

ACTION SUMMARY
(Unofficial)

February 7, 2018

APCD Hearing Board

9:30 A.M.

Dr. Francis P. Lagattuta
Robert J. Saperstein
Lee-Volker Cox, *Chair*
Terence Dressler, *Vice-Chair*
Francis Peters, Jr.

**BOARD OF SUPERVISORS HEARING ROOM
COUNTY ADMINISTRATION BUILDING
105 EAST ANAPAMU STREET
SANTA BARBARA, CA**

I. 9:30 a.m. – Convened by Chair Lagattuta – Roll Call

Present: 5 - Lagattuta, Saperstein, Cox, Dressler, Peters.

Absent: 0 - None.

II. Election of Chair and Vice-Chair for 2018

A motion was made by Hearing Board member Saperstein, seconded by Hearing Board member Peters to elect Lee-Volker Cox as Chair and Terence Dressler as Vice-Chair for 2018. The motion carried by the following vote:

Ayes: 5 - Lagattuta, Saperstein, Cox, Dressler, Peters.

Noes: 0 - None.

Abstain: 0 - None.

Absent: 0 - None.

Chair Cox assumed the gavel and presided over the remainder of the meeting.

III. Approval of minutes of the December 6, 2017 meeting

A motion was made by Hearing Board member Dressler, seconded by Hearing Board member Saperstein that the minutes be approved. The motion carried by the following vote:

Ayes: 4 - Saperstein, Cox, Dressler, Peters.

Noes: 0 - None.

Abstain: 1 - Lagattuta.

Absent: 0 - None.

IV. Requests for continuance or addition of Ex-Agenda items.

None.

Clerk of the APCD Board:

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V. Announcements/Staff Reports

Mike McKay, Inspection Specialist at the APCD, gave an update on continuing program improvements related to the Hearing Board, including:

- It was determined alternate Hearing Board members are not necessary at this time;
- The swearing in of individuals has become part of the process for individual cases rather than a single swearing in at the beginning of a Hearing Board meeting;
- A condition has been added to all variances noting that the EPA does not recognize variance program;
- The Hearing Board will discuss all 6 findings prior to making a determination on a variance request rather than only referencing the findings in the draft variance;
- It was determined that petitioners must be physically present for all Regular and 90-Day Variance hearings. It is strongly suggested that all Interim and Emergency Variance requests be heard in person, however it will be up to the individual Hearing Board member to determine at the time; and
- Staff will continue to discuss program improvements and bring back updates as necessary.

VI. Public Comment Period

There were no public comments.

VII. Public Hearings – Administration of Oath conducted prior to each hearing.

- 1) **Case No. – 2017-30-R** **Freeport McMoRan Oil and Gas, LLC**
201 South Broadway, Orcutt, CA 93455

Hearing – To consider an application by Freeport McMoRan Oil & Gas submitted on December 28, 2017 for a Regular Variance from District Rule 206, Conditions 9.C.14 and 9.C.23 of Part 70/Permit to Operate 6708. The Petitioner operates the equipment described in the Petition at the Lompoc Oil & Gas Plant (LOGP), located 2.7 miles northeast of the City of Lompoc at 3602 Harris Grade Road.

Glenn Oliver appeared on behalf of the Petitioner; Mike McKay, Kaitlin McNally and Joel Cordes represented the District; Jerry Czuleger acted as Counsel for the Hearing Board.

Hearing held. Following testimony, a motion was made by Hearing Board member Peters, seconded by Hearing Board member Lagattuta that the 6 findings were made. Adopted Regular Variance No. 2017-30-R as submitted in the draft Findings and Order. The motion carried by the following vote:

- Ayes: 5 - Lagattuta, Saperstein, Cox, Dressler, Peters.
- Noes: 0 - None.
- Abstain: 0 - None.
- Absent: 0 - None.

VIII. ADMINISTRATIVE AGENDA

Approved by vote on one motion. These items read only on request of Hearing Board members. The following Variance Orders have been approved by the Air Pollution Control District Hearing Board. These orders are available for inspection and reproduction during normal business hours at the office of the Air Pollution Control District, 260 North San Antonio Rd., Suite A, Santa Barbara, California 93110.

**A-1) Case No. – 2017-28-E – NRG California South LP, Ellwood Generating Station
393 North Harbor Blvd., Oxnard, CA 93035**

On December 8, 2017 Hearing Board member Terence Dressler approved an Emergency Variance allowing for continued operation of Petitioner’s facility in violation of District Rule 206, Conditions 1, 2.a and 2.d of Permit to Operate 8180 in excess of the 400 hour/year permitted limit for use of its two gas turbines to supplement lost electrical power as a result of the Thomas Fire. Said variance provides relief for the period of December 08, 2017 through January 06, 2018, or the date the Ellwood Generating Station is no longer needed to supply emergency power generation associated with the Thomas Fire, whichever occurs first.

**A-2) Case No. – 2017-29-I – Freeport McMoRan Oil and Gas, LLC
201 South Broadway, Orcutt, CA 93455**

On December 29, 2017 Hearing Board member Frank Peters approved an Interim Variance allowing for continued operation of the Petitioner’s facility in violation of Rule 206, 9.C.14, and 9.C.23 of Permit to Operate 6708 without an odor monitoring station due to the structure being completely destroyed by the Rucker fire. Said variance provides relief for the period of January 01, 2018 through February 28, 2018, or the date compliance is achieved, or the date of decision on the Petitioner’s request for a Regular Variance, whichever occurs first, while the monitoring station is rebuilt.

**A-3) Case No. – 2018-01-E – Freeport McMoRan Oil and Gas, LLC
201 South Broadway, Orcutt, CA 93455**

On January 12, 2018 Hearing Board member Dr. Francis Lagattuta approved an Emergency Variance allowing for continued operation of the Petitioner’s facility in violation of Rule 206, Conditions 9.C.12 and 9.C.26 of Permit to Operate 5704. Said variance provides relief for the period of January 12, 2018 through January 26, 2018 or the date compliance is achieved, whichever occurs first, while repairs are made to the monitoring station.

**A-4) Case No. – 2018-02-E – Freeport McMoRan Oil and Gas, LLC
201 South Broadway, Orcutt, CA 93455**

On January 19, 2018 Hearing Board member Terence Dressler approved an Emergency Variance allowing for continued operation of the Petitioner’s facility in violation of Rule 206, Conditions 9.C.2(d)(vi), 9.C.2(e)(viii), 9.C.2(f), and 9.C.26 of Part 70/Permit to Operate 9103. Said variance provides relief for the period of January 18, 2018 through February 01, 2018, or the date compliance is achieved, whichever occurs first, while repairs are made to a failed main Ethernet connection.

A motion was made by Hearing Board member Dressler, seconded by Hearing Board member Lagattuta that Administrative Agenda items A-1 through A-4 be received and filed. The motion carried by the following vote:

Ayes: 5 - Lagattuta, Saperstein, Cox, Dressler, Peters.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 0 - None.

IX. ADJOURN

The meeting was adjourned at 10:04 a.m. to March 7, 2018. Meeting is subject to cancellation if there are no items to be heard.