



San Joaquin Valley Air Pollution Control District

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www.valleyair.org

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, December 11, 2002
10:00 a.m.

Meeting held via video teleconferencing (VTC) with the Central Region Office (Fresno) participating 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 (absent)	Public
William L. Bland, Jr., Vice Chair	Public
Hollis B. Carlile, Chair	Engineer

Also present in the Southern Region Office (Bakersfield)

Creighton Smith and Dave Baldwin, Supervising Air Quality Inspectors, Jon Adams, Air Quality Compliance Manager, Amelia Yuan, Mike Oldershaw, Sherman Yount and Glenn Slitor, Senior Air Quality Inspectors, Amy Roberts and Vernon McKnight, 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 and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of November 13, 2002** – The Chair asked if there were any corrections, comments or additions to the Minutes. Hearing no comments the Chair declared that the Minutes of November 13, 2002 were approved as submitted.

The Chair requested the Petitioners sign the Sign In Sheet.

All persons testifying were sworn in by the Chair.

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 the Hearing Board Packet and any addenda brought forth in today's hearings be entered into the Official Record.

4. **Public Hearings:**

Michael Carrera presented the Staff Reports.

A.) Docket S-03-35R, Regular Variance, Cheese & Protein International. Inc., 800 E. Paige Avenue, Tulare, CA. 93274. Type of Business: Milk Processing Facility.

Petitioners – Chris Scheidt, Denise Emler, Jeff Spomer and Jeff Davis represented Cheese & Protein International, Inc.

Public Comments – No Public Comments.

Decision – Board Member Bland made the motion to grant the variance subject to twelve conditions with amendments. The original conditions were set forth on pages 4 and 5 of the Staff Report. Board Member Bland stated that the required six findings set forth on pages 2 and 3 of the Staff Report could be made.

Seconded by Board Member Wolber and carried unanimously with the following

Roll Call Vote:

Ayes: *Wolber, Bland and Carlile.*

Absent: *Thomson and Dean.*

Therefore, the Board granted a Regular Variance to Docket S-02-35R, Cheese & Protein International, Inc. The following conditions were amended. (strike through/deleted and underlined/added):

Condition # 1

The variance shall be effective from November 14, 2002 to ~~June 5, 2003~~ February 1, 2003, or until compliance is achieved, whichever occurs first.

Condition # 5

The maximum daily production of DPW shall not exceed ~~110~~ 150 tons per day.

Condition # 10

By ~~July 5, 2002~~ March 1, 2003 or no later than 30-days after achieving compliance, whichever occurs first, the Petitioner shall submit to the District a written report with items A., B., C., D., E., and F. The twelve conditions will be set forth in the Order.

B.)

Docket S-02-42R, Regular Variance, Cheese & Protein International, Inc., 800 E. Paige Avenue, Tulare, CA. 93274. Type of Business: Milk Processing Facility.

Petitioners - Chris Scheidt, Denise Emler, Jeff Spomer and Jeff Davis represented Cheese & Protein International, Inc.

Public Comments – No Public Comments.

Decision – Board Member Bland made the motion to grant the variance subject to eleven conditions with amendments. The original conditions were set forth on pages 3 and 4 of the Staff Report. Board Member Bland stated that the required six findings set forth on pages 2 and 3 of the Staff Report could be made.

Seconded by Board Member Wolber and carried unanimously with the following

Roll Call Vote:

Ayes: *Wolber, Bland and Carlile.*

Absent: *Thomson and Dean.*

Therefore, the Board granted a Regular Variance to Docket S-02-42R, Cheese & Protein International, Inc. The following conditions were amended. (strike through/deleted and underlined/added)

Condition # 1

The variance shall be effective from October 10, 2002 to ~~February 1, 2003~~ March 1, 2003, or until compliance is achieved, whichever occurs first.

Condition # 4

A return to full compliance with all District requirements shall be achieved as soon as practicable, but no later than midnight on ~~February 1, 2003~~ March 1, 2003, whichever occurs first.

Condition # 9

By ~~March 1, 2003~~ April 1, 2003 or no later than 30-days after achieving compliance, whichever occurs first, the Petitioner shall submit to the District a written report. The report shall include: A., B., C., D., E., and Delete F. The eleven conditions will be set forth in the Order.

C.)
Docket S-02-46R, Regular Variance, Sunrise Power Company, 12857 Sunrise Power Road, Fellows, CA. 93224. Type of Business: Electrical Power Generating Facility.

Petitioners – Daniel Beck, Stanley Ambrewster, Mervyn Soares represented Sunrise Power Company.

Public Comments – No Public Comments.

Decision – Board Member Bland made the motion to grant the variance subject to sixteen conditions set forth on pages 4 and 5 of the Staff Report. Board Member Bland stated that the required six findings set forth on pages 3 and 4 of the Staff Report could be made. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call Vote:**

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

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

Therefore, the Board granted a Regular Variance to Docket S-02-46R, Sunrise Power Company. The variance shall be effective for a cumulative 120-days between March 1, 2003 and December 31, 2003, or until commissioning activities are complete, whichever occurs first. The sixteen conditions will be set forth in the Order.

D.)
Docket S-02-45S, Short Variance, Crimson Resource Management, (1C gas Plant), Sec. NE01, T32S, 23E, Taft Ca. Type of Business: Crude Oil and Natural Gas Production.

The Chair sworn in John Grier and Jon Adams.

Robert J. Kard, Director of Compliance, Jon Adams, Air Quality Compliance Manager, provided additional testimony.

Petitioners – Patty Lee Kusek, John Grier and Kerry Hamilton represented Crimson Resource Management.

During the hearing Ms. Kusek provided the Hearing Board Members copies of correspondence in respect to this variance they are:

Aug. 15, 2002 From: Crimson Resource Management, Patty Lee Kusek
To: Jon Adams, SJVUAPCD

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Aug. 22, 2002 From: SJVAPCD, Glenn Slitor
To: Crimson Resource Management, Patty Lee Kusek

Aug. 15, 2002 From: Crimson Resource Management, Patty Lee Kusek
To: Jon Adams, SJVUAPCD Staff

Sept. 17, 2002 From: Crimson Resource Management, Patty Lee Kusek
To: Jon Adams, SJVUAPCD Staff

Sept. 23, 2002 From: Crimson Resource Management, Patty Lee Kusek
To: Vernon McKnight, SJVUAPCD Staff

Sept. 24, 2002 From: Glenn Slitor, SJVUAPCD Staff
To: Crimson Resource Management, Patty Lee Kusek

Sept. 26, 2002 From: Crimson Resource Management, Patty Lee Kusek
To: Vernon McKnight, SJVUAPCD Staff

Oct. 4, 2002 From: Crimson Resource Management, Patty Lee Kusek
To: Vernon McKnight, SJVUAPCD Staff

Oct. 8, 2002 From: Dave Baldwin, SJVUAPCD Staff
To: Crimson Resource Management, Patty Lee Kusek

Nov. 18, 2002 From: Crimson Resource Management, Patty Lee Kusek
To: Vernon McKnight, SJVUAPCD Staff

Email:

Oct. 2, 2002 From: Crimson Resource Management, Patty Lee Kusek
To: Creighton Smith, SJVUAPCD Staff

Oct. 10, 2002 From: Crimson Resource Management, Patty Lee Kusek
To: Creighton Smith, SJVUAPCD Staff

copy of Rule 4701 (Internal Combustion Engines), Section 5.0, Requirements, pages 5 and 6.

Break at 10:55 a.m.

Reconvened at 11:01 a.m.

Public Comments – No Public Comments.

The Chair stated that the Board granted a continuation to Docket S-02-45S, Crimson Resource Management to the next scheduled meeting: January 8, 2003.

5. **Administrative Agenda – Receive and File** – The Southern Region Hearing Board Received and Filed the following emergency variance Orders:

A.) Docket S-02-47E Aera Energy LLC
 P O Box 11164
 Bakersfield, CA. 93389

B.) Docket S-02-48E Aera Energy LLC
 P O Box 11164
 Bakersfield, CA. 93389

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

7. **Hearing Board Member Comments** – No Hearing Board Member Comments.

8. **New Business:**

A. **2003 Chair and Vice Chair Election**

The Chair noted that Board Member Dean called and asked if the Board could delay this item to the next scheduled meeting: January 8, 2003.

The Chair asked District Counsel if this election was required before the January 2003 Hearing Board Meeting.

Philip M. Jay, District Counsel, stated that there is no requirement. Mr. Jay noted that the Board can act on Election of Officers at their next scheduled meeting January 8, 2003.

{Therefore, the Chair stated that the Election of Officers for 2003 would be on the January 8, 2003 agenda for action.}

B. **2003 – Southern Region Hearing Board Meeting Schedule**

{Received and Filed}

9. **Next Scheduled Meeting** – Wednesday, January 8, 2003 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 11:39 a.m.

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