

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

**ACTION SUMMARY MINUTES**

**Wednesday, November 2, 2022**

*Meeting held via Zoom Webinar*

1. Call Meeting to Order

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

2. Roll Call

Mark Kanai – Attorney (Chair)	Present
Gerald Schneider – Engineer (Vice Chair)	Present
Michael Smedshammer – Public	Present
Rob Hofmann – Public	Present

3. Approval of Consent Calendar (Items 9-11)

*These items are routine in nature and are usually approved by a single vote. Prior to action by the Hearing Board, the public will be given the opportunity to comment on any consent item.*

9. Approve Minutes of Wednesday, November 3, 2021

10. Emergency Variance Report

11. Next Scheduled Meeting

The next scheduled meeting is on December 7, 2022.

Public Comments: None

Moved: Hofmann

Seconded: Smedshammer

Ayes: Kanai, Schneider, Smedshammer, Hofmann

Abstain: None

Nays: None

**Motion unanimously carried to approve Consent Calendar Items 9-11**

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>
N-22-08S	Short	<b>Highway 59 Landfill</b> 7040 N. State Highway 59 Merced, CA 95348

Petitioner: Patrick Womble

Shannon Moore presented the staff report.

A. H59 Landfill has requested a short variance from the applicable requirements of District Rules 2070, 2201, and 2520, in addition to the applicable conditions of the subject permit. The requested short variance would be effective from October 10, 2022 until January 8, 2023, inclusive. If granted, the variance would allow H59 Landfill to exceed their daily limit of total waste material accepted in order to expedite the cleanup of the Oak Fire.

Mr. Kanai asked if the short variance would be sufficient time for H59 Landfill to complete scheduled maintenance. Mr. Womble confirmed that the contractor estimated a 6-8 week time period for cleanup and the variance would be sufficient.

Public Comment: Eric Sergienko, Mariposa County Air Pollution Control Officer, commented on the Mr. Kanai's question regarding the length of the variance. He noted that he has close relations with the contractor and the intent is to complete the project by Thanksgiving or potentially by the end of November.

Mr. Hofmann felt Condition Number 5 was vague and asked District staff for clarification. Shannon Moore and Clay Bishop clarified that District staff are responsible for dealing with nuisance complaints and have a process in place to monitor a facility's compliance with District rules.

Mr. Smedshammer asked for clarification regarding the October 10, 2022 date noted in the petition and Mr. Womble clarified that October 10, 2022 was the original filing date. Clay Bishop and Mr. Kanai also noted that variances are often backdated if the Hearing Board cannot meet in time to approve the variance before the facility begins exceeding emission limits. Mr. Womble shared that H59 Landfill has already exceeded emission limits for six days.

Moved: Smedshammer  
Seconded: Hofmann  
Ayes: Kanai, Schneider, Smedshammer, Hofmann  
Nays: None

**Motion unanimously carried to approve Docket No. N-22-08S**

5. Public Comments: None

6. Hearing Board Member Comments: None
7. New Business: The Hearing Board requested to add 2023 Chair and Vice Chair nominations and elections to the next meeting agenda.
8. Adjournment: The Chair adjourned the meeting at 10:22 a.m.