



ACTION SUMMARY
(Unofficial)

February 6, 2019

9:30 A.M.

APCD Hearing Board

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

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

Counsel for the Hearing Board:
Jerry F. Czuleger,
Senior Deputy County Counsel

A. CALL TO ORDER – ROLL CALL

Convened by Chair Cox at 9:31 a.m.

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

Absent: 0 - None.

B. ELECTION OF CHAIR AND VICE-CHAIR FOR 2019

Elect the Chair and Vice-Chair to serve as APCD Officers for calendar year 2019.

A motion was made by Hearing Board member Peters, seconded by Hearing Board member Lagattuta to elect Terence Dressler as Chair for 2019. The motion carried by the following vote:

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

Noes: 0 - None.

Abstain: 0 - None.

Absent: 0 - None.

A motion was made by Hearing Board member Lagattuta, seconded by Hearing Board member Dressler to elect Francis Peters as Vice-Chair for 2019. The motion carried by the following vote:

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

Noes: 0 - None.

Abstain: 0 - None.

Absent: 0 - None.

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

Clerk of the APCD Board:
Aeron Arlin Genet

Aeron Arlin Genet, Air Pollution Control Officer

C. APPROVAL OF MINUTES

Approve minutes of the August 1, 2018 meeting.

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

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

D. REQUESTS FOR CONTINUANCE OR ADDITION OF EX-AGENDA ITEMS

None.

E. ANNOUNCEMENTS / STAFF REPORTS

Receive announcements or reports from staff on matters of interest to the Hearing Board. There will be no Hearing Board discussion except to ask questions or refer matters to staff; and no action will be taken unless listed on a subsequent agenda.

Kaitlin McNally, Manager for the APCD Compliance Division, announced that Aimee Long has assumed the primary role as district representative on variance cases.

F. PUBLIC COMMENT PERIOD

Persons desiring to address the Hearing Board on any subject within the jurisdiction of the Hearing Board not included as part of the agenda may do so at this time.

There were no public comments.

G. DISCUSSION ITEMS

G-1) New Rule 3.5 of California's Rules of professional Conduct for Lawyers

Consider recommendations as follows:

- a) **Adopt a Resolution that will govern communications with members of the Hearing Board pursuant to new Rule 3.5 of California's Rules of Professional Conduct for lawyers which became effective on November 1, 2018, that:**
 - i. **The legal advisor to the Hearing Board, may continue to provide confidential attorney-client legal advice on the merits of adjudicative matters to members of the Hearing Board;**
 - ii. **All lawyers may continue to communicate with members of the Hearing Board on the merits of adjudicative matters and those communications will be subject to *ex parte* disclosure by the member;**
 - iii. **Any gifts from lawyers to members of the Hearing Board, shall be regulated by the Political Reform Act, Government Code § 81000 *et seq*; and**
- b) **Find that the proposed actions are not a "project" under California Environmental Quality Act Guidelines § 15378(b)(5) in that they are organizational or administrative activities of the government that will not result in direct or indirect physical changes to the environment.**

A motion was made by Hearing Board member Saperstein, seconded by Hearing Board member Cox that this matter be approved. Adopted APCD Hearing Board Resolution No. HB19-01. The motion carried by the following vote:

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

H. PUBLIC HEARINGS - Administration of Oath to be conducted prior to each hearing.

**H-1) Case No. – 2018-09-A (Abatement Order - Withdrawn)
HVI Cat Canyon, Inc. f/k/a Greka Oil & Gas, Inc. (Greka), 2617 Clark Avenue, Santa Maria, CA 93456**

To consider a petition by the Control Officer of the Santa Barbara County Air Pollution Control District submitted on July 10, 2018, for issuance of an Order of Abatement pursuant to Health and Safety Code section 42450 due to continued storage of petroleum product in two emergency pits at the Los Flores Lease in violation of the conditions of Permit to Operate 07307-R10 and District Rule 344.

On August 1, 2018, this case was continued to September 5, 2018, and then subsequently withdrawn on August 8, 2018 and further continued pursuant to District Rule 514.

Representatives for the District: Aeron Arlin Genet, Kaitlin McNally, Sage Swain, and Jennifer Richardson (Counsel).

Representatives for the Respondent: None.

Following testimony, a motion was made by Hearing Board member Lagattuta, seconded by Hearing Board member Cox to approve the withdrawal of Case No. 2018-09-A. The motion carried by the following vote:

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

**H-2) Case No. – 2017-02-M1 (Modification of a Final Compliance Date and Variance Conditions)
ExxonMobil Production Company, 12000 Calle Real, Goleta, CA 93117**

To consider an application submitted on November 28, 2018 by ExxonMobil Production Company for a Modification of a Final Compliance Date and Variance Conditions of Regular Variance No. 2017-02-R. The Petitioner is requesting continued relief from the requirements to perform many measurement and/or recordkeeping procedures of process parameters that do not exist during the extended shutdown, as specified in District Rules 325.D.1.(b), 325.E.1(b), 325.F.4(b), 325.F.4(d), 359.F.2, 359.G.1, 359.H.2, 359.H.3, and 206, Conditions 9.C.2(c)(i)[Modified 9.C.3(d)(i)], 9.C.2(c)(ii) [Modified 9.C.3(d)(ii)], 9.C.2(c)(iii) [Modified 9.C.3(d)(iii)], 9.C.2(c)(iv) [Modified 9.C.3(d)(iv)], 9.C.2(d)(i) [Modified 9.C.3(e)(i)], 9.C.2(d)(ii) [Modified 9.C.3(e)(ii)], 9.C.2(d)(iii) [Modified 9.C.3(e)(iii)], 9.C.2(d)(iv) [Modified 9.C.3(e)(iv)], 9.C.2(d)(v) [Modified 9.C.3(e)(v)], 9.C.3(b)(i) [Modified 9.C.4(b)(i)], 9.C.6(b)(i) [Modified 9.C.7(b)(i)], 9.C.6(c)(i) [Modified 9.C.7(c)(i)], 9.C.6(d) [Modified 9.C.7(d)], 9.C.6(d)(i) [Modified 9.C.7(d)(i)], 9.C.6(d)(ii) [Modified 9.C.7(d)(ii)], 9.C.9(b)(i) [Modified 9.C.10(b)(i)], 9.C.9(b)(iii) [Modified 9.C.10(b)(iii)], 9.C.9(b)(iv) [Modified 9.C.10(b)(iv)], 9.C.9(b)(v) [Modified 9.C.10(b)(v)], 9.C.9(b)(vi) [Modified 9.C.10(b)(vi)], 9.C.9(b)(vii) [Modified 9.C.10(b)(vii)], 9.C.9(e) [Modified 9.C.10(e)], 9.C.9(f)(i) [Modified 9.C.10(f)(i)], 9.C.9(h)(iv) [Modified 9.C.10(h)(iv)], 9.C.12 [Modified 9.C.13], 9.C.15 [Modified 9.C.16], and 9.C.18 [Modified 9.C.19] of Part 70/Permit to Operate 9100. The Petitioner operates the equipment described in the Petition at Platform Hondo, located on offshore lease tract OCS-P-0188, approximately 25 miles west of the City of Santa Barbara, California.

Representatives for the District: Aimee Long and Kaitlin McNally.

Representatives for the Petitioner: Patrice Surmeier and Brian Smith.

Hearing held. Following testimony, a motion was made by Hearing Board member Peters, seconded by Hearing Board member Lagattuta that good cause was found to grant the modification of final compliance date and variance conditions of Variance No. 2017-02-R, as submitted in the draft Findings and Order. Adopted Variance No. 2017-02-M1. The motion carried by the following vote:

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

**H-3) Case No. – 2017-03-M1 (Modification of a Final Compliance Date)
ExxonMobil Production Company, 12000 Calle Real, Goleta, CA 93117**

To consider an application submitted on November 28, 2018 by ExxonMobil Production Company for a Modification of a Final Compliance Date and Variance Conditions of Regular Variance No. 2017-03-R. The Petitioner is requesting continued relief from the requirements to perform many measurement and/or recordkeeping procedures of process parameters that do not exist during the extended shutdown, as specified in District Rules 325.E.1(b), 325.F.4(b), 325.F.4(d), 342.I.1, 359.F.2, 359.G.1, 359.H.2, 359.H.3, and 206, Conditions 9.C.2(c)(i), 9.C.2(c)(i)(1), 9.C.2(c)(i)(2), 9.C.2(c)(ii), 9.C.2(c)(v), 9.C.2(c)(vii), 9.C.2(d)(i), 9.C.2(d)(ii), 9.C.2(d)(iv), 9.C.2(d)(v), 9.C.3(d)(i), 9.C.3(d)(ii), 9.C.3(d)(iii), 9.C.3(d)(v), 9.C.3(e)(ii), 9.C.3(e)(iii), 9.C.4(b)(i), 9.C.7(b)(i), 9.C.7(d), 9.C.10(b)(i), 9.C.10(b)(ii), 9.C.10(b)(iii), 9.C.10(c)(i), 9.C.10(c)(ii), 9.C.10(c)(iii), 9.C.10(c)(iv), 9.C.10(c)(v), 9.C.10(c)(vi), 9.C.10(f), 9.C.10(g)(i), 9.C.10(i)(iv), 9.C.13(a), 9.C.13(b), 9.C.16, 9.C.19, and 9.C.24 of Part 70/Permit to Operate 9101. The Petitioner operates the equipment described in the Petition at Platform Harmony, located on offshore lease tract OCS-P-0190, approximately 25 miles west of the City of Santa Barbara, California.

Representatives for the District: Aimee Long and Kaitlin McNally.
Representatives for the Petitioner: Patrice Surmeier and Brian Smith.

Hearing held. Following testimony, a motion was made by Hearing Board member Saperstein, seconded by Hearing Board member Cox that good cause was found to grant the modification of final compliance date of Variance No. 2017-03-R, as submitted in the draft Findings and Order. Adopted Variance No. 2017-03-M1. The motion carried by the following vote:

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

**H-4) Case No. – 2017-04-M1 (Modification of a Final Compliance Date)
ExxonMobil Production Company, 12000 Calle Real, Goleta, CA 93117**

To consider an application submitted on November 28, 2018 by ExxonMobil Production Company for a Modification of a Final Compliance Date and Variance Conditions of Regular Variance No. 2017-04-R. The Petitioner is requesting continued relief from the requirement to perform source testing on multiple pieces of permitted equipment during this extended shutdown, as specified in District Rules 342.G.1, and 206, Conditions 9.C.2(c)(iii) and 9.C.12(a)(i) of Part 70/Permit to Operate 9101. The Petitioner operates the equipment described in the Petition at Platform Harmony, located on offshore lease tract OCS-P-0190, approximately 25 miles west of the City of Santa Barbara, California.

Representatives for the District: Aimee Long and Kaitlin McNally.
Representatives for the Petitioner: Patrice Surmeier and Brian Smith.

Hearing held. Following testimony, a motion was made by Hearing Board member Peters, seconded by Hearing Board member Saperstein that good cause was found to grant the modification of final compliance date of Variance No. 2017-04-R, as submitted in the draft Findings and Order. Adopted Variance No. 2017-04-M1. The motion carried by the following vote:

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

**H-5) Case No. – 2017-05-M1 (Modification of a Final Compliance Date)
ExxonMobil Production Company, 12000 Calle Real, Goleta, CA 93117**

To consider an application submitted on November 28, 2018 by ExxonMobil Production Company for a Modification of a Final Compliance Date and Variance Conditions of Regular Variance No. 2017-05-R. The Petitioner is requesting continued relief from the requirements to perform many measurement and/or recordkeeping procedures of process parameters that do not exist during the extended shutdown, as specified in District Rules 325.E.1(b), 325.F.4(b), 325.F.4(d), 342.I.1, 359.F.2, 359.G.1, 359.H.2, 359.H.3, and 206, Conditions 9.C.2(c)(i), 9.C.2(c)(iv), 9.C.2(c)(v), 9.C.2(d)(i), 9.C.2(d)(ii), 9.C.2(d)(iv), 9.C.3(d)(i), 9.C.3(d)(ii), 9.C.3(d)(iii), 9.C.3(d)(iv), 9.C.3(e)(ii), 9.C.3(e)(iii), 9.C.4(b)(i), 9.C.7(b)(i), 9.C.7(d), 9.C.10(b)(i), 9.C.10(b)(ii), 9.C.10(b)(iii), 9.C.10(c)(i), 9.C.10(c)(ii), 9.C.10(c)(iii), 9.C.10(c)(iv), 9.C.10(c)(v), 9.C.10(c)(vi), 9.C.10(f), 9.C.10(g)(i), 9.C.10(i)(iv), 9.C.13(a), 9.C.13(b), 9.C.16, 9.C.19, and 9.C.24 of Part 70/Permit to Operate 9102. The Petitioner operates the equipment described in the Petition at Platform Heritage, located on offshore lease tract OCS-P-0182, approximately 25 miles west of the City of Santa Barbara, California.

Representatives for the District: Aimee Long and Kaitlin McNally.
Representatives for the Petitioner: Patrice Surmeier and Brian Smith.

Hearing held. Following testimony, a motion was made by Hearing Board member Cox, seconded by Hearing Board member Lagattuta that good cause was found to grant the modification of final compliance date of Variance No. 2017-05-R, as submitted in the draft Findings and Order. Adopted Variance No. 2017-05-M1. The motion carried by the following vote:

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

**H-6) Case No. – 2017-06-M1 (Modification of a Final Compliance Date)
ExxonMobil Production Company, 12000 Calle Real, Goleta, CA 93117**

To consider an application submitted on November 28, 2018 by ExxonMobil Production Company for a Modification of a Final Compliance Date and Variance Conditions of Regular Variance No. 2017-06-R. The Petitioner is requesting continued relief from the requirement to perform source testing on multiple pieces of permitted equipment during this extended shutdown, as specified in District Rules 342.G.1, and 206, Conditions 9.C.2(c)(ii), 9.C.12(b), 9.C.12(c), 9.C.12(d), and 9.C.12(e) of Part 70/Permit to Operate 9102. The Petitioner operates the equipment described in the Petition at Platform Heritage, located on offshore lease tract OCS-P-0182, approximately 25 miles west of the City of Santa Barbara, California.

Representatives for the District: Aimee Long and Kaitlin McNally.
Representatives for the Petitioner: Patrice Surmeier and Brian Smith.

Hearing held. Following testimony, a motion was made by Hearing Board member Lagattuta, seconded by Hearing Board member Peters that good cause was found to grant the modification of final compliance date of Variance No. 2017-06-R, as submitted in the draft Findings and Order. Adopted Variance No. 2017-06-M1. The motion carried by the following vote:

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

I. ADMINISTRATIVE AGENDA - Approved by vote on one motion. These items read only on request of Hearing Board members.

**I-1) Case No. – 2018-10-N
Southern California Gas Co., 1171 More Ranch Road, Goleta, CA 93117**

On October 17, 2018 Hearing Board member Terence Dressler approved a 90-Day Variance for the period of October 20, 2018 through January 17, 2019, or the date the break-in period of the engine is complete, whichever occurs first, and not to exceed 150 hours of engine runtime. Said variance provides relief from District Rule 333 E.1(a) and District Rule 206, Conditions 9.C.1(a), 9.C.1(b)(iv), 9.C.1(b)(v) and 9.C.1(b)(viii)(A) of Part 70/Permit to Operate 9584-R6 and allows for continued operation of the Petitioner’s Main Unit #4 under “no load” and “light load” conditions in order to check, adjust, tune-up and the break-in the engine/compressor following overhaul work.

- I-2) **Case No. – 2018-11-E**
United States Air Force, 1028 Iceland Ave., Vandenberg AFB, CA 93437-6010

On October 11, 2018 Hearing Board member Francis Peters approved an Emergency Variance for the period of October 9, 2018 through October 24, 2018. Said variance provides relief from District Rules 328.2 and 206, Condition 9.C.22 and 9.C.26 of Part 70/Permit to Operate 13968-R1 and allows for continued operation of the Petitioner’s facility while repairs are made to a failed NOx analyzer in Turbine E.

- I-3) **Case No. – 2018-12-E**
Santa Maria Energy, P.O. Box 5489, Santa Maria, CA 93456

On October 30, 2018 Hearing Board member Francis Peters approved an Emergency Variance for the period of October 19, 2018 through November 2, 2018. Said variance provides relief from District Rule 206, Condition 11 of Permit to Operate 13986 and allows for the operation of the Petitioner’s facility while repairs are made to a proprietary burner mesh, which had been ripped, causing the thermal oxidizer to shut down.

A motion was made by Hearing Board member Saperstein, seconded by Hearing Board member Peters that Administrative Agenda items I-1 through I-3 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.

J. ADJOURN

The meeting was adjourned at 10:29 a.m. to March 6, 2019. Meeting is subject to cancellation if there are no items to be heard.