



San Joaquin Valley Air Pollution Control District

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

Wednesday, January 9, 2002
10:00 a.m.

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

1. **Call Meeting to Order** – The Chairman, Hollis B. Carlile, called the meeting to order at 10:02 a.m.
2. **Roll Call was taken and a quorum was present.**

Kimm Wolber	Medical
Andrew C. Thomson	Attorney
Marvin Dean	Public
William L. Bland, Jr., Vice Chairman	Public
Hollis B. Carlile, Chairman	Engineer

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 and Amelia Yuan, Air Quality Inspector.

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

3. **Approve Minutes of December 12, 2001** – The Chairman asked if there were any corrections, comments or additions to the Minutes. The Board did not have any corrections, comments or additions to the Minutes. Therefore, the Chairman declared the Minutes of December 12, 2001 approved as submitted.

The Chairman requested the Petitioners to sign the Sign In Sheet.

All persons testifying were sworn in by the Chairman.

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

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

4. **Public Hearing:**

Michael Carrera presented the Staff Report.

<p>A.) Docket No. S-01-54S-R, Short Regular Variance, O. H. Kruse, 11518 Road 120, Pixley, CA. 93256. Type of Business: Dairy Feed Manufacturing.</p>
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Petitioners – Rick Watson and Bob Weatherly represented O. H. Kruse.

Amelia Yuan provided additional testimony for the District.

Public Comments – Clifton Calderwood stated that O. H. Kruse applied for the variance under the name of O. H. Kruse. But, Mr. Calderwood stated that O. H. Kruse applied for a transfer of ownership in July of 2001 to Hillman Holdings LLC. Mr. Calderwood noted that this is something that the Board might want to discuss.

Mr. Jay stated that the variance will be released to whoever holds the Permit to Operate.

Decision – Mr. Bland made a motion to grant the variance with the eight conditions set forth on pages 3 and 4 of the Staff Report with an amendment to condition # 4 and the required six findings set forth on pages 2 and 3 of the Staff Report be incorporated in the motion by reference. The motion was seconded by Ms. Wolber and carried unanimously with the following **Roll Call Vote:**

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

Noes: None.

Absent: None.

The Board granted a Regular Variance to Docket No. S-01-54R, O. H. Kruse, the variance shall be effective from October 29, 2001 to February 2, 2002 or until compliance is achieved, whichever occurs first. The eight conditions with an amendment to Condition # 4 (shall not exceed 40% opacity) will be set forth in the Order.

5. **Administrative Agenda – Receive and File** – The Board received and filed the following emergency variance orders:
- A.) Docket No. S-01-53E, Aera Energy LLC – Belridge Field
 - B.) Docket No. S-01-55E, Chevron USA, Inc.

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

7. **Hearing Board Member Comments** – Marvin Dean stated that he would like to see in future Staff Reports a clear indication of the District's position of approval or denial of a Petitioner's request for a variance. (The remainder of the Board had no comments regarding Mr. Dean's request.)

Mr. Dean thanked Mr. Jay for his written comments in respect to clarification regarding Brown Act provisions that require general public comment on agendas. Mr. Dean commented that the only reason that he raised the issue is the fact of being a member appointed to represent the public. Mr. Dean noted that when a member of the public comes to the Board and provides Public Comment he wants to make certain that we are doing everything we can do to address the issue raised before us. So, that we can try and find a way to hear the issue or provide some type of guidance to the public.

Philip M. Jay, District Counsel, asked Mr. Dean to keep in mind the following: don't confuse being a public member with being a member that represents the public. All of the Board in a sense represents the public. But, you really are supposed to act like judges and be neutral and not really advocate one way or another. You're trier's of fact. So, the fact that yes, you're a public member in the sense that you're not the engineer member or the attorney member doesn't necessarily mean you're an advocate for one side or the other. You are to be neutral and be a judge. Mr. Jay stated that he likes to point that out whenever he can.

8. **New Business** – No New Business.
9. **Next Scheduled Meeting** – Wednesday, February 13, 2002 at 10:00 a.m. The meeting will be held via video conferencing (VTC) in the Southern Region Office, 2700 M Street, Suite 275, VTC Room, Bakersfield with the Central Region Office (Fresno) included via VTC.
10. **Adjournment** – The Chairman, Hollis B. Carlile, adjourned the meeting at 10:31 a.m.

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