

Action Summary Minutes SOUTHERN REGION HEARING BOARD MEETING

Southern Region Office Video Teleconference (VTC) Room

34946 Flyover Court, Bakersfield, CA 93308

Wednesday, April 8, 2009, 10:00 a.m.

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

MINUTES

1. CALL MEETING TO ORDER:

The Chair, Hollis Carlile, called the meeting to order at 10:00 a.m.

2. ROLL CALL:

Kimm Wolber - Medical Present
Nancy Dunn — Public Present
John Stovall - Attorney Present
Hollis Carlile (chair) - Engineer Present

Staff present—Southern Region (Bakersfield): Amelia Yuan

Central Region (Fresno): Patrick Houlihan, Sr. Air Quality Specialist; Ryan Hayashi, Supervising Air Quality Specialist; Catherine Redmond, Assistant District Counsel; and Michelle Banuelos, acting as Clerk to the Boards.

3. Approve Minutes of March 11, 2009

The Chair, Hollis Carlile, asked if there were any comments regarding the Minutes of March, 11, 2009. Hearing none, the Minutes for March 11, 2009, were approved.

4. Public Hearing:

The Chair asked the Clerk to verify that all items had been properly noticed. The Clerk responded that they had. All those present to testify were sworn in by the Chair, and he requested that they sign in.

Southern Region Hearing Board ACTION SUMMARY MINUTES April 8, 2009

A. S-09-16R Regular Big West of California, LLC

6451 Rosedale Highway Bakersfield, CA 93308

Petitioners: Max Simms

Patrick Houlihan presented the report. Big West of California (BWC) has requested a regular variance period from April 8, 2009, to April 7, 2010, to allow the postponement of the current and upcoming CEMS RATA for the CEMS associated with the subject equipment.

Petitioner, Max Simms, stated the District's report was accurate in describing BWC's petition, and only added that the quarterly tests they conducted on some of their analyzers came back fine.

Comments: None

Motion: Dunn Second: Wolber

AYES: Wolber, Dunn, Carlile, Stovall

NAYS: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance to occur from April 8, 2009, to April 7, 2010, or until the refinery resumes normal operation, and is subject to the conditions listed on pages four and five of the staff report.

B. S-09-20S Short Aera Energy, LLC

P. O. Box 11164

Bakersfield, CA 93389

Petitioners: John Haley

Travis Botts

Patrick Houlihan presented the report. Aera Energy, LLC, is seeking a short variance period for a cumulative, consecutive, 14-day period to occur between April 9, 2009, and July 8, 2009, to allow the Anderson Fitzgerald Dehydration Facility (A/F) Dehy flare to incinerate waste gases with excess sulfur concentrations while Aera conducts the proposed maintenance activities on the Sulfatreat system.

Patrick Houlihan presented the report. Petitioner, John Haley, stated the report was accurate, however wished to add that they have had Sulfatreat representatives on site who indicated their bed life should be longer than what they are seeing now. They believe something is wrong internally. Travis Botts indicated they believe the water misting system for this vessel is not operating properly.

Mr. Carlile asked how old the system is. Mr. Botts stated it is at least 15 years old. The bed had been replaced in December of 2007. Mr. Carlile asked if there had been other problems with this system. Mr. Botts stated the water builds up and

needs to be purged from time to time, which is part of maintenance. Mr. Carlile stated the bed would probably have to be replaced. Mr. Botts agreed.

Mr. Carlile asked if the District is aware that there may be more problems than what is presented here for this short variance. Patrick Houlihan answered that the District does have an inspector out at the site conducting an inspection due to Aera calling in a breakdown, but had not heard from the inspector yet.

Public Comments: None

Motion: Stovall Second: Wolber

AYES: Wolber, Dunn, Carlile, Stovall

NAYS: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance to occur between April 9, 2009, and July 8, 2009, or until compliance is achieved, whichever comes first, and is subject to the conditions in the staff report on pages three and four.

Having a conflict of interest, Hollis Carlile and John Stovall recused themselves from the meeting at this time. The Chair, Mr. Carlile, turned the meeting over to Hearing Board member, Nancy Dunn.

C. S-09-21i Interim Chevron USA, Inc.

Station 1-09

Fellows, CA 93224

D. S-09-23S Short Chevron USA, Inc.

29D ICP

Fellows, CA 93224

Petitioners: Bob Langner

Regarding S-09-23S, Ms. Dunn requested to change Chevron's Petition from Short to Emergency in order to be heard today.

Patrick Houlihan indicated while it had been done in the past, the Air Resources Board advised the District those emergencies were not valid and had to be reheard. Patrick Houlihan recommended a continuance.

Bob Langner stated that Chevron's petition is a two-step process. He requested that the District hear the portion of the petition which refers to dismantling the existing tanks to prepare for installation of isolation valves. Patrick Houlihan stated an emergency is an unforeseen event such as a tank imploding and once again recommended a continuance.

Patrick Houlihan asked Mr. Langner if they would agree to continue these petitions to the May 13th meeting. Mr. Langner agreed that Petition S-09-21i could be continued, but stated CUSA would like to have Petition S-09-23S be heard sooner.

For the Record, Patrick Houlihan stated no action will be taken on S-09-23S (Station 29D) at this time and will reconvene for a special hearing for it to be heard. Catherine Redmond stated a Public Notice will be posted.

At this time, Hollis Carlile and John Stovall returned to the meeting.

Hollis Carlile suggested a roll call vote for the record to continue the items. The Hearing Board voted and agreed to continue S-09-21i to the next regularly scheduled Southern Region Hearing Board meeting, May 13, 2009, and to convene for a special hearing to hear S-09-23S.

Motion to Continue: Stovall Second: Dunn

AYES: Wolber, Dunn, Carlile, Stovall

NAYS: None

E. S-09-15R Regular Paramount Farms, Inc. 13646 Highway 33 Lost Hills, CA

It was noted Paramount Farms, Inc. had requested to continue this matter to the next regularly scheduled Southern Region Hearing Board meeting, May 13, 2009.

- 5. The Southern Region Hearing Board heard two emergency variances since the March 11, 2009 Hearing.
- 6. <u>Public Comments:</u> No public comments.
- 7. <u>HEARING BOARD MEMBER COMMENTS</u>: Stovall stated he intended to sell his stock in Chevron and said he would be calling the Clerk to the Boards after he disposed of it. He felt the conflict appears to be too much.
- 8. <u>New Business:</u> Hollis Carlile asked for a status on the proposal to raise Hearing Board member stipends. Patrick Houlihan stated they are still waiting for proposals from the other hearing board members. He indicated it may be presented to the Governing Board at the May 2009 meeting.
- 9. Next Scheduled Meeting: Wednesday, May 13, 2009, at 10:00 a.m. The meeting will be held via video teleconferencing (VTC) in the Southern Region Office (Bakersfield) with the Central Region Office (Fresno) participating via VTC.
- 10. ADJOURNMENT: The Chair adjourned the meeting at 11:00 a.m.