

**Action Summary Minutes for the
Southern Region Hearing Board Meeting
San Joaquin Valley Unified
Air Pollution Control District
Wednesday, May 10, 2000 at 10:00 a.m.
Video Teleconference (VTC) Room
2700 M Street, Suite 275, Bakersfield, CA. 93301**

1. **Call Meeting to Order** – The Chair, Hollis B. Carlile, called the meeting to order at 10:08 a.m.

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

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

Also present in the Southern Region Office (Bakersfield)

Clifton Calderwood, Air Quality Compliance Manager, Creighton Smith, Supervising Air Quality Inspector and William Ingraham, Air Quality Engineer.

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, Sylvia Alamano, Air Quality Assistant and Sissy Smith, Clerk to the Boards.

3. **Approve Minutes of March 8, 2000** – The Minutes of March 8, 2000 were approved as submitted.

4. **Public Hearings:**

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

The Chair asked if the Petitions have been properly noticed and on file with the Clerk to the Boards. Ms. Smith responded affirmative.

The Chair requested that the Hearing Board Packet and any additional materials provided during the hearing be entered into the Official Record.

All persons testifying were sworn in by the Chair.

A.)

Docket No. S-00-09S, Short Variance, Chevron USA Production Company, P O Box 1392, Bakersfield, CA. 93302. Type of Business: Crude Oil and Natural gas Production.

The Chair (Hollis B. Carlile) stated that he might have a conflict of interest with Docket No. S-00-09S, Chevron USA Production Company because of he owns stock in Chevron.

Philip M. Jay, District Counsel, noted that if Mr. Carlile is excused from the Chevron hearing the Board with only three members in attendance would not have a quorum. Mr. Jay suggested that this docket be moved down on the Agenda in anticipation of additional Hearing Board Members joining the meeting.

Michael Carrera presented the Staff Reports.

B.)

Docket No. S-00-10S, Short Variance, Kern River Cogeneration Company, P O Box 80478, Bakersfield, CA. 93380. Type of Business: Natural Gas-Fired Cogeneration Facility.

Petitioner – Daniel Beck and Alan Dartnell represented Kern River Cogeneration Company.

The Petitioner provided the Hearing Board and staff photographs and a handout which outlined changes to Recommendations on Staff Report for conditions # 6 and # 9.

Public Comments – No Public Comments.

Decision – Mr. Bland made a motion to grant the variance and adopt by reference the required six findings set forth on pages 2 and 3 of the Staff Report. The motion was seconded by Mr. Dean and carried unanimously with the following Roll Call Vote:

Ayes: Dean, Bland and Carlile.

Noes: None.

Absent: Wolber and Thomson.

Therefore, the Board took the following action: granted a Short Variance to Docket No. S-00-10S, Kern River Cogeneration Company, effective for a fourteen hour period between May 10, 2000 to June 30, 2000. The variance is subject to eleven conditions that are set forth in the Staff Report on pages 4 and 5, with modifications to recommendations # 6 and # 9 which shall be set forth in the Order.

C.)

Docket No. S-00-14S, Short Variance, Texaco Exploration & Production, P O Box 5197X, Bakersfield, CA. 93388. Type of Business: Crude Oil Production Facility.

Petitioner – Larry Landis and Janet Sparks represented Texaco Exploration & Production.

Public Comments – No Public Comments.

Decision – Mr. Bland made a motion to grant the variance and adopt by reference the required six findings set forth on pages 2 and 3 of the Staff Report. The motion was seconded by Mr. Dean and carried unanimously with the following **Roll Call Vote:**

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

Noes: ***None.***

Absent: ***Wolber and Thomson.***

Therefore, the Board took the following action: granted a Short Variance to Docket No. S-00-14S, Texaco Exploration & Production. The variance shall be effective for no more than a single 24-hour period between May 10, 2000 and June 30, 2000. The variance is subject to eight conditions set forth on page 4 of the Staff Report which shall be set forth in the Order.

D.)

Docket No. S-00-11S, Short Variance, Kern Oil & Refining Company, 7724 E. Panama Lane, Bakersfield, CA. 93307. Type of Business: Crude Oil Refining Facility.

The Chair sworn in Robert J. Kard, Director of Compliance.

Mr. Kard provided additional testimony.

Petitioner – Chad Tuttle represented Kern Oil & Refining Company.

Mr. Tuttle provided the Hearing Board Members with a handout in respect to petitioner's revised emission calculations.

Public Comments – No Public Comments.

Decision – Mr. Dean made a motion to continue Docket No. S-00-11S to Wednesday, June 14, 2000. The motion was seconded by Mr. Bland. The motion was **modified** to request that the Petitioner provide specific information to the District before the next meeting. The motion carried unanimously with the following **Roll Call Vote:**

Ayes: *Dean, Bland and Carlile.*

Noes: *None.*

Absent: *Wolber and Thomson.*

*Therefore, the Board took the following action: **continued Docket No. S-00-11S, Short Variance, Kern Oil & Refining Company to Wednesday, June 14, 2000.***

Mr. Carrera requested that E.) and F.) be heard at the same time. Mr. Carrera noted that there are some slight differences in the two petitions which will be highlighted during staff's presentations.

The Board and the Petitioner were in agreement.

E.)

Docket No. S-00-12S, Short Variance, Kern River Cogeneration Company, (KRCC Unit # 1), P O Box 80478, Bakersfield, CA. 93380. Type of Business: Natural Gas-Fired Cogeneration Facility, and

F.)

Docket No. S-00-13S, Short Variance, Kern River Cogeneration Company, (KRCC Unit # 4), P O Box 80478, Bakersfield, CA. 93380. Type of Business: Natural Gas-Fired Cogeneration Facility.

Petitioner – Daniel Beck and Alan Dartnell represented Kern River Cogeneration Company.

Mr. Beck requested the Board modified staff's recommendation # 6. Mr. Beck provided the Board and staff with a copy of his request.

Public Comments – No Public Comments.

E.)

Decision – Mr. Bland made a motion to grant the variance and adopt by reference the required six findings set forth on pages 2 and 3 of the Staff Report with a modification to condition # 6. The motion was seconded by Mr. Dean and carried unanimously with the following **Roll Call Vote:**

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

Noes: **None.**

Absent: **Wolber and Thomson.**

Therefore, the Board took the following action: granted a Short Variance to Docket No. S-00-12S, Kern River Cogeneration Company, (KRCC Unit # 1), effective for a single 12-hour period between May 10, 2000 and June 30, 2000. The variance is subject to fourteen conditions set forth on pages 4 and 5 of the Staff Report which will be set forth in the Order. During the hearing condition # 6 was modified.

F.)

Decision – Mr. Dean made a motion to grant the variance and adopt by reference the required six findings set forth on pages 2 and 3 of the Staff Report. The motion was seconded by Mr. Bland and carried unanimously with the following **Roll Call Vote:**

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

Noes: **None.**

Absent: **Wolber and Thomson.**

Therefore, the Board took the following action: granted a Short Variance to Docket No. S-00-13S, Kern River Cogeneration Company (KRCC Unit # 4), effective for a single 12-hour period between May 10, 2000 and June 30, 2000. The variance is subject to twelve conditions set forth on page 4 of the Staff Report which will be set forth in the Order.

A.)

Docket No. S-00-09S, Short Variance, Chevron USA Production Company, P O Box 1392, Bakersfield, CA. 93302. Type of Business: Crude Oil and Natural gas Production.

Petitioner – Martin Lundy and Steve Audap represented Chevron USA Production Company.

A conflict of interest issue and the lack of a quorum was discussed between Philip M. Jay, District Counsel, the Board and Mr. Lundy.

It was determined that the Chair (Hollis Carlile) had an indirect conflict of

interest in respect to the hearing with Chevron. It was also determined that since Mr. Carlile would not be participating the Board would not have a quorum.

After a lengthy discussion between Mr. Jay, the Board and the representatives from Chevron USA Production Company it was determined that this docket would be removed from the Agenda. It was also determined that this docket would be heard as an Emergency Variance immediately following the conclusion of the Hearing Board Meeting.

Mr. Jay stated that he wanted to make the following comments for the record as to why we are treating Docket No. S-00-09S, Chevron USA Production Company as an Emergency Variance. It was unforeseen and sudden the fact that we ended up not having a quorum. Chevron is on a schedule and they are ready to go and do the work. It does not sound like it would be wise to continue this docket to next month. So, we made the call that it could be handled as an Emergency Variance.

5. **Public Comments** – Mr. Dean noted that he read an article in the newspapers that Clifton Calderwood, Air Quality Compliance Manager for the Southern Region would be retiring. Mr. Dean stated that on behalf of the Hearing Board he would like to compliment Mr. Calderwood for a job well done. Mr. Dean also stated that he had a card for the Board to sign.

Mr. Calderwood stated that he told the reported that he planned on retiring in about two years.

Mr. Jay suggested that Mr. Dean save the card for future reference.

6. **New Business** – No New Business.
7. **Next Scheduled Meeting** – Wednesday, June 14, 2000 at 10:00 a.m. The meeting will be held via Video Teleconferencing (VTC) at the Southern Region Office, VTC Room, 2700 M Street, Bakersfield with the Central Region Office (Fresno) included via VTC.
8. **Adjournment** – The Chair adjourned the meeting at 11:27 a.m.

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