

ACTION SUMMARY

Official

October 7, 2009

Hearing Board

9:30 A.M.

APCD Hearing Board Members:

Donald R. Ward, Vice-Chair
Dr. Francis P. Lagattuta
Robert J. Saperstein, Chair
David Schmarje
David Van Mullem, Jr.

**BOARD OF SUPERVISORS HEARING ROOM
Betteravia Government Center
511 East Lakeside Parkway
Santa Maria, CA**

- I. **9:30 a.m. - Roll Call – Absent: Ward, Lagattuta**
- II. **Administration of Oath to Participants**
All participants were sworn in.
- III. **Approval of minutes of the August 5, 2009 meeting**
Schmarje/Van Mullem Approved.
Absent: Ward, Lagattuta
- IV. **Requests for continuance or addition of Ex-Agenda items**
None.
- V. **Announcements/Staff Reports**
Mike Goldman, APCD Engineering and Compliance Division Manager, announced that the District expects there will be several cases to be heard at the December 2, 2009 Hearing Board meeting.
- VI. **Public Comment Period**
There were no public comments.
- VII. **Public Hearings – continued from March 18, March 25, June 3, and August 5, 2009**
Hearing – Consider Staff status reports regarding installation of Phase II Enhanced Vapor Recovery (EVR) equipment by October 7, 2009 as directed by Stipulated Orders of Abatement amended on August 5, 2009, and take appropriate action to continue, amend, or rescind Stipulated Orders of Abatement for the following cases:
Mike Goldman represented the District and gave a status report on the following cases. Jerry Czuleger acted as Counsel to the Hearing Board.

Clerk of the APCD Board:

Terence E. Dressler

- 1) Case No. 23-09-SA - Respondent: Jon K. McConnel, The Village Service Station, 1476 E. Valley Road, Santa Barbara

Mr. Goldman reported that EVR equipment has been installed.

Schmarje/Van Mullem

Due to compliance, Stipulated Order of Abatement was rescinded.

Absent: Ward, Lagattuta

- 2) Case No. 33-09-SA - Respondent: Bruce Sayahan, Donovan Chevron, 739 E. Donovan Road, Santa Maria

Bruce Sayahan and Keith Slocum of B & T Service Station Contractors testified that bank financing and details of the construction contract were being worked out. The EVR equipment should be installed in the next few weeks.

Schmarje/Van Mullem

Granted continuance of the Stipulated Order of Abatement until December 2, 2009.

Absent: Ward, Lagattuta

- 3) Case No. 51-09-SA - Respondent: Elian Hanna, Summerland Food and Liquor 2285 Lillie Avenue, Summerland

Mr. Goldman reported that EVR equipment has been installed.

Schmarje/Van Mullem

Due to compliance, Stipulated Order of Abatement was rescinded.

Absent: Ward, Lagattuta

- 4) Case No. 52-09-SA - Respondent: Robert Kofdarali, Serfa Service Station LP 1935 State Street, Santa Barbara

Al Yakinian and Keith Slocum appeared on behalf of the Respondent and requested more time to complete the EVR installation.

Schmarje/Van Mullem

Granted continuance of the Stipulated Order of Abatement until December 2, 2009.

Absent: Ward, Lagattuta

VIII. Public Hearings –

- 1) Case No. 83-09-SA – Respondent: Rick Ketola, MK Gas & Service Center 5007 Highway 166, New Cuyama

To consider a Petition by the Santa Barbara County Air Pollution District Control Officer for issuance of a Stipulated Order of Abatement for this gasoline station pursuant to Health and Safety Code section 42451(a) requiring that this facility comply with District Rule 316. Specifically, this gasoline station was required to comply with the State of California's Phase

II Enhanced Vapor Recovery requirements as of April 1, 2009, but was not operating at that time. The facility owner wishes to dispense gasoline without the additional required equipment while making preparations to complete the installation.

Mr. Goldman testified that the Respondent had not yet submitted the filing fee for the Authority to Construct (ATC) permit. Richard Ketola, the Respondent, testified that he would pay the fee and that he was on a waiting list to receive grant money to install the required EVR equipment. Mr. Ketola stated that the grant may not be available until April 2010.

Schmarje/Van Mullem

Approved the Stipulated Order of Abatement with conditions as amended until April 7, 2010.

Absent: Ward, Lagattuta

- 2) Case No. 79-09-R – Plains Exploration & Production Company
201 South Broadway, Orcutt, CA 93455

To consider an application by Plains Exploration & Production Company for a Regular Variance from District Rule 206, Condition 9.C.2(a) of Part 70/Permit to Operate 9102. The Petitioner operates Turbine Generators G-91, G-92, G-93 and G-94 on Platform Hidalgo to provide power for platform operations. Turbine Generator G-92 is currently operating under interim variance relief (Interim Variance Order 78-09-I) due to its inability to demonstrate compliance with the hourly and daily carbon monoxide (CO) emission limits required by permit condition 9.C.2(a).

Petitioner is in compliance as of September 28, 2009.

Schmarje/Van Mullem

Petition withdrawn due to compliance.

Absent: Ward, Lagattuta

IX. Administrative Agenda - Receive and File:

The following Emergency, Interim, and 90-Day Variance Orders have been approved by the Air Pollution Control District Hearing Board. These orders are available for inspection and reproduction at the Office of the Air Pollution Control District:

- A-1) Case No. 76-09-N – ExxonMobil Production Company
12000 Calle Real, Goleta, CA 93117

On July 13, 2009 Hearing Board member David Schmarje approved a 90-Day Variance providing variance protection to the Petitioner from District Rule 359.D.1 (a) and Rule 206, Condition 9.C.2(b)(iv) of Part 70/Permit to Operate 8092 for operation of the hydrocarbon flare header of Thermal Oxidizer (A-803) at the POPCO gas processing plant in violation of the 239 ppm_v H₂S limit for the period of July 13, 2009 through September 24, 2009.

- A-2) Case No. 77-09-E – ExxonMobil Production Company
12000 Calle Real, Goleta, CA 93117

On July 15, 2009 Hearing Board member David Schmarje approved an Emergency Variance providing variance protection to the Petitioner from District Rule 359.D.1(a) and Rule 206, Condition 9.C.2(b)(iv) of Part 70/Permit to Operate 8092 for operation of the acid gas flare header of Thermal Oxidizer (A-803) at the POPCO gas processing plant in violation of the 239 ppm_v H₂S limit for the period of July 15, 2009 through July 29, 2009.

A-3) Case No. 78-09-I – Plains Exploration & Production Company
201 South Broadway, Orcutt, CA 93455

On July 16, 2009 Hearing Board member David Schmarje approved an Interim Variance providing variance protection to the Petitioner from District Rule 206 , Condition 9.C.2(a) of Part 70/Permit to Operate 9105 for continued operation of Turbine Generator G-92 in violation of the hourly, daily and quarterly CO emission limits on Platform Hidalgo for the period of July 17, 2009 through October 7, 2009, or the date of decision of the Hearing Board on the application for Regular Variance 79-09-R, whichever occurs first.

A-4) Case No. 80-09-E – Venoco, Inc.
6267 Carpinteria Avenue, Suite 100, Carpinteria, CA 93013

On July 24, 2009 Hearing Board member David Van Mullem, Jr. approved an Emergency Variance providing variance protection to the Petitioner for continued operation of the 170 bhp CARB registered portable engine #142230 in violation of the 14-day advanced notification requirements of District Rule 202.F.2 for the period of July 27, 2009 through July 29, 2009.

A-5) Case No. 81-09-E – ExxonMobil Production Company
12000 Calle Real, Goleta, CA 93117

On September 9, 2009 Hearing Board member Donald Ward approved an Emergency Variance providing variance protection to the Petitioner from District Rule 359.D.1(a) and Rule 206, Condition 9.C.2(b)(iv) of Part 70/Permit to Operate 8092 for operation of the Thermal Oxidizer (A-803) in violation of the 239 ppm_v H₂S limit due to the leaking PSV-162 at the POPCO gas processing plant for the period of September 3, 2009 through September 17, 2009.

Schmarje/Van Mullem

Received and filed.

Absent: Ward, Lagattuta

X. Adjourn

The meeting was adjourned at 10:35 a.m.

ANNOUNCEMENTS

The next regularly scheduled meeting of the Santa Barbara County Air Pollution Control District Hearing Board is November 4, 2009 at 9:30 a.m.