

Action Summary Minutes SOUTHERN REGION HEARING BOARD MEETING

Southern Region Office Video Teleconference (VTC) Room

34946 Flyover Court, Bakersfield, CA 93308

Wednesday, May 13, 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 10:06 a.m.

2. ROLL CALL:

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

Staff present—Southern Region (Bakersfield): Ellyce Baldwin

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 APRIL 22, 2009

The Chair, Hollis Carlile, asked if there were any comments regarding the Minutes of April 22, 2009. Hearing none, the Minutes for April 22, 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.

^{*} attended in Central Region Office

S-09-15R Regular Paramount Farms, Inc.

13646 Highway 33 Lost Hills, CA 93249

Petitioners: Daniel Lee

Doug McCormick

Patrick Houlihan presented the report. Paramount Farms, Inc. (PFI) is seeking a regular variance from July 1, 2009, to July 1, 2010, to allow the use of the pasteurizer with NO_x and CO emissions in excess of those which are allowed by Rule 4307 until enough information is gathered by PFI so that District Staff can determine an appropriate course of action.

Petitioner, Daniel Lee stated the pasteurizer was in research and development at the same time Rule 4307 was being developed and adopted by the District. It was not until the unit was installed earlier this year that they discovered it would not meet the requirements of the rule. After meeting with District Staff and the developer and manufacturer of the unit it was decided the best approach was to begin gathering data to determine whether they can bring the unit into compliance. They hope to begin giving some information to the District this fall.

Doug McCormick added that Paramount is combating a new strain of Salmonella which sustains high degrees of heat, making it much more deadly. This is the only brand of pasteurizer that is approved by the Food and Drug Administration (FDA). Their customers do not want any type of chemical processing of their nuts, but they still need to comply with FDA.

Public Comments: None

Motion: Dunn Second: Stovall

AYES: Wolber, Bland, 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 subject to the conditions in the staff report on pages three through five of the staff report.

The meeting was turned over to Bill Bland at this time. Due to a conflict of interest, the Chair, Hollis Carlile, recused himelf for the next three items. William Bland, Vice-Chair acted as Chair.

Southern Region Hearing Board **ACTION SUMMARY MINUTES** May 13, 2009

> Chevron USA, Inc. Regular A. S-09-21R P.O. Box 1392

> > Bakersfield, CA 93302

Petitioners: David Moore

Martin Lundy

Patrick Houlihan presented the report. Chevron USA, Inc. (CUSA) is seeking a cumulative, non-consecutive, 14-day regular variance period to occur between May 13, 2009, and September 3, 2009, to allow continued receiving, storage, and/or processing of VOC containing fluids in the subject tanks without an operational VRS while CUSA tests a new exhaust gas SO_x scrubber serving three SMSP steam generators. The variance would allow the use of the flare during a nonemergency event.

Martin Lundy gave some background information regarding the process of installing and testing new scrubbers and the associated equipment, as well as incinerating recovered vapors.

Petitioner, David Moore stated their goal is to avoid breakdown conditions.

Public Comments: None

Second: Dunn Motion: Wolber

AYES: Wolber, Bland, Dunn, Stovall

NAYS: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance subject to the conditions and changes in the staff report on pages four and five of the Staff Report.

Ms. Wolber stated the following changes:

Recommendation One, Page Four – the 14 day period to occur sometime between May 13, 2009, and November 8, 2009.

Recommendation 11, Page Five – By November 23, 2009, or no later than 15 days after the testing of the scrubber is complete.

Chevron USA, Inc. B. S-09-25R Regular

P. O. Box 1392

Bakersfield, CA 93302

Petitioners: Martin Lundy

David Moore

Patrick Houlihan presented the report. Chevron USA, Inc. (CUSA) is seeking a cumulative, non-consecutive, 14-day regular variance period to occur between May 13, 2009, and November 8, 2009, to allow the subject storage tanks to continue to store VOC containing liquids without an operational VRS.

Petitioner, Martin Lundy stated the District's Staff report was accurate in describing their Petition. He added that they are doing some maintenance on their electrical system. Petitioner, David Moore added that with the need to meet the current electrical code compliance, it is sometimes necessary to go back and inspect and upgrade their actual electrical system.

Public Comments: None

Motion: Stovall Second: Wolber

AYES: Wolber, Dunn, Bland, Stovall

NAYS: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance subject to the conditions in the staff report.

C. S-09-22R Regular Chevron USA Inc.

P O Box 1392

Bakersfield, CA 93302

Petitioners: John Gruber

Tom Reis

Patrick Houlihan presented the report. Chevron USA, Inc. (CUSA) is seeking a regular variance period to occur between July 1, 2009, and July 1, 2010, to allow continued operation of the 25 combustion turbine generators for more than 90 days beyond a major overhaul without meeting the Tier 3 emissions limits specified in Rule 4703.

Patrick Houlihan noted a change on page one, paragraph two of the Staff Report. It should read 25 cogeneration turbines, not six.

Petitioner, John Gruber, stated the District's Staff report was accurate in describing Chevron's situation. However, he pointed out some corrections in the District's Staff Report. Page one, paragraph two should read 35 ppm or 9 ppm. Page three, item 5 should read *There will be no excess emissions*.

Mr. Gruber asked for protection from Rule 4703, Section 7.3.2. After checking with District Staff and District Counsel, it was determined that it would not be an issue with this Variance.

Public Comments: None

Motion: Dunn Second: Wolber

AYES: Wolber, Dunn, Bland, Stovall

NAYS: None

Having decided the petition has met the required findings, the Hearing Board voted to pass the Motion to grant the variance subject to the conditions and changes in the staff report.

Hollis Carlile returned to the meeting. William Bland turned over the chairmanship to Mr. Carlile at this time.

- 5. The Southern Region Hearing Board heard two emergency variances.
- 6. <u>Public Comments:</u> No public comments.
- 7. <u>HEARING BOARD MEMBER COMMENTS</u>: Ms. Wolber asked if the District had received her e-mail. She received Patrick Houlihan's e-mail address.
- 8. NEW BUSINESS: No new business.
- 9 <u>Next Scheduled Meeting</u>: Wednesday, June 10, 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 11:05 a.m.