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Action Summary Minutes for the 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, August 14, 2002
10:00 a.m.

Meeting held via video teleconferencing (VTC) with the Central Region Office (Fresno) included 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
Marvin Dean	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, Leonard Scandura, Supervising Air Quality Engineer, Stephen Leonard, Air Quality Engineer and Amy Roberts, Air Quality Inspector.

Also present in the Central Region Office (Fresno) – Philip M. Jay, District Counsel, Robert J. Kard, Director of Compliance, Ted Strauss Supervising Air Quality Inspector, Michael Carrera, Senior Air Quality Inspector and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of July 10, 2002** – The Chair asked if there were any corrections, comments or additions to the Minutes. The Board did not have any corrections, comments or additions to the Minutes. Therefore, the Chair declared the Minutes of July 10, 2002 were approved as submitted.

The Chair requested that 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. Smith responded affirmative.

The Chair requested that the Hearing Board Packet and any additional materials provided during the hearing be entered into the Official Record.

All persons testifying were sworn in by the Chair.

4. **Public Hearing:**

Michael Carrera presented the Staff Reports.

A.)
Docket No. S-02-19R, Regular Variance, Sycamore Cogeneration Co., (SW China Grade Loop) P O Box 80598, Bakersfield, CA. 93380. Type of Business: Cogeneration Facility

Mr. Carrera announced that Sycamore Cogeneration Co., contacted the District last week and indicated they were in compliance with their Interim Variance. Therefore, Sycamore Cogeneration Co., asked that their request for a Regular Variance hearing be withdrawn.

B.)
Docket No. S-02-21i, Interim Variance, Cheese & Protein Inter., Inc., 800 E. Paige Avenue, Tulare, CA. 93274. Type of Business: Milk Processing Facility

Petitioners – Jeff Davis, Mike Rosa, Denise Emler and Chris Scheidt represented Cheese & Protein Inter., Inc.

Creighton Smith provided additional comments.

Public Comment – No Public Comment.

Decision – Board Member Dean made the motion to grant the variance subject to ten conditions set forth on pages 2 and 3 of the Staff Report with amendments to:

Condition # 3, adding NOx emissions will occur at 1.7 pounds per day and 667 lbs/day of carbon monoxide (CO) above that allowed by permit and # 5., change date to ready August 26, 2002. The ten conditions will be set forth in the Order.

Board Member Dean stated that good cause for the variance had been found based on the testimony. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call Vote:**

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

Absent: ***Thomson.***

The Board granted an Interim Variance to Docket No. S-02-21i, Cheese & Protein Inter., Inc. The variance will be effective from July 24, 2002 to September 11, 2002, or until the next regularly scheduled hearing board meeting, whichever occurs first.

The Chair, Hollis B. Carlile, indicated a conflict of interest in respect to C.) Docket No. S-02-26S, Chevron USA, Inc. Therefore, Mr. Carlile left the dais for this portion of the hearings.

Vice Chair, William L. Bland, Jr., chaired this portion of the hearing.

C.)
Docket No. S-02-26S, Short Variance, Chevron, USA, Inc., P O Box 1392, Bakersfield, CA. 93302. Type of Business: Crude Oil and Natural Gas Production.

Petitioners – Bill Miglis, Frank Maccioli, Barry Silken and Greg Schmidt.

Public Comment – No Public Comment.

Decision – Board Member Dean made the motion that the variance be granted subject to six conditions set forth in the Staff Report on pages 3 and 4 with modifications:

Condition # 3, shall read:

Petitioner shall make every effort to minimize all emissions during the tank vapor recovery shut down, ~~including shutting in all production and draining all subject tanks to minimize fluid levels, and achieving compliance as expeditiously as practicable and any VOC excess emissions be fully off set.~~ Board Member Dean requested that the required six findings set forth on pages 2 and 3 of the Staff Report be incorporated in the motion by reference. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call Vote:**

Ayes: ***Wolber, Dean and Bland.***

Excused: ***Carlile.***

Absent: ***Thomson.***

Therefore, the Board granted a Short Variance to Docket No. S-02-26S, Chevron, USA, Inc. The variance will be effective for a single, consecutive sixteen (16) hour period to occur sometime between August 26, 2002 and September 1, 2002. The six conditions will be set forth in the Order.

The Vice Chair, William L. Bland, Jr., relinquished the chairmanship back to the Chair, Hollis B. Carlile. Mr. Carlile chaired the remainder of the hearings.

**Break at 10:58 a.m.
Reconvened at 11:03 a.m.**

The Chair called the meeting to order at 11:03 a.m.

The Chair requested that the following items be heard at the same time with separate votes on each docket. The petitioner and staff were agreeable to the Chair's request.

D.) Docket No. S-02-24S, Short Variance, La Paloma GP – Unit 2, 1760 W. Skyline Road, McKittrick, CA. 93251. Type of Business: Electrical Power Generating Facility.

E.) Docket No. S-02-25S, Short Variance, La Paloma GP – Unit 3, 1760 W. Skyline Road, McKittrick, CA. 93251. Type of Business: Electrical Power Generating Facility.

F.) Docket No. S-02-29S, Short Variance, La Paloma GP – Unit 4, 1760 W. Skyline Road, McKittrick, CA. 93251. Type of Business: Electrical Power Generating Facility.

Petitioners – Zenis Walley and Thomas Rosse represented La Paloma GP.

Robert J. Kard and Creighton Smith provided additional comments.

Public Comment – No Public Comment.

Decision for Unit 2 – Board Member Bland made an amended motion to grant the variance subject to nine conditions. Board Member Bland requested that the required six findings set forth on pages 2 and 3 of the Staff Report be incorporated in the motion by reference. Seconded by Mr. Dean and carried unanimously with the following **Roll Call Vote**:

Ayes: **Wolber, Dean, Bland and Carlile.**
Absent: **Thomson.**

The Board granted a Short Variance to Docket No. S-02-24S, La Paloma GP – **Unit 2.**

Condition # 1 was amended to read as follows:

The variance shall be effective for a consecutive 45-day period to occur sometime between July 24, 2002 and October 21, 2002, or until compliance is achieved on a continuous basis, whichever occurs first.

Condition # 4 was amended to read as follows:

Relief from the visible emissions shall be limited to:

- A. *100% opacity during the first ten (10) hours after initial firing (White Plume).*
- B. *80% opacity during the three hours after start-up and one hour after shutdown is initiated (NOx Plume). For the purpose of this variance condition, start-up and shutdown shall be defined as follows: Start-up is the period beginning with turbine light-off until the unit meets the lbs/hr and ppmv limits of the permit. Shutdown is the period beginning with initiation of turbine shutdown sequence and ending with cessation of firing of the gas turbine engine. Startup and shutdown durations shall not exceed three hours and one hour, respectively, per occurrence.*

Condition # 5 was amended to read as follows:

The Petitioner and District shall meet and agree upon the frequency for which visible emission evaluations are to be conducted and reported to the District.

Condition # 6 was amended to read as follows:

Determination of visible emissions shall be calculated as an average of twenty-four consecutive observations recorded at fifteen-second intervals for a minimum of six minutes. The person(s) monitoring visible emissions shall be currently certified by the California Air Resources Board to read visible emissions.

Condition # 7 was amended to read as follows:

The Petitioner shall submit to the District a written report by October 31, 2002, or no later than 10-days after achieving continuous compliance with the Rule 4101, whichever occurs first. The report shall include:

- A. *The date, time, and total number of hours visible emissions were observed and*
- B. *All documentation of the visible emissions observations, including the name of person(s) responsible for conducting the visible emission monitoring along with a copy of their certification(s).*

Decision for Unit 3 – Board Member Bland made a amended motion to grant the variance subject to nine conditions. Board Member Bland requested that the required six findings set forth on pages 2 and 3 of the Staff Report be incorporated in the motion by reference. Seconded by Mr. Dean and carried unanimously with the following **Roll Call Vote**:

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

Absent: ***Thomson.***

*The Board granted a Short Variance to Docket No. S-02-25S, La Paloma GP – **Unit 3.***

Condition # 1 was amended to read as follows:

The variance shall be effective for a consecutive 45-day period to occur sometime between July 24, 2002 and October 21, 2002, or until compliance is achieved on a continuous basis, whichever occurs first.

Condition # 4 was amended to read as follows:

Relief from the visible emissions shall be limited to:

- A. *100% opacity during the first ten (10) hours after initial firing (White Plume).*
- B. *80% opacity during the three hours after start-up and one hour after shutdown is initiated (NOx Plume). For the purpose of this variance condition, start-up and shutdown shall be defined as follows: Start-up is the period beginning with turbine light-off until the unit meets the lbs/hr and ppmv limits of the permit. Shutdown is the period beginning with initiation of turbine shutdown sequence and ending with cessation of firing of the gas turbine engine. Startup and shutdown durations shall not exceed three hours and one hour, respectively, per occurrence.*

Condition # 5 was amended to read as follows:

The Petitioner and District shall meet and agree upon the frequency for which visible emission evaluations are to be conducted and reported to the District.

Condition # 6 was amended to read as follows:

Determination of visible emissions shall be calculated as an average of twenty-four consecutive observations recorded at fifteen-second intervals for a minimum of six minutes. The person(s) monitoring visible emissions shall be currently certified by the California Air Resources Board to read visible emissions.

Condition # 7 was amended to read as follows:

The Petitioner shall submit to the District a written report by October 31, 2002, or no later than 10-days after achieving continuous compliance with the Rule 4101, whichever occurs first. The report shall include:

- A. *The date, time, and total number of hours visible emissions were observed and*
- B. *All documentation of the visible emissions observations, including the name of person(s) responsible for conducting the visible emission monitoring along with a copy of their certification(s).*

Decision for Unit 4 – Board Member Bland made a amended motion to grant the variance subject to nine conditions. Board Member Bland requested that the required six findings set forth on pages 2 and 3 of the Staff Report be incorporated in the motion by reference. Seconded by Mr. Dean and carried unanimously with the following **Roll Call Vote**:

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

Absent: ***Thomson.***

The Board granted a Short Variance to Docket No. S-02-29S, La Paloma GP – Unit 4.

Condition # 1 was amended to read as follows:

The variance shall be effective for a consecutive 45-day period to occur sometime between July 24, 2002 and October 21, 2002, or until compliance is achieved on a continuous basis, whichever occurs first.

Condition # 4 was amended to read as follows:

Relief from the visible emissions shall be limited to:

- A. *100% opacity during the first ten (10) hours after initial firing (White Plume).*
- B. *80% opacity during the three hours after start-up and one hour after shutdown is initiated (NOx Plume). For the purpose of this variance condition, start-up and shutdown shall be defined as follows: Start-up is the period beginning with turbine light-off until the unit meets the lbs/hr and ppmv limits of the permit. Shutdown is the period beginning with initiation of turbine shutdown sequence and ending with cessation of firing of the gas turbine engine. Startup and shutdown durations shall not exceed three hours and one hour, respectively, per occurrence.*

Condition # 5 was amended to read as follows:

The Petitioner and District shall meet and agree upon the frequency for which visible emission evaluations are to be conducted and reported to the District.

Condition # 6 was amended to read as follows:

Determination of visible emissions shall be calculated as an average of twenty-four consecutive observations recorded at fifteen-second intervals for a minimum of six minutes. The person(s) monitoring visible emissions shall be currently certified by the California Air Resources Board to read visible emissions.

Condition # 7 was amended to read as follows:

The Petitioner shall submit to the District a written report by October 31, 2002, or no later than 10-days after achieving continuous compliance with the Rule 4101, whichever occurs first. The report shall include:

- A. *The date, time, and total number of hours visible emissions were observed and*
- B. *All documentation of the visible emissions observations, including the name of person(s) responsible for conducting the visible emission monitoring along with a copy of their certification(s).*

5. **Administrative Agenda – Receive and File** - The Board Received and Filed the following emergency variances orders approved by the Southern Region Hearing Board:

- A.) Docket No. S-02-17E Delano Energy Company, Inc.

31500 Pond Road
Delano, CA. 93216

- B.) Docket No. S-02-20E ExxonMobil Production Company
18271 Highway 33
McKittrick, CA. 93251
- C.) Docket No. S-02-22E Equilon Enterprises LLC
6451 Rosedale Hwy
Bakersfield, CA. 93308
- D.) Docket No. S-02-23E Companionway Films, Inc.
5950 Foothill Drive
Hollywood, CA. 90068
- E.) Docket No. S-02-27E Sunrise Power Company
P O Box 81617
Bakersfield, CA. 93308-1617
- F.) Docket No. S-02-28E Energy Transfer – Hanover Ventures, LP
3344 Crocker Springs Road
Fellows, CA. 93224

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

7. **Hearing Board Member Comments** – *Note:* During the July 10, 2002 Southern Region Hearing Board Meeting Mr. Dean stated that he had questions pertaining to Emergency Variances. The Board discussed the issue and the Chair noted that Mr. Dean would be putting his questions together in a written format for additional discussion during the August 14, 2002 Southern Region Hearing Board Meeting. (*See below*)

Mr. Dean apologized for not having his questions together in a written format pertaining to Emergency Variances. Mr. Dean noted that he would prepare his questions in a written format for the September 11, 2002 Southern Region Hearing Board Meeting.

8. **New Business** – No New Business.

9. **Next Scheduled Meeting** – Wednesday, September 11, 2002 at 10:00 a.m. The meeting will be held via video conferencing (VTC) in the Southern Region Office, 2700 M Street, Suite 275, VTC Room, Bakersfield with the Central Region Office (Fresno) participating via VTC.

10. **Adjournment** – The Chair adjourned the meeting at 11:58 a.m.

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