



ACTION SUMMARY
(Unofficial)

May 4, 2022

9:30 A.M.

APCD Hearing Board

Dr. Steven Colome, Vice-Chair
Robert J. Saperstein
Lee-Volker Cox
Terence Dressler, Chair
Francis Peters, Jr.

Counsel of the Hearing Board:
Maria Salido Novatt
Paul Lee

REMOTE VIRTUAL PARTICIPATION ONLY
Zoom Hearing Board Meeting

A. CALL TO ORDER – ROLL CALL

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

Present: 5 - Colome (left at approx. 10:00 am, rejoined at approx. 10:10 am), Cox, Dressler, Peters, Saperstein.

Absent: 0 - None.

B. REPORT ON CIRCUMSTANCES OF THE COVID-19 STATE OF EMERGENCY

1. Reconsider the circumstances of the COVID-19 state of emergency;
2. Consider whether state or local officials continue to impose or recommend measures to promote [social distancing](#);
3. Find that the legislative body has reconsidered the circumstances of the state of emergency, and that State or local officials continue to impose or recommend measures to promote social distancing; and
4. Direct staff to continue to notice and hold hearings as remote hearings consistent with Government Code § 54953(e)(3).

A motion was made by Hearing Board member Cox, seconded by Hearing Board member Colome, that the Hearing Board has reconsidered the circumstances of the state of emergency, that State or local officials continue to impose or recommend measures to promote social distancing, and directed staff to continue to notice and hold hearings as remote hearings consistent with Government Code § 54953(e)(3). The motion carried by the following vote:

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

Noes: 0 - None.

Abstain: 0 - None.

Absent: 0 - None.

Clerk of the APCD Board
Aeron Arlin Genet

C. APPROVAL OF MINUTES

Approve minutes of the January 5, 2022 regular meeting;

Approve minutes of the February 2, 2022 regular meeting;

Approve minutes of the March 2, 2022 regular meeting;

Approve minutes of the April 1, 2022 special meeting; and

Approve minutes of the April 21, 2022 special meeting.

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

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

Noes: 0 - None.

Abstain: 0 - None.

Absent: 0 - None.

D. 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.

Aimee Long of the District informed the Hearing Board that there are no staff reports or announcements at this time.

E. 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.

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

F-1) Case No. 2020-03-R (Regular Variance)

California Power Partners Santa Barbara, 520 Yanonali Street, Santa Barbara, CA 93103

To consider a Petition for Regular Variance from District Rule 206, Permit to Operate 13862-R2 Conditions 1.a, 6, 7.a, and 7.c submitted on March 17, 2022, for continued operations of the cogeneration engine. The Petitioner operates the equipment described in the Petition at the City of Santa Barbara El Estero Wastewater Treatment Plant (WWTP) located at 520 E. Yanonali Street in Santa Barbara, California

Representatives for the Hearing Board: Maria Salido Novatt (Counsel).

Representatives for the District: Aimee Long, Eric Kett, and Kaitlin McNally.

Representatives for the Petitioner: Joe Silva.

Hearing held. Following testimony, the Hearing Board agreed that the six findings were made. A motion was made by Hearing Board member Saperstein, seconded by Hearing Board member Cox to accept the findings with proposed updates in Regular Variance 2022-03-R and be granted as updated in the draft Findings and Order for the period of May 4, 2022 through March 16, 2023, or the date compliance is achieved, whichever occurs first. The motion carried the following vote:

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

Noes: 0 - None.

Abstain: 0 - None.
Absent: 0 - None.

Dr. Colome left at this time, but rejoined in time to cast his vote.

G. ADMINISTRATIVE AGENDA

G-1) Case No. – 2021-14-E

Sierra Resources, Inc., PO Box 2788, Mammoth Lakes, CA 93546

On January 13, 2022 Hearing Board member Terence Dressler approved an Emergency Variance for the period of December 30, 2021 through January 9, 2022, or the date compliance is achieved, whichever occurs first. Said variance provides relief from District Rules 325.D.1.a, 325.D.1.b, and 206, Permit to Operate 9435-R8, Conditions 1, 6, 8, and 9 and allows for continued operation without an operating vapor recovery system while the public utility electrical power was restored.

G-2) Case No. – 2021-05-MS

Beacon West Energy Group, LLC, 1145 Eugenia Place, #101, Carpinteria, CA 93013

On March 29, 2022 Hearing Board member Terence Dressler approved a Modification of Increments of Progress for Increment 1.b of Regular Variance 2021-05-M1. Said variance extends the due date for installation of the Rubber Tire Crane from March 31, 2022 to May 31, 2022.

G-3) Case No. – 2022-01-E

The Okonite Company, 2900 Skyway Drive, Santa Maria, CA 93455

On March 29, 2022 Hearing Board member Terence Dressler approved an Emergency Variance for the period of March 1, 2022 through March 31, 2022, or the date compliance is achieved, whichever occurs first. Said variance provides relief from District Rule 206, Permit to Operate 15010-R1, Condition 1, and allows for continued operation of boiler #5 (APCD Device ID 389024).

G-4) Case No. – 2022-02-I

California Power Partners Santa Barbara, 13135 Danielson Street, Ste. 205, Santa Barbara, CA 92064

On April 21, 2022 Hearing Board member Terence Dressler approved an Interim Variance for the period of March 17, 2022 through June 14, 2022, or the date compliance is achieved, or the date a decision is made on a Regular Variance, whichever occurs first. Said variance provides relief from District Rule 206, Permit to Operate 13862-R2, Conditions 1.a, 6, 7.a, and 7.c and allows for continued operation of the cogeneration engine.

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

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

H. ADJOURN

The meeting was adjourned at 10:27 a.m to June 1, 2022.