



# 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, VTC Room Bakersfield, CA.

**Wednesday, April 12, 2006  
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 Carlile, called the meeting to order at 10:01 a.m.

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

Kimm Wolber	Medical
Nancy Dunn ( <b>absent</b> )	Public
Charles Brehmer	Attorney
William Bland, <b>Vice Chair (absent)</b>	Public
Hollis Carlile, <b>Chair</b>	Engineer

**Also present in the Southern Region Office (Bakersfield)**  
Creighton Smith, Dave Baldwin, Ellyce Baldwin, Supervising Air Quality Inspectors.

**Also present in the Central Region Office (Fresno)** – Catherine Tognazzini, Assistant District Counsel, Michael Carrera and Morgan Lambert, Supervising Air Quality Inspectors, Brian Dodds, Senior Air Quality Inspector and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of March 8, 2006** – The Chair asked if there were any comments regarding the Minutes. Hearing no comments the Chair declared the Minutes of March 8, 2006 were approved as submitted.

All persons testifying were sworn in by the Chair.

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

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

**Morgan Lambert presented the Staff Reports**

A.)  
Docket S-06-14R, Regular Variance, **Big West of California, LLC**, Bakersfield Refinery – Area 1, 6451 Rosedale Highway, Bakersfield, CA. 93308. Type of Business: Crude Oil Refining.

**Petitioners** – Max Sims, Larry Wilkerson and Chris San Juan represented Big West of California, LLC.

**Public Comment** – No Public Comment.

Staff announced language changes to:

Finding # 1.

Finding # 2.

Finding # 5.

Corrected language will be set forth in the Southern Region Hearing Board Order.

Staff announced language changes to the following Recommended Conditions, and noted the language change generally pertains to the following: without a vapor recovery system that can meet the performance specifications in Rule 4623 for:

Condition # 3

Condition # 6

Condition # 7

Condition #8

Condition #9

Condition #10

Condition #11

Condition #12

Condition #13

Condition #14

Condition #17

Condition #24, Subpart C.

The Petitioner requested the effective date of the variance be changed from April 13, 2006 through April 12, 2007 to May 13, 2006 through May 12, 2007.

Staff indicated that changing the effective date of the variance in Condition #1 posed no problems. Staff requested revisions to Condition #22, and Condition #24 to reflect changing the effective date of the variance, with concurrence from the Petitioner.

**Decision** - Board Member Wolber made the motion to grant the variance with the six required findings set forth on pages 3 and 4 of the Staff Report adopted by reference with language changes to Findings #1, #2 and #5 which will be set forth in the Order. Board Member Wolber stated the variance shall be subject to twenty-six recommended conditions set forth on pages 5, 6 and 7 with language added to Recommended Conditions #1, #3, #6, #7, #8, #9, #10, #11, #12, #13, #14, #17, #22 and #24 which will be set forth in the Hearing Board Order. Seconded by Board Member Brehmer and unanimously carried with the following roll call vote:

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

*The Southern Region Hearing Board granted a Regular Variance to Docket S-06-14R, Big West of California, LLC, Bakersfield Refinery - Area 1. The variance shall be effective for a period to occur between May 13, 2006 through May 12, 2007, or until installation of the new gauging equipment is completed, whichever occurs first. The twenty-six recommended conditions with language changes to #1, #3, #6, #7, #8, #9, #10, #11, #12, #13, #14, #17, #22 and #24, Subpart C will be set forth in the Southern Region Hearing Board Order.*

B.)  
Docket S-06-21S, Short Variance, **Big West of California, LLC**, Bakersfield Refinery – Area 1, 6451 Rosedale Highway, Bakersfield, CA. 93308. Type of Business: Crude Oil Refining.

**Petitioners** – Max Sims, Larry Wilkerson and Chris San Juan represented Big West of California, LLC.

**Public Comment** – No Public Comment.

**Decision** – Board Member Brehmer made the motion to grant the variance. Board Member Brehmer’s motion includes adoption of the required six findings set forth on pages 2, 3 and 4 of the Staff Report and the fifteen recommended conditions set forth on pages 4 and 5 of the Staff Report. Seconded by Board Member Wolber and unanimously carried with the following roll call vote:

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

*The Southern Region Hearing Board granted a Short Variance to Docket S-06-21S, Big West of California, LLC, Bakersfield Refinery – Area 1. The variance shall be effective for two 3-hour periods to occur sometime between April 12, 2006 through July 11, 2006, or until the current vapor recovery compressor cooling system has been repaired and reinstalled, whichever occurs first. The fifteen recommended conditions will be set forth in the Southern Region Hearing Board Order.*

C.)  
Docket S-06-17S, Short Variance, **AES Delano Inc.**, 31500 Pond Road, Delano, CA. 95216. Type of Business: Electric Power Generation.

**Petitioner** – Mike Norton represented AES Delano Inc.

**Public Comment** – No Public Comment.

The Petitioner requested an amendment to the effective date of the variance from April 18, 2006 through July 16, 2006 to April 24, 2006 through July 22, 2006, with concurrence from staff.

Staff noted with the amendments to the effective date of the variance the following recommended conditions should also be amended: Condition #11, from July 16, 2006 to July 22, 2006 and Condition #12, from July 31, 2006 to August 6, 2006, with concurrence from the Petitioner.

**Amended Decision** – Board Member Brehmer made the motion to grant the variance. The variance shall be subject to thirteen recommended conditions set forth on pages 4, 5, and 6 of the Staff Report with amendments to Conditions #1, #11 and #12, and the required six findings set forth on pages 3 & 4 could be made. Seconded by Board Member Wolber and unanimously carried with the following roll call vote:

**Ayes:** ***Wolber, Brehmer and Carlile.***

**Absent:** ***Dunn and Bland.***

*The Southern Region Hearing Board granted a Short Variance to Docket S-06-17S, AES Delano Inc. The variance shall be effective for a single, consecutive 90-day period to occur between April 24, 2006 through July 22, 2006, or until compliance is achieved, whichever occurs first. The thirteen recommended conditions with amendments to #1, #11 and #12 will be set forth in the Southern Region Hearing Board Order.*

D.)  
Docket S-06-19S, Short Variance, **Aera Energy, LLC**, Section 32 Gas Plant, Section 32, T28S, R21E, Belridge Oilfield, McKittrick, CA. 93251. Type of Business: Crude Oil and Natural Gas Production.

**Petitioners** – Garry Barker, Jack Story and Brent Winn represented Aera Energy, LLC.

**Public Comment** – No Public Comment.

Staff noted the following underlined revisions:

Recommended Condition #3, Subpart G:

The fugitive VOC emissions from the components associated with the Section 32 Gas Plant and associated fuel gas system to exceed the permitted daily VOC emission limit with the gas bypasses the refrigeration, separation, and fractionation processes.

Recommended Condition #3, Subpart H:

Various components at the Section 32 Gas Plant and associated fuel gas system to temporarily handle gas with a VOC content of greater than 10% VOC by weight without conducting the leak inspection required under District Rule 4403 and 4409 during the variance period.

**Decision** – Board Member Wolber made the motion to grant the variance. Board Member Wolber stated the required six findings set forth on pages 5, 6, and 7 can be made. Board Member Wolber stated the variance will be subject to the sixteen recommended conditions set forth on pages 7, 8, 9, and 10 with revisions to Condition #3, Subpart G. and Subpart H. Seconded by Board Member Brehmer and unanimously carried with the following roll call vote:

**Ayes:** ***Wolber, Brehmer and Carlile.***

**Absent:** ***Dunn and Bland.***

*The Southern Region Hearing Board granted a Short Variance to Docket S-06-19S, Aera Energy LLC, Section 32 Gas Plant. The variance shall be effective for a single, consecutive 9-day period to occur sometime between April 13, 2006 through July 11, 2006, or until the Section 32 Gas Plant maintenance is complete and compliance with District Rules and permit conditions is achieved, whichever occurs first. The sixteen recommended conditions with revisions to Condition #3, Subpart G. and Subpart H. will be set forth in the Southern Region Hearing Board Order.*

5. **The Southern Region Hearing Board approved the following emergency variance orders:**

- |     |                 |                  |
|-----|-----------------|------------------|
| A.) | Docket S-06-15E | Chevron USA Inc. |
| B.) | Docket S-06-18E | Aera Energy LLC  |

6. **Public Comments** – No Public Comments.

7. **Hearing Board Member Comments** – No Hearing Board Member Comments.

8. **New Business** – Morgan Lambert announced this hearing will be the last one he will be participating in. Mr. Lambert noted it has been a pleasure working with the Southern Region Hearing Board over the years. Mr. Lambert introduced Brian Dodds the District's new Senior Air Quality Inspector who will be taking over the variance program.

Board Member Brehmer thanked Mr. Lambert for his presentations today.

The Chair stated Mr. Lambert, as well as the Petitioners, did a very good job today.

The Chair thanked Mr. Lambert, and wished him good luck in his new position with the District.

9. **Next Scheduled Meeting** – Wednesday, May 10, 2006 at 10:00 a.m. The meeting will be held via video conferencing (VTC) in the Southern Region Office (Bakersfield) with the Central Region Office (Fresno) participating via VTC.

10. **Adjournment** – The Chair adjourned the meeting at 11:10 a.m.

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Sissy Smith, Clerk to the Board  
Southern Region Hearing Board  
San Joaquin Valley Unified APCD