

**Action Summary Minutes for the  
Southern Region Hearing Board Meeting  
San Joaquin Valley Unified  
Air Pollution Control District  
Wednesday, December 13, 2000 at 10:00 a.m.  
Video Teleconferencing (VTC) Room  
2700 M Street, Suite 275, Bakersfield, CA. 93301**

**Meeting held via Video Teleconferencing (VTC) with the Central Region Office (Fresno) included via VTC.**

1. **Call Meeting to Order** – The Vice Chair, William L. Bland, Jr., called the meeting to order at 10:02 a.m.

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

Kimm Wolber	Medical
Marvin Dean(*)	Public
Andrew C. Thomson	Attorney
G. L. "Gerry" Cales ( <b>alternate</b> ) ( <b>absent</b> )	Engineer
William L. Bland, Jr., <b>Vice Chair</b>	Public

**(\*) Arrived after Roll Call**

**Also present in the Southern Region Office (Bakersfield)**

Clifton Calderwood, Air Quality Compliance Manager, Creighton Smith, Supervising Air Quality Inspector, Allan Phillips, Supervising Air Quality Engineer, Harvey Lopez, Patrick Houlihan and Denise Holmes, Air Quality Inspector IIs.

**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.

3. **Approve Minutes of November 8, 2000** – The Vice Chair asked if there were any corrections or additions to the Minutes. The Board did not have any corrections or additions. The Vice Chair declared that the Minutes of November 8, 2000 were approved as submitted.

4. **Public Hearings:**

The Vice Chair requested that the Petitioners sign the Sign In Sheet.

All persons testifying were sworn in by the Vice Chair

The Vice Chair asked if the Petitions have been properly noticed and on file with the Clerk to the Boards. Ms. Smith responded affirmative.

The Vice Chair requested that the Hearing Board Packet and any additional materials provided during the hearings be entered into the Official Record.

**Michael Carrera presented the Staff Reports.**

A.)

Docket No. S-00-33R, Regular Variance, California Dairies, Inc., P O Box 837, Tipton, CA. 93272. Type of Business: Butter and Milk Powder Production.

**Petitioner** – Mike Wyant, Harry DeLint and Nate Moehlman represented California Dairies, Inc.

**Public Comments** – No Public Comments.

**Additional Information was requested regarding emissions. Therefore, Docket No. S-00-33R, California Dairies, Inc. was moved to the end of the agenda.**

B.)

Docket No. S-00-34i, Interim-Continued, Building Materials Manufacturing Corp., (DBA) GAF Materials Corp., 6505 Zerker Road, Shafter, CA. 93263. Type of Business: Rolled Fiberglass Mat Manufacturing.

**Additional testimony provided by Clifton Calderwood, Air Quality Compliance Manager.**

**Petitioner** – Larry Bazel, Philip Halpin and Earl Withycombe represented Building Materials Manufacturing Corp. (DBA) GAF Materials Corp.

**Public Comment** – No Public Comment.

**Decision** – Mr. Dean made a motion to grant the variance for good cause. The motion was seconded by Mr. Thomson and carried unanimously with the following **Roll Call Vote:**

**Ayes:** **Wolber, Thomson, Dean and Bland.**

**Noes:** **None.**

**Absent:** **Cales.**

*Therefore, the Board took the following action: granted an Interim Variance to Docket No. S-00-34i, Building Materials Manufacturing Corp., (DBA) GAF Materials Corp. The variance was granted from date of application (October 16, 2000) to January 10, 2001, or until the next regularly scheduled hearing. The variance is subject to eight conditions set forth on page 3 of the Staff Report (with Condition # 1 amended to read January 10, 2000 2001. The eight conditions shall be set forth in the Order.*

**C.)**

**Docket No. S-00-32i, Interim Variance, Granite Construction Company, P O Box 5127, Bakersfield, CA. 93388-5127. Type of Business: Hot Mix Asphalt Batch Plant.**

***Mr. Dean indicated that he wanted to report a possible conflict. Mr. Dean indicated that he serves on a Board with a Granite Construction manager. After discussion with Philip M. Jay, District Counsel, it was determined that there does not appear to be any legal conflict.***

**Petitioner** – Scott Horton and Ron A. Brajkovich represented Granite Construction Company.

**Additional Information** – ***Regarding Petitioner's Request, Proposed Compliance Schedule, Contractual Paving Obligations, Large Job AG Usage Schedule, Excess Emissions and Arvin Monthly Production Chart.***

***Michael Carrera presented the Staff Report and indicated that at this point the District is recommending denial of the variance request. Mr. Carrera noted that after the initial investigation was completed and a Notice of Violation (NOV) was issued there have been no additional visible emissions observed after approximately ten inspector visits.***

***After a lengthy discussion the Petitioner WITHDREW their request for a variance.***

D.)

**Docket No. S-00-35S, Short Variance, Aera Energy LLC, P O Box 11164, Bakersfield, CA. 93389-11164. Type of Business: Crude Oil and Natural Gas Production.**

**Petitioner** – Dennis Carroll, Paul Tate and Peggy Shue represented Aera Energy LLC.

**Public Comments** – No Public Comments.

**Decision** – Mr. Dean made a motion to grant the variance and adopt by reference the required six findings set forth on pages 2 and 3 of the Staff Report. The motion was seconded by Ms. Wolber and carried unanimously with the following **Roll Call Vote:**

**Ayes:** ***Wolber, Thomson, Dean and Bland.***

**Noes:** ***None.***

**Absent:** ***Cales.***

*Therefore, the Board took the following action: granted a Short Variance to Docket No. S-00-35S, Aera Energy LLC. The variance shall be effective from December 14, 2000 to January 19, 2001. The variance is subject to eight conditions set forth on pages 3 and 4 (with an amendment to Condition # 5) of the Staff Report. The eight conditions shall be set forth in the Order.*

E.)

**Docket No. S-00-36i, Interim Variance, Recot Inc., 22801 Highway 58, Bakersfield, CA. 93312. Type of Business: Snack Food Production.**

**Petitioner** – Brent Fowler and Patricia O'Toole represented Recot, Inc.

**Public Comments** – No Public Comments.

**Decision** – Mr. Thomson made a motion to grant the variance for good cause. The motion was seconded by Mr. Dean and carried unanimously with the following **Roll Call Vote:**

**Ayes:** ***Wolber, Thomson, Dean and Bland.***

**Noes:** ***None.***

**Absent:** ***Cales.***

*Therefore, the Board took the following action: granted an Interim Variance to Docket No. S-00-36i, Recot, Inc. The variance shall be effective from November 22, 2000 to January 10, 2001 or until the permitted CO emission limit have been modified and Petitioner demonstrates compliance with the new limits, whichever*

*is sooner. The variance is subject to seven conditions set forth on page 2 of the Staff Report. The seven conditions shall be set forth in the Order.*

**A.) continuation Docket No. S-00-33R, Regular Variance, California Dairies, Inc.**

**Petitioner** – Mike Wyant, Harry DeLint and Nate Moehlman represented California Dairies, Inc.

*Additional testimony pertaining to emissions was provided to the Board.*

**Public Comments** – No Public Comments.

**Decision** – Mr. Dean made a motion to grant the variance and adopt by reference the required six findings set forth on pages 2 and 3 of the Staff Report. The motion was seconded by Ms. Wolber and carried unanimously with the following **Roll Call Vote:**

**Ayes:** ***Wolber, Thomson, Dean and Bland.***

**Noes:** ***None.***

**Absent:** ***Cales.***

*Therefore, the Board took the following action: granted a Regular Variance to Docket No. S-00-33R, California Dairies, Inc. The variance was granted from December 14, 2000 to May 31, 2001, or until compliance is achieved, whichever occurs first. The variance is subject to twelve conditions set forth on pages 3 and 4 (with amendments to conditions 2, 3, 4 and 5) of the Staff Report. The twelve conditions shall be set forth in the Order.*

5. **Public Comment** – No Public Comment.

6. **New Business** – No New Business.

7. **Next Scheduled Meeting** – Wednesday, January 10, 2001 at 10:00 a.m. The meeting will be held via video conferencing (VTC) at the Southern Region Office, VTC Room, 2700 M Street, Suite 275, Bakersfield with the Central Region Office (Fresno) included via VTC.

8. **Adjournment** – The Vice Chair adjourned the meeting at 11:43 a.m.

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