



San Joaquin Valley Air Pollution Control District

Action Summary Minutes for the Southern Region Hearing Board Meeting San Joaquin Valley Unified Air Pollution Control District Tuesday, April 11, 2001 at 10:00 a.m. Video Teleconferencing (VTC) Room 2700 M Street, Suite 275, Bakersfield, CA. 93301

GOVERNING BOARD

Judith G. Case, Chair
Supervisor, Fresno County

Sam Armentrout, Vice Chair
Mayor, City of Madera

Barbara Patrick
Supervisor, Kern County

Mike Maggard
Councilmember, City of Bakersfield

Tony Barba
Supervisor, Kings County

Ronn Dominici
Supervisor, Madera County

Jerry O'Banion
Supervisor, Merced County

Jack A. Sieglock
Supervisor, San Joaquin County

Nick W. Blom
Supervisor, Stanislaus County

Tom Applegate
Councilmember, City of Newman

William Sanders
Supervisor, Tulare County

David L. Crow
Executive Director/
Air Pollution Control Officer

Northern Region Office
4230 Kiernan Avenue, Suite 130
Modesto, CA 95356-9322
(209) 557-6400
FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000
FAX (559) 230-6061

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2370
(661) 326-6900
FAX (661) 326-6985
www.valleyair.org

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 10:02 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)

Clifton Calderwood, Air Quality Compliance Manager, Creighton Smith, Supervising Air Quality Inspector, Allan Phillips, Supervising Air Quality Engineer, John Ludwick, Air Quality Engineer, Denise Holmes and Catherine Riccomini, Air Quality Inspectors.

Also present in the Central Region Office (Fresno) – Ted Strauss, Supervising Air Quality Inspector, Michael Carrera, Senior Air Quality Inspector and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of March 27, 2001** – The Chair asked if there were any corrections or additions to the Minutes. The Board did not have any corrections or additions to the Minutes. Therefore, the Chair declared the Minutes of March 27, 2001 approved as submitted.

4. **Public Hearings:**

The Chair requested that the Petitioners sign the Sign In Sheet.

All persons testifying were sworn in by the Chair.

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

Ms. Smith requested that the Hearing Board Packet and any additional materials provided during the hearings be entered into the Official Record.

Michael Carrera presented the Staff Reports.

A.)

Docket No. S-00-34R, Regular Variance, Building Materials Mfg. Corp., (DBA) GAF Materials Corp., 6505 Zerker Road, Shafter, CA. 93263. Type of Business: Rolled Fiberglass Mat Manufacturing.

Petitioner – Philip Halpin, Larry Bazel and Gary Rubenstein represented Building Materials Mfg. Corp., (DBA) GAF Materials Corp.

The Petitioner presented the Board and Staff a copy of Health & Safety Code, Section 42353.

The Petitioner presented the Board and Staff a copy of correspondence to: Mr. Creighton W. Smith, from: Philip Halpin, Plant Manager, dated: April 6, 2001.

Decision – After a lengthy hearing the Mr. Bland made a motion to continue the hearing to the end of the agenda. The motion was seconded by Ms. Wolber and carried unanimously with the following **Roll Call Vote:**

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

Noes: ***None.***

Absent: ***Thomson.***

The Board continued this hearing to the end of the Agenda. The Board requested that the Petitioner meet with District Staff (Clifton Calderwood, Air Quality Compliance Manager) to negotiate Condition # 9, in respect to surrendering Emission Reduction Credits. The Staff Report indicates 100% of the excess NOx emission generated during the entire variance period.

<p>The Board took a 5 minute Break at 11:15 a.m. The Board reconvened at 11:20 a.m.</p>

B.)

Docket No. S-01-08R, Regular Variance, Land O'Lakes, 400 South "M" Street, Tulare, CA. 93274. Type of Business: Milk Processing and Dairy Product Manufacturer.

Petitioner – Bob Brown, Bob Langner and Dave Willett represented Land O'Lakes.

Public Comments – No Public Comments.

Decision – Mr. Dean moved that the variance be granted. The Board discussed the required six findings and concurred that the findings could be made. The motion was seconded by Ms. Wolber and carried unanimously with the following

Roll Call Vote:

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

Noes: *None.*

Absent: *Thomson.*

Therefore, the Board took the following action: granted a Regular Variance to Docket No. S-01-08R, Land O'Lakes, Inc. The variance shall be effective from April 11, 2001 to May 22, 2001. The variance is subject to nine conditions with amendments which shall be set forth in the Order.

C.)

Docket No. S-01-10i, Interim Variance, Golden Bear Oil Specialties, 1134 Manor Drive, Bakersfield, CA. 93308. Type of Business: Petroleum refining and liquid asphalt production.

Petitioner – David Campbell and Scott Weaver represented Golden Bear Oil Specialties.

Public Comments – No Public Comments.

Decision – Mr. Dean moved that the variance be granted. The Board determined that good cause could be made. The motion was seconded by Mr. Bland and carried unanimously with the following **Roll Call Vote:**

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

Noes: *None.*

Absent: *Thomson.*

Therefore, the Board took the following action: granted an Interim Variance to Docket No. S-01-10i, Golden Bear Oil Specialties. The variance shall occur from April 9, 2001 to May 9, 2001, or until the next regularly scheduled hearing. The

variance is subject to ten conditions set forth in the Staff Report on pages 3 and 4. The ten conditions shall be set forth in the Order.

Ted Strauss presented the Staff Report

D.)

Docket No. S-01-11S, Short Variance, Lone Star Gas Liquids Processing, Inc., P O Box 81257, Bakersfield, CA. 93380-1257. Type of Business: Gas Plant.

Additional Staff Comments provided by Clifton Calderwood, Air Quality Compliance Manager.

Petitioner – Scott Sill, John Andrews and Joe Selgrath represented Lone Star Gas Liquids Processing, Inc.

The Petitioner provided the Board and Staff with the following documents:

Lone Star Gas, General Outline of Activities and Planned Activities to get Fired Heaters into Compliance, 7 pages

Lone Star Gas, Emissions Summary for H-401 and H-202 NOx Daily Emissions-Pounds NOx per day, 12 pages

Lone Star Gas, Tentative Timeline for Callidus Ultra Blue Retro Fit Kits of H-401, H-202 and H-201, 1 page

Lone Star Gas Liquids Processing, Inc., Correspondence, to SJVUAPCD, from Scott Sill, Plant Manager, dated: April 5, 2001

Lone Star Liquid Products, Amended Comments on the Required Findings, 4 pages

<p>The Petitioner noted that the original staff report identifies four ATCs for this petition. The Petitioner indicated that ATC S-71-5-5 has never operated on LPG and continues operating on natural gas. Therefore, the Petitioner is not requesting variance relief for this heater.</p>
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Public Comments – No Public Comments.

Decision – Mr. Bland moved that the variance be granted and adopt by reference the required six findings set forth on pages 3, 4 and 5 of the Staff

Report. The motion was seconded by Mr. Dean and carried unanimously with the following **Roll Call Vote**;

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

Noes: **None.**

Absent: **Thomson.**

Therefore, the Board took the following action: granted a Short Variance to Docket No. S-01-11S, Lone Star Gas Liquids Processing, Inc. The variance shall be effective from March 16, 2001 through June 14, 2001. The variance is subject to eleven conditions set forth on pages 5 and 6 of the Staff Report. The conditions were amended during the hearing and shall be set forth in the Order.

The Chair, Hollis B. Carlile, indicated a conflict of interest in respect to Docket No. S-01-13i, Interim Variance, Chevron USA, Inc. Therefore, Mr. Carlile left the dais for this portion of the hearing.

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

Michael Carrera presented the Staff Report.

E.)

Docket No. S-01-13i, Interim Variance, Chevron USA, 3300 Monte Cristo Road, Bakersfield, CA. 93251. Type of Business: Crude Oil and Natural Gas Production.

Petitioner – Bob Langner, Greg Schmidt and Ken Lewis.

Public Comment – No Public Comments.

Decision – Mr. Dean made a motion to grant the variance for good cause in respect to the findings. The motion was seconded by Ms. Wolber and carried unanimously with the following **Roll Call Vote**:

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

Noes: **None.**

Excused: **Carlile.**

Absent: **Thomson.**

Therefore, the Board took the following action: granted a Interim Variance to Docket No. S-01-13i, Chevron USA. The variance shall be effective from April 16, 2001 through May 9, 2001, or until the next regularly scheduled hearing. The variance is subject to nine conditions set forth on pages 2 and 3 of the Staff Report. The conditions were amended during the hearing and shall be set forth in the Order.

The Chair, Mr. Carlile, chaired the remainder of the hearing.

**A.) continued from start of agenda
Docket No. S-00-34R, Regular Variance, Building Materials Mfg. Corp.
(DBA) GAF Materials Corp., 6505 Zerker Road, Shafter, CA. 93263. Type of
Business: Rolled Fiberglass Mat Manufacturing.**

The Board continued this hearing to the end of the Agenda. The Board requested that the Petitioner meet with District Staff (Clifton Calderwood, Air Quality Compliance Manager) to negotiate Condition # 9, in respect to surrendering Emission Reduction Credits. The Staff Report indicates 100% of the excess NOx emission generated during the entire variance period.

Petitioner – Philip Halpin, Larry Bazel and Gary Rubenstein represented Building Materials Mfg. Corp., (DBA) GAF Materials Corp.

Public Comments – No Public Comments.

Decision – Mr. Dean made a motion to grant the variance and adopt by reference the required six findings as set forth on pages 3 and 4 of the Staff Report. The motion was seconded by Ms. Wolber and carried unanimously with the following **Roll Call Vote**:

Ayes: **Wolber, Dean, Bland and Carlile.**
Noes: **None.**
Absent: **Thomson.**

Therefore, the Board took the following action: granted a Regular Variance to Docket No. S-00-34R, Building Materials Mfg. Corp (DBA) GAF Materials Corp. The variance is effective from January 11, 2001 to September 28, 2001, or until compliance is achieved, whichever occurs first. The variance is subject to eleven conditions set forth on pages 4 and 5 of the Staff Report. Amendments were made to the conditions during the hearing. Condition # 9 was amended as follows:

To mitigate the excess NOx emissions, the Petitioner shall obtain and surrender Emission Reduction Credits equal to ~~100%~~ 25% of the excess NOx emissions generated during the entire variance period excluding the period of time during which the District is reviewing the applicants permit application. Retirement of ERCs, shall be initiated no later than October 8, 2001 or no later than 10 days after achieving compliance, whichever occurs first.

The eleven conditions shall be set forth in the Order.

5. **Public Comment** – No Public Comment.

*Actions Summary Minutes of
Wednesday, April 11, 2001
Southern Region
Hearing Board Meeting*

6. **New Business** – The Chair requested that the following items be added to the next regularly scheduled Southern Region Hearing Board Meeting, Wednesday, May 9, 2001:
- (1) Discussion regarding how the required six findings should be handled during the course of hearing board meetings. Pursuant to the California Air Resources Board, (ARB's) recommendations during their Advanced Hearing Board Workshop, held on March 28 & 29, 2001.
 - (2) and also the Board's criteria for conducting hearing board meetings.

The Chair indicated that Robert J. Kard, Director of Compliance, should have received a copy of the Bay Area Air Quality Management District's, HEARING BOARD RULES. The Chair requested that a copy be provided to all of the Hearing Board Members. The Chair also indicated that he believes that the three District Hearing Boards should comply with the same criteria in respect to how the required six findings are handled during the course of hearing board meetings as well as how to conduct hearing board meetings.

7. **Next Scheduled Meeting** – Wednesday, May 9, 2001 at 10:00 a.m. The meeting will be held via video conferencing (VTC) at the Southern Region Office, 2700 M Street, Suite 275, VTC Room, Bakersfield with the Central Region Office (Fresno) included via VTC.
8. **Adjournment** – The Chair adjourned the meeting at 1:05 p.m.

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