



San Joaquin Valley Air Pollution Control District

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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, September 10, 2003
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 Vice Chair, William L. Bland, Jr., chaired the meeting. The Chair called the meeting to order at 10:00 a.m.

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

Kimm Wolber	Medical
Andrew C. Thomson	Attorney
William L. Bland, Jr., Vice Chair	Public
Hollis B. Carlile, Chair (absent)	Engineer

Also present in the Southern Region Office (Bakersfield)
Creighton Smith, Supervising Air Quality Inspector and Leonard Scandura, Supervising Air Quality Engineer.

Also present in the Central Region Office (Fresno) – Philip M. Jay, District Counsel, Michael Carrera, Senior Air Quality Inspector and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of August 13, 2003** – The Chair asked if there were any corrections to the Minutes of August 13, 2003? Hearing no comments the Chair declared the Minutes of August 13, 2003 were approved as submitted.

The Chair swore in all persons testifying.

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.

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

4. **Public Hearings:**

Staff stated first two items on the Agenda, Items A.) Docket S-03-26S, Aera Energy LLC - Lost Hills 1 and B.) Docket S-03-30S, Aera Energy LLC - Lost Hills 2, are related and requested permission to do one presentation for both items. Staff indicated they would explain the differences between A.) and B.) and why they required the Petitioner to file two separate variances.

The request was acceptable with the Board and the Petitioner.

Michael Carrera presented the Staff Reports.

A.)
Docket S-03-26S, Short Variance, Aera Energy LLC – Lost Hills 1, 59231 Main Camp Road, McKittrick, CA. 93251. Type of Business: Crude Oil and Gas Production Facility.

B.)
Docket S-03-30S, Short Variance, Aera Energy LLC – Lost Hills 2, 59231 Main Camp Road, McKittrick, CA. 93251. Type of Business: Crude Oil and Gas Production Facility.

Petitioners – David Shuck, Ed Neilands and John Haley represented Aera Energy LLC.

Public Comment for A.) – No Public Comment.

Decision for A.) – Board Member Thomson made the motion to grant a variance to Docket S-03-26S, Aera Energy LLC – Lost Hills 1. Board Member Thomson's motion was for a single 18-hour period to occur between September 11, 2003 and October 31, 2003 and the six findings have been made with the variance subject to ten conditions set forth on pages 3 and 4 of the Staff Report as amended with respect to Condition 2A by adding Condition 3 of PTO # S-1548-113-1. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call Vote:**

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

The Board granted a Short Variance to Docket S-03-26S, Aera Energy LLC – Lost Hills 1. The variance shall be effective for a single 18-hour period to occur sometime between September 11, 2003 and October 31, 2003, or until compliance is achieved, whichever occurs first. The variance is subject to ten conditions as amended with respect to Condition 2A by adding Condition 3 of PTO # 1548-113-1, the ten conditions will be set forth in the Order.

Public Comment for B.) – No Public Comment.

Decision for B.) – Board Member Thomson made the motion to grant a variance to Docket S-03-30S, Aera Energy LLC – Lost Hills 2. Board Member Thomson's motion was for a single 36-hour period to occur between September 11, 2003 and October 31, 2003 and the six findings have been made with the variance subject to ten conditions set forth on pages 3 and 4 of the Staff Report.

Seconded by Board Member Wolber and carried unanimously with the following

Roll Call Vote:

Ayes: *Wolber, Thomson and Bland.*

Absent: *Carlile.*

The Board granted a Short Variance to Docket S-03-30S, Aera Energy LLC – Lost Hills 2. The variance shall be effective for a single 36-hour period to occur sometime between September 11, 2003 and October 31, 2003, or until compliance is achieved, whichever occurs first. The variance is subject to ten conditions and the ten conditions will be set forth in the Order.

C.)

Docket S-03-27S, Short Variance, Chevron USA, Inc. – Cymric Oilfield, Franco Western Road, McKittrick, CA. Type of Business: Crude Oil and Natural Gas Production.

Petitioners – Ken Robinson, Ferry Martin and Frank Maccioli represented Chevron USA, Inc.

Public Comment – No Public Comment.

Decision – Board Member Thomson made the motion to grant a variance to Docket S-03-27S, Chevron USA, Inc., Cymric Oilfield. The variance shall be effective for a period not to exceed 144-hour period to occur sometime between October 1, 2003 and October 31, 2003 and the six findings have been made and that the variance be pursuant to the recommendations set forth on page 4 and 5 of the Staff Report as amended during the hearing. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call Vote:**

Ayes: *Wolber, Thomson and Bland.*

Absent: *Carlile.*

The Board granted a Short Variance to Docket S-03-27S, Chevron USA, Inc., Cymric Oilfield. The variance shall be effective for a period not to exceed 144-hour period to occur sometime between October 1, 2003 and October 31, 2003. The variance is subject to thirteen conditions with the following conditions amended:

1. The variance shall be effect for a single, consecutive period not to exceed 144-hour period to occur sometime between ~~September 14, 2003, and October 17, 2003~~ October 1, 2003 and October 31, 2003.
8. The release of VOC emissions shall be minimized by operating the vapor recovery system whenever possible-practicable.
9. All tanks affected by the vapor piping modifications shall remain static or be drawn down during the variance period. The Petitioner will attempt to minimize fluctuations in liquid and tank temperatures to the fullest extent practicable.
11. By November ~~3~~17, 2003, or no later than 15 days after the end of the variance period, the Petitioner shall submit to the District a summary report that shall include all the information required above.

The thirteen conditions will be set forth in the Order.

D.)
Docket S-02-34X, Extension of Regular Variance, La Paloma Generating Plant –Unit 1
Docket S-02-24X, Extension of Regular Variance, La Paloma Generating Plant – Unit 2
Docket S-02-25X, Extension of Regular Variance, La Paloma Generating Plant – Unit 3
Docket S-02-29X, Extension of Regular Variance, La Paloma Generating Plant – Unit 3
1760 W. Skyline Road, McKittrick, CA. 93251. Type of Business: Electrical Power
Generating Facility

Petitioners – Dr. Ted Guth, Patrick Fetzer and Zenis Walley represented La Paloma Generating Plant.

The Petitioner provided the Board and staff with a copy of their presentation:
La Paloma Generating Plant Opacity Variance Extension Petition

Ms. Walley they would be providing La Paloma's Phase IV report is embodied in today's variance hearing.

Public Comment – No Public Comment.

Decision – Board Member Thomson made the motion to grant to Docket Nos. S-02-24X, S-02-25X, S-02-29X and S-02-34X, extensions of those Regular Variances be provided to La Paloma Generating Plant and that the six findings

have reasonable been made and that the extensions of the variances are pursuant to the eleven recommendations as amended during the hearings. Seconded by Board Member Wolber and carried unanimously with the following

Roll Call Vote:

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

Absent: **Carlile**

The Board granted extensions to Regular Variances for:

Docket S-02-34X, Unit 1

Docket S-02-24X, Unit 2

Docket S-02-25X, Unit 3

Docket S-02-29X, Unit 4, La Paloma Generating Plant. The variances shall be effective between September 6, 2003 and September 5, 2004, or until compliance is achieved, whichever occurs first. The variance is subject to eleven conditions with the following condition amended:

6B. *Should visible emission exceed ~~30%~~40% opacity at any time, the Petitioner will conduct a VEE of those emission and report them to the District within ~~15 minutes~~ one hour of their occurrence.*

The eleven conditions will be set forth in the Order.

5. **Administrative Agenda – Receive and File** – The Southern Region Hearing Board has not heard or approved an emergency variance order since August 13, 2003.
6. **Public Comment** – No Public Comments.
7. **Hearing Board Member Comments** – No Hearing Board Member Comments.
8. **New Business** – No New Business.
9. **Next Scheduled Meeting** – Wednesday, October 8, 2003 at 10:00 a.m. The meeting will be held via video teleconferencing (VTC) in the Southern Region Office, 2700 M Street, Suite 275, Bakersfield with the Central Region Office, Fresno, participating via VTC.
10. **Adjournment** – The Chair adjourned the meeting at 10:58 a.m.

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