.m.

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