



San Joaquin Valley Air Pollution Control District

GOVERNING BOARD

Barbara Patrick, Chair
Supervisor, Kern County

**Thomas W. Mayfield,
Vice Chair**
Supervisor, Stanislaus County

Mike Maggard
Councilmember, City of Bakersfield

Judith G. Case
Supervisor, Fresno County

Tony Barba
Supervisor, Kings County

Ronn Dominici,
Supervisor, Madera County

Sam Armentrout
Councilmember, City of Madera

Dan Prince
Councilmember, City of Ripon

Michael G. Nelson
Supervisor, Merced County

Jack A. Sieglock
Supervisor, San Joaquin County

J. Steven Worthley
Supervisor, Tulare County

David L. Crow
Executive Director/
Air Pollution Control Officer

Northern Region Office
4230 Kiernan Avenue, Suite 130
Modesto, CA 95356-9322
(209) 557-6400
FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000
FAX (559) 230-6061

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2370
(661) 326-6900
FAX (661) 326-6985

www.valleyair.org

Action Summary Minutes 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, February 11, 2004
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 10:01 a.m.

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

Kimm Wolber	Medical
Nancy Ann Dunn	Public
Andrew C. Thomson	Attorney
William L. Bland, Jr., Vice Chair	Public
Hollis B. Carlile, Chair	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, Catherine Tognazzini, Assistant Counsel, Michael Carrera, Supervising Air Quality Inspector and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of December 10, 2003** – The Chair asked if there were any corrections to the Minutes of December 10, 2003. Hearing no comments the Chair declared the Minutes of December 10, 2003 approved as submitted.

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 sign the Sign In Sheet.

4. **Public Hearing:**

Michael Carrera presented the Staff Reports.

The Chair stated Docket Numbers 52R, 53R, 54R and 55R appear to be similar in nature and requested they be heard at the same time and voted on separately. Staff stated that would be appropriate.

A.)
Docket S-03-08i, Interim Variance, Aera Energy LLC, Sec 2 & 3, T29S, R21E, McKittrick, CA. Type of Business: Oil and Gas Production.

Petitioner - Brent Winn represented Aera Energy LLC.

Public Comments – No Public Comments.

Decision – Board Member Bland made the motion to grant the Interim Variance to Docket S-04-08i, Aera Energy LLC, subject to nine conditions set forth on page 3 of the Staff Report. Board Member Bland amended his motion in respect to the required six finding: “the Hearing Board finds just cause to grant the variance”. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call Vote:**

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

Absent: ***No Board Members absent.***

The Board granted an Interim Variance to Docket S-04-08i, Aera Energy LLC. The interim variance shall be effective from February 12, 2004 to March 10, 2004, until the next scheduled Hearing Board can be held, or the ATC to increase the CO emission limit has been issued, whichever occurs first. The nine conditions will be set forth in the Order.

B.) Docket S-03-52R, La Paloma Generating Company LLC, Unit 1
C.) Docket S-03-53R, La Paloma Generating Company LLC, Unit 2
D.) Docket S-03-54R, La Paloma Generating Company LLC, Unit 3
E.) Docket S-03-55R, La Paloma Generating Company LLC, Unit 4
1760 W. Skyline Road, McKittrick, CA. 93521. Type of Business: Electrical Power Generating Facility.

The Chair asked the Petitioner if had any opposition to these items being heard at the same time. Mr. Walley stated he had no oppositions to the items being heard at the same time.

Petitioners – Zenis Walley, Bill Steiner and Pius Frei, represented La Paloma Generating Company LLC.

The Petitioner provided the Board and staff with the following documents:

Figure 1

La Paloma Generating Plant – Planned Cure Outage and Recommissioning Schedule

Figure 2

La Paloma Generating Plant – Expected Cure Recommissioning Activities

Public Comments – No Public Comments.

Mr. Carrera noted a correction in the Staff Report for Docket S-03-55R, Unit 4, Page 4, Item 2, PTO # S-3412-3-7 corrected to #S-3412-4-2, and PTO #S-3412-4-3 corrected to #S-3412-4-2.

Decision Board Member Thomson made the motion to grant Regular Variances to Docket S-03-52R, Docket S-03-53R, Docket S-03-54R and Docket S-03-55R, La Paloma Generating Company LLC. The variances shall be effective between February 11, 2004 and April 10, 2005, or until Recommissioning activities are complete, whichever occurs sooner. The Board concurred the required six findings could be made. The motion included the correction to Docket S-03-55R, Page 4, Recommendation 2, PTO numbers listed above. With respect to Recommendation 13: The Board's preference: Until compliance is achieved, the Petitioner shall provide written progress reports for specified dates that will be included in the Orders. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call Vote:**

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

Absent: **No Board Members absent.**

The Board granted Regular Variances to:

Docket S-03-52R, Unit 1

Docket S-03-53R, Unit 2

Docket S-03-54R, Unit 3

Docket S-03-55R, Unit 4

The variances shall be effective between February 11, 2004 and April 10, 2005, or until Recommissioning activities are complete, whichever occurs sooner. The seventeen conditions with corrections made during the hearing will be set forth in the Orders.

5. **Emergency Variances** – The Southern Region Hearing Board approved the following emergency variance orders:
 - A.) Docket S-03-48E Sierra Power Corporation
9000 Road 234, Terra Bella, CA. 93720
 - B.) Docket S-03-49E Aera Energy LLC
Section 2 & 3, Township 29S, Range 21E, Lost Hills, CA.
 - C.) Docket S-04-01E Aera Energy LLC
6451 Rosedale Highway, Bakersfield, CA.
93308
 - D.) Docket S-04-02E Aera Energy LLC
Section NW20, Township 28S, Range 21E,
McKittrick, CA.
 - E.) Docket S-04-04E Equilon Enterprises LLC
6451 Rosedale Highway, Bakersfield, CA.
93308
 - F.) Docket S-04-05E Equilon Enterprises LLC
6451 Rosedale Highway, Bakersfield, CA.
 - G.) Docket S-04-07E Aera Energy LLC
Section NW35, Township 12N, Range 24W,
Maricopa, CA.
6. **Public Comments** – No Public Comments.
7. **Hearing Board Member Comments** – The Board requested they receive their meeting packets in a more timely fashion.
8. **New Business: 2004 Chair and Vice Chair elections** – Board Member Wolber nominated Hollis Carlile as Chair for 2004. Seconded by Board Member Thomson and carried unanimously with the following **Roll Call Vote:**
Ayes: ***Wolber, Thomson, Dunn, Bland and Carlile.***
Absent: ***No Board Members absent.***

The Board elected Hollis B. Carlile as Chair, for the year 2004.

Board Member Thomson nominated Bill Bland as Vice Chair for 2004. Seconded by Board Member Carlile and carried unanimously with the following **Roll Call Vote:**

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

Absent: *No Board Member absent.*

The Board elected William L. Bland, Jr., as Vice Chair, for the year 2004.

9. **Next Scheduled Meeting** – Wednesday, March 10, 2004 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. **Adjourn** – The Chair adjourned the meeting at 10:49 a.m.

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