

**San Joaquin Valley Air Pollution Control District
NORTHERN REGION HEARING BOARD MEETING**

Northern Region Office Magnolia Room
4800 Enterprise Way, Modesto, CA 95356

ACTION SUMMARY MINUTES

Wednesday, July 1, 2009

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

AGENDA

1. CALL MEETING TO ORDER

The Chair, Mark Kanai, called the meeting to order at 10:00 a.m.

2. ROLL CALL

Roger Gohring - Public	Present
Gerald Schneider - Public	Present
Steve Benak, MD - Medical	Present
Alexander Scheflo - Engineer	Present
Mark A. Kanai (Chair) - Attorney	Present

Staff present:

Northern Region (Modesto): Ron Giannone, Supervising Air Quality Inspector, Rhonda Mansur, Air Quality Inspector II.

Central Region (Fresno): Patrick Houlihan, Senior Air Quality Specialist, Ryan Hayashi, Supervising Air Quality Specialist, Vicki Christie, Senior Office Assistant.

3. APPROVE MINUTES OF May 6, 2009

The Chair asked if there were any comments regarding the Minutes for May 6, 2009. Hearing no comments the Chair declared the minutes were approved as submitted.

4. PUBLIC HEARING

The Chair swore in all those present to testify for all matters.

<u>Docket No.</u>	<u>Type</u>	<u>Company Name</u>
A. N-09-04-R	Regular	City of Merced 10260 Gove Rd Merced, CA 95340

Petitioners: Humberto Molina, City of Merced

Patrick Houlihan presented the report.

Hearing Board Comments:

Mark Kanai asked if December 31, 2009 was long enough period of time to install the pipeline in case they extend the irrigation season beyond the normal time frame; the first week in October.

Gerald Schneider asked if there were any other options for the boiler. He expressed concerns that Rule 4307 was adopted on April 20, 2006 and he can't reasonably conclude due diligence was done by MERCED WWTF. He is concerned about passing this variance.

Mark Kanai responded that he disagreed with Mr. Schneider, stating the MERCED WWTF had no reason to expect to be blocked by MID, and that serious budget issues makes it's very difficult to get funding for such projects.

The District believes that the six findings can be made and recommends that the City of Merced be granted the regular variance with the conditions as stated on pages three, four, and five of the report.

Petitioner's Comments:

Humberto Molina stated that all permits, contractors and equipment are in place and ready to go once approval is given by MID.

Public Comment:

None

Motion: Scheflo

Second: Benak

Ayes: Benak, Scheflo, Kanai, Gohring

Nays: Schneider

The Hearing Board voted to pass the Motion to grant the variance subject to the conditions in the staff report.

5. EMERGENCY VARIANCE

The Northern Region Hearing Board has not heard nor approved any emergency variance orders since the May 6, 2009 Hearing.

6. PUBLIC COMMENTS

No public comment.

7. HEARING BOARD MEMBER COMMENTS

No comment.

8. NEW BUSINESS

THE Gallo Cattle Company variance, N-08-03X, originally scheduled on the July 1, 2009 agenda, will be heard at the August 5, 2009 Hearing.

9. NEXT SCHEDULED MEETING
The next scheduled meeting is August 5, 2009. The meeting will be held via teleconferencing in the Northern Region Office (Modesto) with the Central Region Office (Fresno) participating via teleconferencing.

10. ADJOURN
The Chair adjourned the meeting at 10:24 a.m.