



# 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

Judith G. Case, Chair  
Supervisor, Fresno County

Sam Armentrout, Vice Chair  
Councilmember, 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

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Southern Region Office  
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[www.valleyair.org](http://www.valleyair.org)

Wednesday, December 12, 2001  
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 Chairman, Hollis B. Carlile, called the meeting to order at 10:00 a.m.

Philip M. Jay, District Counsel, announced that Stephanie Shaw, would be clerking today's meeting.

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

Kimm Wolber	Medical
Andrew C. Thomson	Attorney
Marvin Dean	Public
William L. Bland, Jr., Vice Chairman	Public
Hollis B. Carlile, Chairman	Engineer

**Also present in the Southern Region Office (Bakersfield)**  
Clifton Calderwood, Air Quality Compliance Manager,  
Creighton Smith, Supervising Air Quality Inspector and Allan  
Phillips, Supervising Air Quality Engineer.

**Also present in the Central Region Office (Fresno)** – Philip  
M. Jay, District Counsel, Robert J. Kard, Director of  
Compliance, Michael Carrera, Senior Air Quality Inspector and  
Stephanie Shaw, Legal Secretary.

3. **Approve Minutes of November 14, 2001** – The 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

Chairman declared the Minutes of November 14, 2001 approved as submitted.

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

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

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

**The Chairman requested the Petitioners sign the Sign In Sheet.**

**Michael Carrera presented the Staff Reports.**

**The Chairman, Hollis B. Carlile, indicated a conflict of interest in respect to A.) Docket S-01-51S, ChevronTexaco. Therefore, Mr. Carlile left the dais for this portion of the hearings.**

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

**Andrew C. Thomson noted that his wife's sister's husband works for ChevronTexaco. But he (Mr. Thomson) receives no monetary benefit. Philip M. Jay, District Counsel, stated that he sees no legal conflict of interest.**

**A.)  
Docket No. S-01-51S, Short Variance, ChevronTexaco, 4900 California Avenue, Bakersfield, CA. 93309. Type of Business: Heavy Crude Oil Production Facility.**

**Petitioner** – Larry Landis and Gary W. Smith, represented ChevronTexaco.

**Public Comments** – No Public Comments.

**Decision** – Mr. Dean moved that the variance be granted with the eight conditions set forth on pages 3 and 4 of the Staff Report and the required six findings set forth on pages 2 and 3 of the Staff Report be incorporated in the motion by reference. 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: Carlile.**

**Absent: None.**

The Board granted a Short Variance to Docket No. S-01-51S, ChevronTexaco. The period of the variance shall be for a consecutive 10-day period to occur between January 15, 2002 to February 15, 2002. The eight conditions will be set forth in the Order.

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

**B.)  
Docket No. S-01-48S, Short Variance, DAI Oildale, Inc., 3300 Manor Drive, Bakersfield, CA. 93308. Type of Business: DAI Oildale, Inc. (Petitioner) operates a 29.1 megawatt natural gas fired turbine cogeneration system, which is used to generate both electrical power and steam for enhanced crude oil recovery operations.**

**Petitioner** – Mike Folweiler represented DAI Oildale, Inc.

**Public Comments** – Ken Comey and Dr. Ted Guth spoke to the amendments to Condition # 5.

**Decision** – Mr. Dean moved that the variance be granted and the nine conditions set forth on pages 4 and 5 of the Staff Report (with the following amendments):

**Condition # 5 amended::**

**(1) During the variance period, the Petitioner shall submit a report that indicates any deviation above the current permitted level within 24 hours.**

**Condition # 7 amended:**

**(2) Delete Condition # 7 (C)**

and the required six findings set forth on pages 3 and 4 of the Staff Report be incorporated in the motion by reference. The motion was seconded by Mr. Bland and carried unanimously with the following **Roll Call Vote:**

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

**Noes: None.**

**Absent: None.**

The Board granted a Short Variance to Docket No. S-01-48S, DAI Oildale, Inc. The period of the variance shall be for a consecutive sixty-day period to begin on January 1, 2002 and end March 1, 2002 or until compliance is achieved whichever occurs first. The nine conditions with amendments to Condition # 5 and Condition # 7 will be set forth in the Order.

**The Board took a five minute break.**

**The Board reconvened from break.**

**C.)  
Docket No. S-01-47R, Regular Variance, Equilon Enterprises LLC, 6451  
Rosedale Highway, Bakersfield, CA. 93308. Type of Business: Crude Oil  
Production and Refining Operation.**

**Petitioner** – Howard Leung, Len Svitenko, Ken Comey and Brian Pglens represented Equilon Enterprises LLC.

**The Petitioner provided the Board and Staff with a report on: Project: Emissions Monitoring Systems (EMS) (3 pages).**

**Michael Carrera requested that his original general testimony for Docket No. S-01-48S, DAI Oildale, Inc., be incorporated in the record.**

**Public Comments** – No Public Comments.

**Decision** – Mr. Bland moved that the variance be granted with the nine conditions as set forth on set forth on page 4 of the Staff Report (with the following amendments):

**Condition # 5 amended:**

**(1) *During the variance period, the Petitioner shall submit a report that indicates any deviation above the current permitted level within 24 hours.***

**Condition # 7 amended:**

**(2) *Delete Condition # 7 (C)***

And the required six findings set forth on pages 2 and 3 of the Staff Report be incorporated in the motion by reference. The motion was seconded by Ms. Wolber and carried with the following **Roll Call Vote:**

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

**Noes: *Thomson and Dean.***

**Absent: *None.***

*The Board granted a Regular Variance to Docket No. S-01-47R, Equilon Enterprises LLC. The period of the variance shall occur between January 1, 2002 and December 31, 2002, or until compliance is achieved, whichever occurs first. The nine conditions with amendments to Condition # 5 and Condition # 7 will be set forth in the Order.*

**Michael Carrera presented the Staff Report for Docket S-01-45R and Docket S-01-46R simultaneously with a separate vote for each docket.**

D.)

Docket No. S-01-45R, Regular Variance, Rio Bravo Poso, 16608 Porterville Highway, Porterville, CA. 93308. Type of Business: Rio Bravo Poso (Petitioner) operates a 33-megawatt solid fuel fired circulating bed combustion unit, which is used to generate electrical power for contracted sale and statewide distribution.

**Michael Carrera requested that his original general testimony for Docket No. S-01-48S, DAI Oildale, Inc., also be incorporated in the record.**

**Petitioners** – Bill Rossiter, Dr. Ted Guth, Paul Sumal represented Rio Bravo Poso.

**Public Comments** – No Public Comments.

**Decision** – Mr. Thomson moved that the variance for Docket No. S-01-45R, Rio Bravo Poso be granted with the nine conditions as set forth on pages 4 and 5 of the Staff Report (with the following amendments):

**Condition # 1 amended:**

***The period of the variance shall occur between January 1, 2002 and December 31, 2002 ~~July 31, 2002~~ or until compliance is achieved, whichever occurs first.***

**Condition # 5 amended:**

**(1) *During the variance period, the Petitioner shall submit a report that indicates any deviation above the current permitted level within 24 hours.***

**Condition # 7 amended:**

**(2) *Delete Condition # 7 (C)***

and the required six findings set forth on pages 3 and 4 of the Staff Report be incorporated in the motion by reference. The motion was seconded by Ms. Wolber and carried with the following **Roll Call Vote:**

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

**Noes: *None.***

**Abstain: *Dean.***

**Absent: *None.***

*The Board granted a Regular Variance to Docket No. S-01-45R, Rio Bravo Poso. The period of the variance shall occur between January 1, 2002 and July 31, 2002. The nine conditions with amendments will be set forth in the Order.*

**E.)**

**Docket No. S-01-46R, Regular Variance, Rio Bravo Jasmin, 11258 Porterville Highway, Porterville, CA. 93308. Type of Business: Rio Bravo Jasmin (Petitioner) operates a 33-megawatt solid fuel fired circulating bed combustion unit, which is used to generate electrical power for contracted sale and statewide distribution.**

**Petitioner** - Bill Rossiter, Dr. Ted Guth, Paul Sumal represented Rio Bravo Jasmin.

**Public Comments** – No Public Comments.

**Decision** – Mr. Thomson moved that the variance for Docket No. S-01-46R, Rio Bravo Jasmin be granted with the nine conditions set forth on pages 4 and 5 of the Staff Report (with the following amendments):

**Condition # 1 amended:**

***The period of the variance shall occur between January 1, 2002 and ~~December 31, 2002~~ July 31, 2002 or until compliance is achieved, whichever occurs first.***

**Condition # 5 amended:**

**(1) *During the variance period, the Petitioner shall submit a report that indicates any deviation above the current permitted level within 24 hours.***

**Condition # 7 amended:**

**(2) *Delete Condition # 7 (C)***

and the required six findings set forth on pages 3 and 4 of the Staff Report be incorporated in the motion by reference. The motion was seconded by Ms. Wolber and carried with the following **Roll Call Vote:**

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

***Noes: None.***

***Abstain: Dean.***

***Absent: None.***

*The Board granted a Regular Variance to Docket No. S-01-46R, Rio Bravo Jasmin. The period of the variance shall occur between January 1, 2002 and July 31, 2002. The nine conditions with amendments will be set forth in the Order.*

5. **Administrative Agenda – Receive and File** – The Board Received and Filed the following emergency variance orders:
  - A.) Docket No. S-01-42E, Chevron USA, Inc.
  - B.) Docket No. S-01-49E, Kern Oil & Refining Co.
  - C.) Docket No. S-01-50E, Aera Energy LLC
  - D.) Docket No. S-01-52E, Recot Inc.

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

7. **Hearing Board Member Comments** – The Board thanked staff for including item 5. Administrative Agenda – Receive and Filing of Emergency Variances.

The Board reminded Philip M. Jay, District Counsel to provide them with a written report with respect to the Hearing Board's jurisdiction.

8. **New Business: Election of Chairman and Vice Chairman for 2002** – Mr. Dean made a motion to elect Mr. Carlile for Chairman. The motion was seconded by Mr. Thomson and carried unanimously.

Mr. Dean made a motion to elect Mr. Bland as Vice Chairman. The motion was seconded by Mr. Thomson and carried unanimously.

Therefore, let the record show that Hollis B. Carlile will serve as Chairman for the Year 2002 and William L. Bland, Jr. will serve as Vice Chairman for the Year 2002.

9. **Next Scheduled Meeting** – Wednesday, January 9, 2002 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.
10. **Adjournment** – The Chairman, Hollis B. Carlile, adjourned the meeting at 12:00 p.m.

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Minutes prepared by  
Sissy Smith, Clerk to the Board for  
Stephanie Shaw, Legal Secretary  
Southern Region Hearing Board  
San Joaquin Valley Unified APCD