



# 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 2700 M Street, Suite 275 Video Teleconferencing (VTC) Room Bakersfield, CA.

### GOVERNING BOARD

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Supervisor, Fresno County

Sam Armentrout, Vice Chair  
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William Sanders  
Supervisor, Tulare County

David L. Crow  
Executive Director/  
Air Pollution Control Officer

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Wednesday, September 12, 2001

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

1. **Call Meeting to Order** – The Vice Chairman, William L. Bland, Jr., 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	Attorney
Marvin Dean (*)	Public
G. L. "Gerry" Cales (Alternate)	Engineer
William L. Bland, Jr., Vice Chairman	Public

(\*) Arrived at 10:08 a.m.

### **Also present in the Southern Region Office (Bakersfield)**

Clifton Calderwood, Air Quality Compliance Manager, Creighton Smith, Supervising Air Quality Engineer, Leonard Scandura, Senior Air Quality Engineer and Tom Goff, Permit Services Manager.

**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, Stephanie Shaw, Legal Secretary and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of August 8, 2001** – The Vice Chairman 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 Vice

Chairman declared the Minutes of August 8, 2001 approved as submitted.

**All persons testifying were sworn in by the Vice Chairman.**

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

**The Vice Chairman requested that the Hearing Board Packet and any additional materials provided during the hearings be entered into the Official Record.**

4. **Public Hearings:**

**Tom Goff presented the Staff Report.**

**A.)  
Docket No. S-01-27P, Stipulated Conditional Order of Abatement, Energy Transfer – Hanover LP, 2838 Woodside Street, Dallas, TX. 75204. Type of Business: Peaking Power Plan.**

**Petitioner** – Christine Luther and Scott Weaver represented Energy Transfer – Hanover LP.

**Public Comment** – No Public Comment.

**Decision** – Mr. Dean made a motion to issue the Stipulated Conditional Order of Abatement. The motion was seconded by Mr. Thomson and carried unanimously with the following **Roll Call Vote:**

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

**Noes:** *None.*

**Absent:** *None.*

*Therefore, the Board took the following action: issued a Stipulated Conditional Order of Abatement to Docket No. S-01-27P, Energy Transfer – Hanover LP. The Stipulated Conditional Order of Abatement shall be effective from August 8, 2001 to May 31, 2002. The six conditions for the Stipulated Conditional Order of Abatement shall be set forth in the Order.*

**Michael Carrera presented the Staff Reports.**

**Mr. Carrera announced that the following items have been removed today's Hearing Board Agenda:**

**B.) (Removed from agenda)**  
**Docket No. S-01-13X, Extension of Regular Variance, Chevron USA, 3300 Monte Cristo Road, Bakersfield, CA. and;**

**C.) (Removed from agenda)**  
**Docket No. S-01-11M2, Modification of Regular Variance, Lone Star Gas Liquid Processing, Inc., P O Box 81257, Bakersfield, CA. 93380**

**D.)**  
**Docket No. S-01-29S, Short Variance, Texaco Exploration & Production, Inc., P. O. Box 5197-X, Bakersfield, CA. 93388-5197. Type of Business: Heavy Crude Oil Production Facility.**

**G. L. "Gerry" Cales indicated a conflict of interest in respect to Docket No. S-01-29S, Texaco Exploration & Production Inc. Therefore, Mr. Cales joined the audience for this portion of the hearings.**

**Petitioner** – Larry Landis and Steve Falke represented Texaco Exploration & Production Inc.

After the Petitioner made their presentation Mr. Carrera noted a revision to Condition # 6. A copy of the revised conditions were provided to the Board as well as the Petitioner.

The Petitioner suggested that Condition # 6, letter B. be revised to read: **While in service** the total time Surge Tank #5 was isolated from the vapor control system

Staff was in agreement to the Petitioner's suggestion.

**Public Comment** – No Public Comment.

**Decision** – Mr. Thomson moved that the variance be granted and the required six findings set forth on pages 2 and 3 of the Staff Report be adopted by reference with a revision to Condition # 6 B. The motion was seconded by Ms. Wolber and carried unanimously with the following **Roll Call Vote**:

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

*Therefore, the Board took the following action: granted a Short Variance to Docket No. S-01-29S, Texaco Exploration & Production, Inc. The variance shall*

*be effective from September 20, 2001 to September 30, 2001. The variance is subject to eight revised conditions with an additional revision to Condition # 6B. The eight conditions with revisions to Condition # 6 will be set forth in the Order.*

**Mr. Cales joined the Board for the remainder of the hearings.**

**E.)  
Docket No. S-01-26R, Regular Variance, Golden Empire Transit District,  
1830 Golden State Avenue, Bakersfield, CA. 93301-1012. Type of Business:  
Public Transportation Fleet.**

**Mr. Thomson discussed a possible conflict of interest with Mr. Jay in respect to Golden Empire Transit District and Mr. Jay stated that there was no conflict of interest.**

**Petitioner** – Mel Doherty represented Golden Empire Transit District.

**Public Comment** – No Public Comment.

**Decision** – Mr. Thomson made a motion to grant the variance and adopt by reference the required six findings set forth on pages 2 and 3 of the Staff Report. The motion was seconded by Mr. Dean and carried unanimously with the following **Roll Call Vote**:

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

**Noes: None.**

**Absent: None.**

*Therefore, the Board took the following action: granted a Regular Variance to Docket No. S-01-26R, Golden Empire Transit District effective from August 9, 2001 to October 15, 2001, or until compliance has been achieved, whichever occurs first. The variance is subject to nine conditions set forth on pages 3 and 4 of the Staff Report. The nine conditions will be set forth in the Order.*

**F.)  
Docket No. S-01-20R, Regular Variance, Aera Energy, LLC, 59231 Main  
Camp Road, McKittrick, CA. 93251.**

**Correspondence received from Brent Winn, Environmental Advisor – Belridge re: Request to Re-Schedule Hearing, Petition for Gas Plan 32 Construction Variance – Docket No. S-01-20R.**

**The Vice Chairman ordered that Docket No. S-01-20R, Aera Energy, LLC was postponed to the next scheduled hearing date: October 10, 2001.**

**Marvin Dean opposed the postponement and requested that a notation of his opposition to the postponement be included in the Official Record.**

**G.) *Withdrawn***  
**Docket No. S-01-23S, Short Variance, Sierra Power Corporation, 9000 Road 234, Terra Bella, CA. 93270**

**H.) *Withdrawn***  
**Docket No. S-01-30S, Short Variance Texaco California, Inc., 26251 Highway 33, Fellows, CA. 93224.**

5. **Public Comments** – No Public Comments.
6. **Hearing Board Member Comments** – Marvin Dean thanked staff for adding a Hearing Board Member Comment item to the agenda.

The Board asked legal counsel (Philip M. Jay) for a ruling/explanation regarding their authority to the Governor's Executive Order and Abatement Orders in respect to power facilities. Mr. Jay responded by explaining the purpose as well as the differences of an Executive Order and Abatement Orders. Mr. Jay noted that as far as Abatement Orders are concerned the Hearing Board has the authority to approve or disapprove them.

7. **New Business** – No New Business.
8. **Next Scheduled Meeting** – Wednesday, October 10, 2001 at 10:00 a.m. The meeting will be held via video teleconferencing (VTC) in the Southern Region Office, 2700 M Street, Suite 275, VTC Room, Bakersfield with the Central Region Office (Fresno) included via VTC.
9. **Adjournment** – The Vice Chairman, William L. Bland, Jr., adjourned the meeting at 10:55 a.m.

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