



San Joaquin Valley Air Pollution Control District

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Action Summary Minutes Southern Region Hearing Board Meeting San Joaquin Valley Unified Air Pollution Control District 2700 M Street, Suite 275, VTC Room Bakersfield, CA.

**Wednesday, November 9, 2005
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, Hollis B. Carlile, called the meeting to order at 10:00 a.m.

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

Kimm Wolber	Medical
Nancy Ann Dunn (absent)	Public
Charles Brehmer	Attorney
William Bland Vice Chair	Public
Hollis Carlile, Chair	Engineer

Also present in the Southern Region Office (Bakersfield)
Creighton Smith, Supervising Air Quality Inspector and Allan Phillips, Supervising Air Quality Engineer.

Also present in the Central Region Office (Fresno) – Catherine Tognazzini, Assistant Counsel, Morgan Lambert, Senior Air Quality Inspector and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of: September 14, 2005 and October 12, 2005** – The Chair asked if there were any comments regarding the Revised Minutes of September 14, 2005. Hearing no comments the Chair declared the Revised Minutes of September 14, 2005 were approved as submitted.

The Chair asked if there were any comments regarding the Minutes of October 12, 2005. Hearing no comments the Chair declared the Minutes of October 12, 2005 were approved as submitted.

4. **Public Hearing:**

The Chair requested the Petitioners sign the Sign In Sheet.

All persons testifying were sworn in by the Chair.

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

The Chair requested the Southern Region Hearing Board Packet and any addenda brought forth in today's hearings be entered into the Official Record.

Morgan Lambert presented the Staff Reports.

A.) (*Withdrawn*)

Docket S-04-58i2, Interim Variance, **Aera Energy LLC**, Cogeneration Plant 32, Sec. 32/T28S/R21E, Belridge Oilfield, McKittrick, CA. 93251

B.)

Docket S-05-65i, Interim Variance, **Pregis Innovative Packaging, Inc.**, 8201 W. Elowin Court, Visalia, CA. 93291. Type of Business: Foam Products Manufacturing.

Before the hearing commenced the Chair requested staff provide background information on continuous emissions monitoring systems (CEMS).

Creighton Smith provided that information.

Board Member Bland stated he had a business conflict in respect to Docket S-05-65i, Pregis Innovative Packaging, Inc. Therefore, the Chair recused Mr. Bland from Docket S-05-65i hearing.

Petitioner – Tim Kunstel and Claude Towery represented Pregis Innovative Packaging, Inc.

Public Comment – No Public Comment.

Decision – Board Member Wolber made the motion to grant the variance. The Hearing Board finds that good cause can be made based on its belief that there is a reasonable possibility the required findings could be made during the hearing on the regular variance request. Board Member Wolber stated the variance shall be subject to the nine recommended conditions set forth on pages 3 and 4 of the

Staff Report. Seconded by Board Member Brehmer and unanimously carried with the following roll call vote:

Ayes: **Wolber, Brehmer and Carlile.**

Recused: **Bland.**

Absent: **Dunn.**

The Southern Region Hearing Board granted an Interim Variance to Docket S-05-65i, Pregis Innovative Packaging, Inc. The variance shall be effective between December 7, 2005 and December 14, 2005, or until the next regularly scheduled meeting of the Southern Region Hearing Board; however, the interim variance shall not be valid for more than 90 days from the issuance of said variance. The nine recommended conditions will be set forth in the Southern Region Hearing Board Order.

Board Member Bland returned to the meeting for the remainder of the agenda.

C.)
Docket S-05-77S, Short Variance, **Mid-Set Cogeneration Company**, 13705 Shale Road, Fellows, CA. 93224. Type of Business: Natural Gas-Fired Cogeneration.

Petitioners – Rob Heistand and Kelly Crowther represented Mid-Set Cogeneration Company.

Public Comment – No Public Comment.

Board Member Brehmer noted a correction/typo to pages 2, 3, 4 and 5 of the Staff Report from Docket C-05-77S to S-05-77S.

Decision – Board Member Bland made the motion to grant the variance. The Hearing Board concurred the required six findings set forth on pages 2 and 3 of the Staff Report could be made. Board Member Bland stated the variance shall be subject to the eleven recommended conditions set forth on pages 4 and 5 of the Staff Report. Seconded by Board Member Wolber and unanimously carried with the following roll call vote:

Ayes: **Wolber, Brehmer, Bland and Carlile.**

Absent: **Dunn.**

The Southern Region Hearing Board granted a Short Variance to Docket S-05-77S, Mid-Set Cogeneration Company. The variance shall be effective for a consecutive 30-day period to occur sometime between January 16, 2006 and April 15, 2006 or until upgrades to the CEMS are complete and the required CEMS certification testing is conducted, whichever occurs first. The eleven

recommended conditions will be set forth in the Southern Region Hearing Board Order.

5. The Southern Region Hearing Board approved the following emergency variance order:
 - A.) Docket S-05-76E Aera Energy LLC
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, December 14, 2005, 10:00 a.m. The meeting will be held via video conferencing (VTC) in the Southern Region Office (Bakersfield) with the Central Region Office (Fresno) participating via VTC.
10. **Adjournment** – The Chair adjourned the meeting at 10:39 a.m.

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