



# San Joaquin Valley Air Pollution Control District

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**David L. Crow**  
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## 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, March 10, 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 10:00 a.m.

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

Kimm Wolber	Medical
Andrew C. Thomson	Attorney
Nancy Ann Dunn	Public
William L. Bland, Jr., <b>Vice Chair (absent)</b>	Public
Hollis B. Carlile, <b>Chair</b>	Engineer

**Also present in the Southern Region Office (Bakersfield)**

Jon Adams, Air Quality Compliance Manager and Allan Phillips, Supervising Air Quality Engineer.

**Also present in the Central Region Office (Fresno)** – Catherine Tognazzini, Assistant District Counsel, Michael Carrera, Supervising Air Quality Inspector and Sissy Smith, Clerk to the Board.

3. **Approve Minutes of February 11, 2004** – The Chair asked if there were any corrections to the Minutes of February 11, 2004. Hearing no comments the Chair declared the Minutes of February 11, 2004 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.

All persons testifying were sworn in by the Chairman.

The Chair indicated a Conflict of Interest with A.) Chevron USA, Inc. and B.) Chevron USA, Inc. The Chair requested items A.) and B.) be heard at the same time.

The Chair requested Andrew C. Thomson chair items A.) and B.).

The Chair, Andrew C. Thomson stated he would like to have the Chevron matters held one after the other.

Michael Carrera presented the Staff Reports.

A.) Docket S-03-42S, Short Variance, Chevron USA, Inc., Sec. NE05, T29S, R28E, Bakersfield, CA. Type of Business: Heavy Crude Oil Production Facility
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**Petitioner** - Larry Landis and Al Elrabaa represented Chevron USA, Inc.

The Petitioner requested a change to the variance start date from March 10, 2004 and April 9, 2004 to April 1, 2004 and April 30, 2004.

Staff indicated they were agreeable to a change in the variance start date.

**Public Comments** – No Public Comments.

**Decision** – Board Member Wolber made the motion to grant the Short Variance to Docket S-03-42S, Chevron USA, Inc., subject to eight conditions set forth on page 4 of the Staff Report with a revision to Condition # 1 regarding the variance start date. The Board concurred the required six findings set forth on pages 2 and 3 of the Staff Report could be made. Seconded by Board Member Dunn and carried unanimously with the following **Roll Call Vote:**

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

**Absent:** ***Bland.***

**Excused:** ***Carlile.***

*The Board granted a Short Variance to Docket S-03-42S, Chevron USA, Inc.  
The period of the Short Variance shall be for a single, consecutive 24-hour period*

to occur between April 1, 2004 and April 30, 2004. The eight conditions will be set forth in the Order.

The Chair noted the next hearing docket was called out of order.

C.)

Docket S-04-10i, Interim Variance, Chevron USA, Inc., Sec. SW31, T29S, R22E, Bakersfield, CA. Type of Business: Crude Oil & Gas Production Facility.

**Petitioners** - Larry Landis and Ferry Martin represented Chevron USA, Inc.

Mr. Landis indicated the original variance request was for eleven tanks and has been revised to fourteen tanks. Mr. Landis read into the record the additional PTO's to be included in the variance request. #S-011-28-411, 412 and 936.

**Public Comments** – No Public Comments.

**Decision** – Board Member Wolber made the motion to grant the Interim Variance to Docket S-04-10i, Chevron USA, Inc. Ms. Wolber indicated the Hearing Board finds that just cause does exist in respect to the required six findings. The variance is subject to sixteen recommendations set forth on pages 3, 4 and 5 of the Staff Report as amended during the hearing. Seconded by Board Member Dunn and carried unanimously with the following **Roll Call Vote:**

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

**Absent:** ***Bland.***

**Excused:** ***Carlile.***

*The Board granted an Interim Variance to Docket S-04-10i, Chevron USA, Inc. The variance shall only be effective from March 10, 2004 to April 14, 2004, until the next regular scheduled Southern Region Hearing Board meeting, or when all of the subject tanks are reconnected to the VRS and compliance is achieved, whichever occurs first. During the course of the hearing the following conditions were removed Condition # 4. C. and Condition # 8 with three additional tanks added to the original variance request: PTO's #S-011-28-411, 412 and 936. The fifteen conditions will be set forth in the Order.*

Board Member Thomson relinquished the chairmanship to Hollis B. Carlile.

B.)

Docket S-04-08R, Regular Variance, Aera Energy LLC, Sec. 2 & 3 T29S, R21E, McKittrick, CA. Type of Business: Oil & Gas Production.

**Petitioners** – Brent Winn represented Aera Energy LLC.

**Public Comments** – No Public Comments.

**Decision** – Board Member Thomson made the motion to grant the Regular Variance to Docket S-04-08R, Aera Energy LLC, the variance shall be effective from March 11, 2004 to August 31, 2004, or until the ATC to increase the CO emission limit has been issued, whichever occurs first. Board Member Thomson stated the required six findings in the Staff Report on pages 3 and 4 could be met as amended during the staff's and petitioner's presentation. The variance is subject to nine recommendations on pages 4 & 5 of the Staff Report as amended during the staff's and petitioner's presentations. Seconded by Board Member Wolber and carried unanimously with the following **Roll Call Vote**:

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

**Absent:** ***Bland.***

*The Board granted a Regular Variance to Docket S-04-08R, Aera Energy LLC. The Regular Variance shall be effective from March 11, 2004 to August 31, 2004, or until the ATC to increase the CO emission limit has been issued, whichever occurs first. The nine conditions will be set forth in the Order.*

5. **Emergency Variances:**

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|-----|-----------------|--|
| A.) | Docket S-04-11E | Aera Energy LLC<br>29235 Highway 33, Maricopa, CA.                 |
| B.) | Docket S-04-12E | Equilon Enterprises LLC<br>6451 Rosedale Highway, Bakersfield, CA. |
| C.) | Docket S-04-13E | Aera Energy LLC<br>59231 Main Camp Road, McKittrick, CA.           |

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

7. **Hearing Board Member Comments** – Board Member Thomson stated he noticed La Paloma was in attendance to provide an update to the Board. Board Member Thomson stated it was his understanding based on a discussion at the last meeting that for updates, it was not really necessary to have the petitioners be physically present. Instead, they could make those updates through the staff of the District. Board Member Thomson asked for clarification regarding his understanding of this issue.

Michael Carrera noted that the result of last's months discussion between the Board and staff was to leave the decision and discretion of the petitioners to provide their updates in person. Mr. Carrera noted that La Paloma Generating Company representatives called staff and stated they would prefer to appear before the Hearing Board today to provide their update.

Board Member Thomson stated he had no problems with them appearing today he just wanted to make sure it was the petitioners decision to appear today to give the update.

8. **New Business: La Paloma Generating Company – Update.**

Mr. Zenis Walley and Dr. Ted Guth provided the Board with the following: La Paloma Generating Company, LLC, SJVAPCD Hearing Board, Regular Variances, Docket NOS. S-02-34X, 24X, 25X and 29X., Second Progress Report

Mr. Walley noted that with upcoming presentations, La Paloma Generating Company, LLC, will send an electronic version of the report to Mr. Carrera and staff in the Southern Region Office a week or two in advance of the hearing. Mr. Walley indicated they will have some discussions with staff, and if they feel it is not necessary for them to physically be here, they will opt not to attend.

The Chair thanked the representatives from La Paloma Generating Company, LLC for their presentation.

9. **Next Scheduled Meeting** – Wednesday, April 14, 2004 at 10:00 a.m. The meeting will be held via video conferencing (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 11:02 a.m.

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