



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.

Wednesday, November 14, 2001
10:00 a.m.

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

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

1. **Call Meeting to Order** – The Chairman, Hollis B. Carlile, called the meeting to order at 10:11 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 Chairman (*)	Public
Hollis B. Carlile, Chairman	Engineer

(*) Arrived at 10:11 a.m.

(**) Arrived during Item # 4, D.)

Also present in the Southern Region Office (Bakersfield)

Clifton Calderwood, Air Quality Compliance Manager, Creighton Smith, Supervising Air Quality Inspector, Leonard Scandura, Senior Air Quality Engineer, Cory Eagar and Amelia Yuan, Air Quality Inspectors.

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

3. **Approve Minutes of October 10, 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 October 10, 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 to the Board. Ms. Smith 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.

4. **Public Hearings:**

It was determined that the La Paloma Generating Projects would be heard simultaneously with a separate vote for each project.

<p>A.) Docket No. S-01-33R - Unit 1 B.) Docket No. S-01-34R - Unit 2 C.) Docket No. S-01-35R - Unit 3 D.) Docket No. S-01-36R - Unit 4, Regular Variances, <u>La Paloma Generating Projects</u>, 1760 W. Skyline Road, McKittrick, CA. 93521. Type of Business: Electrical Power Generating Facilities.</p>

Petitioner – Zenis Walley, Thomas Rosse, Tom Romesberg, Bill Steiner and Dave Farabee represented La Paloma Generating.

<p>The Petitioner provided the following items to the Board and staff: Figure 1. La Paloma Generating Plant Commissioning Schedule Figure 2. La Paloma Generating Plant Typical Commissioning Activities</p>

Public Comments – No Public Comments.

A.) Docket No. S-01-33R, Unit 1

Decision – Mr. Bland moved that the variance be granted with the fifteen conditions set forth on pages 4, 5 and 6 of the Staff Report 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 unanimously with the following **Roll Call Vote:**

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

Noes: ***None.***

Absent: Thomson and Dean.

The Board granted a Regular Variance to Docket No. S-01-33R, La Paloma Generating Project, Unit #1. The variance shall be effective between December 25, 2001 and October 25, 2002. The fifteen conditions will be set forth in the Order.

Public Comments – No Public Comments

B.) Docket No. S-01-34R, Unit 2

Decision – Mr. Bland moved that the variance be granted with the fifteen conditions set forth on pages 4, 5, and 6 of the Staff Report 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 unanimously with the following **Roll Call Vote:**

Ayes: Wolber, Bland and Carlile.

Noes: None.

Absent: Thomson and Dean.

The Board granted a Regular Variance to Docket No. S-01-34R, La Paloma Generating Project, Unit # 2. The variance shall be effective between January 25, 2002 and November 25, 2002. The fifteen conditions will be set forth in the Order.

Public Comments – No Public Comments.

C.) Docket No. S-01-35R, Unit 3

Decision – Mr. Bland moved that the variance be granted with the fifteen conditions set forth on pages 4, 5, and 6 of the Staff Report 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 unanimously with the following **Roll Call Vote:**

Ayes: Wolber, Bland and Carlile.

Noes: None.

Absent: Thomson and Dean.

The Board granted a Regular Variance to Docket No. S-01-35R, La Paloma Generating Project, Unit # 3. The variance shall be effective between February 25, 2002 and December 25, 2002. The fifteen conditions will be set forth in the Order.

Public Comments – No Public Comments.

D.) Docket No. S-01-36R, Unit 4

Decision – Mr. Bland moved that the variance be granted with the fifteen conditions set forth on pages 4, 5 and 6 of the Staff Report and the required six findings set forth on pages 3 and 4 of the Staff Report be incorporated in the motion by reference. With a change to the Authority to Construct Number to ATC #S-3412-4-3-2. The motion was seconded by Ms. Wolber and carried unanimously with the following **Roll Call Vote:**

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

Noes: ***None.***

Absent: ***Thomson and Dean.***

The Board granted a Regular Variance to Docket No. S-01-36R, La Paloma Generating Project, Unit # 4. The variance shall be effective between March 25, 2002 and January 25, 2003. The fifteen conditions will be set forth in the Order.

The Chairman, Hollis B. Carlile, indicated a conflict of interest in respect to E.) Docket No. S-01-19X, Chevron USA, INC. Therefore, Mr. Carlile left the dais for this portion of the hearings.

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

E.)

Docket No. S-01-19X, Extension, Chevron USA, Inc., 15255 Lost Hills Road, Lost Hills, CA. 93249. Crude Oil and Natural Gas Production.

Petitioner – Greg Schmidt, David Wilbur and Don Culbertson represented Chevron USA, Inc.

Public Comments – No Public Comments.

Decision – Mr. Dean moved that the variance be granted with the nine 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, Dean and Bland.***

Noes: ***None.***

Excused: ***Carlile.***

Absent: ***Thomson.***

The Board granted an Extension to Docket No. S-01-19X, Chevron USA, Inc. The extension of regular variance S-01-19R shall be effective from November 30,

2001 to February 1, 2002, or until compliance is achieved whichever occurs first.
The nine 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.

**F.)
Docket No. S-01-40S, Short Variance, Aera Energy LLC (Lost Hills-One Tank Battery), P O Box 11164, Bakersfield, CA. 93389-1164. Type of Business: Crude Oil & Natural Gas Production Facility.**

Petitioner – John Haley and Bruce Jones represented Aera Energy LLC (Lost Hills-One Tank Battery).

Public Comments – No Public Comments.

Decision – Mr. Dean moved that the variance be granted with the eight conditions as set forth on page 4 of the Staff Report: (Condition # 4 was modified during the hearing to exclude the 10,000 gallon tank) 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, Dean, Bland and Carlile.***

Noes: ***None.***

Absent: ***Thomson.***

The Board granted a Short Variance to Docket No. S-01-40S, Aera Energy LLC (Lost Hills-One Tank Battery). The variance shall be effective for a consecutive twelve (12) hour period to occur sometime between November 14, 2001 and December 31, 2001. The eight conditions with modification to Condition # 4 will be set forth in the Order.

**G.)
Docket No. S-01-43S, Short Variance, Aera Energy LLC (Lost Hills-Section 15 Gas Plant), P O Box 11164, Bakersfield, CA. 93389-1164. Type of Business: Crude Oil and Natural Gas Production.**

Petitioner – Brent Winn and Tom Scott represented Aera Energy LLC, (Lost Hills-Section 15 Gas Plant).

Public Comments – No Public Comments.

Decision – Mr. Bland moved that the variance be granted with the ten conditions set forth on pages 3 and 4 of the Staff Report with changes to Condition # 2 with the inclusion of Rule 4101, Visible Emissions and Health and Safety Code Section 41701 and Condition #6 which shall read: Visible Emissions shall not exceed ~~30~~ 60 percent opacity or Ringelmann ~~4.5~~ 3 for five minutes during and two hour period the flare blower is off-line 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 Mr. Dean and carried unanimously with the following **Roll Call Vote:**

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

Noes: *None.*

Absent: *Thomson.*

The Board granted a Short Variance to Docket No. S-01-43S, Aera Energy LLC (Lost Hills-Section 15 Gas Plant). The variance shall be effective for a twelve hour period to occur sometime between November 14, 2001 and January 10, 2002, or until compliance has been achieved, whichever occurs first. The ten conditions with modifications will be set forth in the Order.

H.)

Docket No. S-01-44S, Short Variance, Del Mesa Farms (Porterville Plant), 770 N. Plano Street, Bakersfield, CA. 93257. Type of Business: Processing of Cooked Chicken Products.

Petitioner – Dave Duke and Neal Jones represented Del Mesa Farms.

Public Comments - Patti Lee Young had comments and concerns in respect to the opacity issue.

Decision – Mr. Bland made a motion that the variance be granted with eight conditions (modifying Condition #4, deleting Condition #5 and Condition #7D.) 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 Mr. Dean and carried unanimously with the following **Roll Call Vote:**

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

Noes: *None.*

Absent: *Thomson.*

The Board granted a Short Variance to Docket No. S-01-44S, Del Mesa Farms (Porterville Plant). The variance shall be effective from November 30, 2001 to February 12, 2002 or until compliance is achieved whichever occurs first. The eight conditions with modifications will be set forth in the Order.

5. **Public Comments** – Patti Lee Young, Crimson Resource Management, provided the Board with an update in respect to Crimson Resource Management. Ms. Young stated that Crimson Resource Management applied for a rehearing and was informed by the District that Crimson Resource Management had missed the ten day filing deadline. Ms. Young asked the Board for assistance in obtaining a rehearing date.

The Chairman asked Philip M. Jay, District Counsel, for his opinion in respect to this issue.

Mr. Jay responded that Crimson Resource Management, at this point, needs to obtain the assistance of someone that is familiar with Hearing Board procedures as well as the legal requirements to help them proceed with this issue. Mr. Jay further stated that at this point the Hearing Board does not have any jurisdiction in this matter.

6. **Hearing Board Member Comments** – The Board commended staff for clearly indicating in the Staff Reports a clear statement of support and/or non-support of a petitioners request for a variance.

The Board asked if an abatement order could be modified if the original circumstance in respect to the abatement order changed. Mr. Jay responded affirmative.

The Board requested that District Counsel provide them with something in writing that clearly states the Boards jurisdiction in respect to requests that are made of the Board during the Public Comment portion of the agenda.

7. **New Business** – No New Business.
8. **Next Scheduled Meeting** – Wednesday, December 12, 2001 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) included via VTC.
9. **Adjournment** – The Chairman, Hollis B. Carlile, adjourned the meeting at 12:01 p.m.

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