



**GOVERNING BOARD**

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- Henry T. Perea  
Councilmember, City of Fresno
- Chris Vierra  
Councilmember, City of Ceres

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Seyed Sadredin  
Executive Director/  
Air Pollution Control Officer

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**Action Summary Minutes**  
**SOUTHERN REGION HEARING BOARD MEETING**

Southern Region Office Video Teleconference (VTC) Room

2700 "M" Street, Bakersfield, CA 93301

**Wednesday, August 8, 2007, 10:00 A.M.**

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

**AGENDA**

1. CALL MEETING TO ORDER:  
The Chair, Hollis Carlile, called the meeting to order at 10:04 a.m.

2. ROLL CALL:

Kimm Wolber—medical	present
Nancy Dunn—public	present
Charles Brehmer—attorney	present
William Bland—public *	present
Hollis Carlile (chair)—engineer	present

\* Arrived after approval of the minutes

Staff present—Southern Region (Bakersfield): Creighton Smith, Supervising Air Quality Inspector

Central Region (Fresno): Catherine Redmond, Assistant District Counsel; Wayne Clark, Compliance Manager; Brian Dodds, Senior Air Quality Inspector; and Toni Taber, Clerk to the Boards.

3. PUBLIC HEARING:

A. S-07-43i	Interim	<b>La Paloma Generating Company</b> 1760 West Skyline Road McKittrick, CA 93251
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Petitioners: Zenis Walley

Brian Dodds stated that La Paloma Generating Company has returned to compliance as is, therefore, not in need of the variance. Mr. Walley confirmed. The item was withdrawn.

B. S-07-53S      Short                      **La Paloma Generating Company**  
1760 West Skyline Road  
McKittrick, CA 93251

Petitioners: Zenis Walley

Brian Dodds presented the staff report. The Chair asked Mr. Walley for the definition of an "overfire." Mr. Walley stated the fuel valves open too much, and too much fuel comes out, so the resulting fire is too large.

Public Comment: None

Moved:            Wolber  
Second:          Brehmer  
Ayes:            Wolber, Dunn, Brehmer, Bland, Carlile  
Noes:            None  
Abstain:        None

*Motion passes to grant variance as recommended by staff.*

C. S-07-48S      Short                      **Kern River Cogeneration**  
1600 China Grade Loop  
Bakersfield, CA 93308

Petitioners: Daniel Beck

Brian Dodds stated that this item and Docket S-07-49S were very similar and would like to combine the staff reports. Mr. Beck said he agreed with that suggestion. The Chair consented. Brian Dodds presented the staff report. Mr. Beck stated the turbine manufacturer is trying equipment designed to help the turbines comply with Rule 4703. Although the equipment has been tested in the lab, it needs to be tested in the real world as well.

Public Comment: None

Moved:            Brehmer  
Second:          Wolber  
Ayes:            Brehmer, Dunn, Wolber, Bland, Carlile  
Noes:            None  
Abstain:        None

*Motion passes unanimously to grant variance with reference to the required findings as recommended by staff*

D. S-07-49S      Short                      **Kern River Cogeneration**  
1600 China Grade Loop  
Bakersfield, CA 93308

Petitioners: Daniel Beck

Brian Dodds stated that this item and Docket S-07-48S were very similar and would like to combine the staff reports. Mr. Beck said he agreed with that

suggestion. The Chair consented. Brian Dodds presented the staff report. Mr. Beck stated the turbine manufacturer is trying equipment designed to help the turbines comply with Rule 4703. Although the equipment has been tested in the lab, it needs to be tested in the real world as well.

Public Comment: None

Moved: Brehmer  
Second: Dunn  
Ayes: Brehmer, Dunn, Wolber, Bland, Carlile  
Noes: None  
Abstain: None

*Motion passes unanimously to grant variance with reference to the required findings as recommended by staff*

E. S-07-50S Short **Aera Energy LLC**  
59231 Main Camp Road  
McKittrick, CA 93251

Petitioners: John Haley, Charles Tufts, Jim Marchesini

Brian Dodds presented the staff report. John Haley stated the 72 hours of downtime will work out to six separate shutdowns for 12 hours at a time to minimize the total downtime and maximize efficiency.

Public Comment: None

Moved: Bland  
Second: Wolber  
Ayes: Brehmer, Dunn, Wolber, Bland, Carlile  
Noes: None  
Abstain: None

*Motion passes unanimously to grant variance with reference to the required findings as recommended by staff.*

Due to a conflict of interest, the Chair, Hollis Carlile, abstained from the next three items. The Vice-Chair, Bill Bland, acted as Chair.

F. S-07-47i Interim **Chevron USA Inc.**  
Cymric Oilfield  
Western Heavy Oil Stationary Source  
McKittrick, CA 93224

Petitioners: John Gruber, Bob Langner, Adrian Sukel

Brian Dodds presented the staff report. He stated a regular variance has been noticed for September. The following changes to the Staff Report were noted: The date should read "August 8, 2007;" permit number 116-45 should be added to page one; on page two paragraph one, the word reviews should be replaced with "reverse", and the unit number should be changed from 26C to 36W to read

“ . . . replaces the reverse osmosis unit at the 36W cogeneration facility”; recommendation one on page three should reference “Docket #s-07-47R” in place of S-07-49R), and the words “or whichever occurs first” should be added; Condition A of item two should add “ATC S1128-116-45” and Condition F of item two should add “PTO 1128-940-6”; and recommendation 12 should replace the word “tone” with “ton”. John Gruber noted the reverse osmosis provides water for other cogeneration facilities as well.

Public Comment: None

Moved: Brehmer  
Second: Wolber  
Ayes: Brehmer, Dunn, Wolber, Bland  
Noes: None  
Abstain: Carlile

*Motion passes unanimously to grant variance with reference to the required findings as recommended by staff.*

G. S-07-51i Interim **Chevron USA Inc.**  
Station 1-09  
Western Heavy Oil Stationary Source  
Fellows, CA 93224

Petitioners: Martin Lundy, Tim Nishikubo

Brian Dodds presented the staff report. The following changes were noted: on page two under the section Excess Emissions, the words “per day” are to be added to read “Excess emissions per day associated with this variance . . .”; recommendation one on page three should add “whichever occurs first” to the last line; under item 2.A, the PTO # should be changed from 1128-0-1 to 1141-0-1; recommendation 6 should change “198.0 lbs per day” to “198.9 lbs per day”; and recommendation 11 should replace the word “tone” with “ton”. Martin Lundy requested the Hearing Board to strike recommendation 11 requiring emission reduction credits as the shut down of the unit will reduce emissions. Mr. Dodds stated the District does not count emission reductions that are not a voluntary curtailment.

Public Comment: None

Moved: Dunn  
Second: Brehmer  
Ayes: Brehmer, Dunn, Wolber, Bland  
Noes: None  
Abstain: Carlile

*Motion passes unanimously to grant variance with reference to the required findings as recommended by staff.*

H. S-07-52S      Short      **Chevron USA Inc.**  
Cymric Oilfield  
Western Heavy Oil Stationary Source  
McKittrick, CA 93224

Petitioners: Barry Silken, John Gruber, Tan Akhar, Bob Langner

Brian Dodds presented the staff report. John Gruber stated the staff report was an accurate reflection of the situation.

Public Comment: None

Moved:        Wolber  
Second:       Brehmer  
Ayes: Brehmer, Dunn, Wolber, Bland  
Noes: None  
Abstain: Carlile

*Motion passes unanimously to grant variance as recommended by staff.*

Hollis Carlile returned to the meeting.

I. S-07-39H      Rehearing      **Big West of California, LLC**  
6451 Rosedale Highway  
Bakersfield, CA 93308

Petitioners: Max Sims, Bart Leininger, mark Denis, Larry Wilkerson, Joceyln Thompson

Hollis Carlile stated this item is a rehearing of an item heard on July 29, 2007 by the Southern Region Hearing Board. He asked District Counsel for their guidance. Catherine Redmond, Assistant District Counsel, stated the Hearing Board may rehear if a petitioner applies within 10 days of the ruling, but the Hearing Board is not compelled to rehear the docket. The Chair asked Big West to present why they are seeking a re-hearing.

Jocelyn Thompson, counsel for Big West, stated Big West felt there was a lack of clarity in the voting process, and that the Hearing Board members seemed to not understand what their votes meant, and Big West's key witness was unable to attend the meeting due to illness. The Chair stated that he understood the voting process and understood the issue. He stated that he felt Big West did not intentionally create the problem they had, but were ultimately responsible for the faulty information provided to their engineering consultant.

Charles Brehmer moved to deny the rehearing due to lack of evidence of confusion on behalf of the Board Members as to what they were voting on or on the outcome of their vote, that there were no procedural issues that arose, that there was notification to the Hearing Board that the key witness, Mr. Denis, was ill, and Big West did not request a continuance at that time.

Public Comment: None

Moved: Brehmer

Second: Dunn

Ayes: Brehmer, Dunn, Wolber, Bland, Carlile

Noes: None

Abstain: None

*Motion passes unanimously to deny the rehearing.*

J. S-07-39R Regular

**Big West of California, LLC**

6451 Rosedale Highway  
Bakersfield, CA 93308

Petitioners: Max Sims, Bart Leininger, Mark Denis, Larry Wilkerson, Joceyln Thompson

Brian Dodds presented the staff report. Bart Leininger stated the excess emissions have been 50-60 lbs/day of NOx. He stated he would like the timetable to be changed from November 16, 2007 to September 15, 2007. He stated the corrective actions have been taken, and testing is to occur by the end of August 2007. Mr. Denis stated when Big West took over the refinery from Shell in 2005, they had only two years to comply with a Rule that was adopted in 2003. He stated Big West brought in an engineering consultant to bring the refinery into compliance, and Big West supplied the consultant with the data they received from the previous refinery owners. He noted that 22 of the 23 heaters that had to be brought into compliance are in compliance, and only one heater had any issues due to incorrect data supplied by Shell Oil. Mr. Denis stated the subject heater is in compliance, but has not completed testing.

The Chair stated that Big West had opportunities to double check the data before submitting it to the engineering firms. Charles Brehmer stated that Big West bought the refinery knowing they had to comply with this Rule and are ultimately responsible. Mr. Bland stated he was sympathetic as a business owner, but believes Big West still had reasonable control. He stated the required findings could not be met.

Public Comment: None

Moved: Bland

Second: Dunn

Ayes: Brehmer, Dunn, Wolber, Bland, Carlile

Noes: None

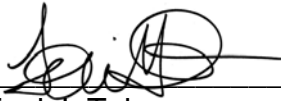
Abstain: None

*Motion passes unanimously to deny the variance.*

5. The Southern Region Hearing Board approved the following emergency variance orders: Docket S-07-45E – Kern River Cogeneration Company; Docket S-07-46E – Chevron USA Inc.; Docket S-07-54E – Sierra Power Corporation

6. PUBLIC COMMENTS: No public comments.
7. HEARING BOARD MEMBER COMMENTS: No comments.
8. NEW BUSINESS: No new business.
9. NEXT SCHEDULED MEETING: Wednesday, September 12, 2007 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 12:37 p.m.

Respectfully Submitted,



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Toni J. Taber

Clerk to the Boards

San Joaquin Valley Unified Air Pollution Control Districts