



San Joaquin Valley Air Pollution Control District

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Action Summary Minutes Southern Region Hearing Board Meeting San Joaquin Valley Unified Air Pollution Control District 2700 M Street, Suite 275 Video Teleconferencing (VTC) Room Bakersfield, CA.

**Wednesday, May 12, 2004
10:00 a.m.**

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

1. **Call Meeting to Order** – The Chair, Hollis B. Carlile, called the meeting to order at 10:00 a.m.

2. **Roll Call was taken and a quorum was present.**

Kimm Wolber	Medical
Andrew C. Thomson (absent)	Attorney
Nancy Ann Dunn	Public
William L. Bland, Jr., Vice Chair	Public
Hollis B. Carlile, Chair	Engineer

Also present in the Southern Region Office (Bakersfield)

Creighton Smith, Supervising Air Quality Inspector, Allan Phillips, Supervising Air Quality Engineer, Ellyce Baldwin, and Debra Monterroso, Air Quality Inspectors and Mike Oldershaw, Senior Air Quality Inspector.

Also present in the Central Region Office (Fresno) – Catherine Tognazzini, Assistant District Counsel, Diane Falcon and Daphne Garcia, Senior Office Assistants, Michael Carrera, Supervising Air Quality Inspector, Robert J. Kard, Director of Compliance.

3. **Approve Minutes of April 14, 2004** – The Chair asked if there were any corrections to the Minutes of April 14, 2004. Hearing no comments the Chair declared that the Minutes of April 14, 2004 were approved as submitted.

The Chair requested the Petitioners sign the Sign In Sheet.

The Chair asked if the Petitions had been properly noticed, and on file with the Clerk to the Board. Ms. Falcon responded affirmative.

The Chair requested the Hearing Board Packet, and any addenda brought forth in today's hearing be entered into the Official Record.

All persons testifying were sworn in by the Chair.

Michael Carrera presented the Staff Reports.

The Chair indicated that Dockets A.) and B.) would be presented at the same time with separate votes.

<p>A.) Docket S-04-19R, Regular Variance, Midway Sunset Cogeneration Co. (Unit A), Sec. 17, T31S, R22E, Fellows, CA. Type of Business: Cogeneration Facility.</p> <p>and</p> <p>B.) Docket S-04-20R, Regular Variance, Midway Sunset Cogeneration Co. (Unit B), Sec. 17, T31S, R22E, Fellows, CA. Type of Business: Cogeneration Facility</p>

Petitioners – Ray Smith and Greg Jans represented Midway Sunset Cogeneration Co.

Public Comments – No Public Comments.

Docket S-04-19R, Unit A

Decision – Board Member Bland made the motion to grant the Regular Variance to Docket S-04-19R, Midway Sunset Cogeneration Co., (Unit A), subject to nine conditions (with revisions to # 1 and # 7) set forth on pages 3 and 4 of the Staff Report. The Board concurred the required six findings set forth on pages 2 and 3 of the Staff Report could be made. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call Vote:**

Ayes: ***Wolber, Dunn, Bland and Carlile.***

Absent: ***Thomson.***

The Board granted a Regular Variance to Docket S-04-19R, Midway Sunset Cogeneration Co., (Unit A). The variance shall only be effective from March 17, 2004 to November 1, 2004, or when each CEMS is repaired or replaced and

compliance achieved, whichever occurs first. The nine conditions with revisions will be set forth in the Hearing Board Order.

Docket S-04-20R, Unit B

Decision – Board Member Bland made the motion to grant the Regular Variance to Docket S-04-20R, Midway Sunset Cogeneration Co., (Unit B), subject to nine conditions (with revisions to # 1 and # 7) set forth on pages 3 and 4 of the Staff Report. The Board concurred the required six findings set forth on pages 2 and 3 of the Staff Report could be made. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call Vote:**

Ayes: ***Wolber, Dunn, Bland and Carlile.***

Absent: ***Thomson.***

The Board granted a Regular Variance to Docket S-04-20R, Midway Sunset Cogeneration Co., (Unit B). The variance shall only be effective from March 17, 2004 to November 1, 2004, or when each CEMS is repaired or replaced and compliance achieved, whichever occurs first. The nine conditions with revisions will be set forth in the Hearing Board Order.

C.)

Docket S-04-25S, Short Variance, NUEVO Energy Company, Sec. 36, T29S, R21E, McKittrick, CA. Type of Business: Oil and Gas Production.

Petitioners – Rick Garcia, Ivan Tether and Kenneth Bork represented NUEVO Energy Company.

Public Comments – No Public Comments.

Decision - Board Member Bland made the motion to grant the Short Variance to Docket S-04-25S, NUEVO Energy Company, subject to ten conditions set forth on pages 3 and 4 of the Staff Report. The Board concurred the required six findings on pages 2 and 3 of the Staff Report could be made. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call**

Vote:

Ayes: ***Wolber, Dunn, Bland and Carlile.***

Absent: ***Thomson.***

The Board granted a Short Variance to Docket S-04-25S, NUEVO Energy Company. The variance shall be effective from April 28, 2004 to June 21, 2004, or until the facility is returned to PG&E's power grid, whichever occurs first. The ten conditions will be set forth in the Hearing Board Order.

5. **Emergency Variances** – The Southern Region Hearing Board has not heard or approved an emergency variance order since April 14, 2004.
6. **Public Comments** – No Public Comments.
7. **Hearing Board Member Comments** – No Hearing Board Member Comments.
8. **New Business** – No New Business.
9. **Next Scheduled Meeting** – Wednesday, June 9, 2004 at 10:00 a.m. The meeting will be held via video conferencing (VTC) in the Southern Region Office, 2700 M Street, Suite 275, Bakersfield with the Central Region Office Fresno, participating via VTC.
10. **Adjournment** – The Chair adjourned the meeting at 11:39 a.m.

Meeting clerked by Diane Falcon
and assisted by Daphne Garcia,
Senior Office Assistants,
Minutes prepared by
Sissy Smith, Clerk to the Board
Southern Region Hearing Board
San Joaquin Valley Unified APCD