



## ACTION SUMMARY

Official

### SPECIAL MEETING

Hearing Board

March 25, 2009

9:00 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**  
County Administration Building  
105 East Anapamu Street  
Santa Barbara, CA

I. 9:06 a.m. - Roll Call – Absent: Schmarje

II. Administration of Oath to Participants

All participants present at this time were sworn in, and those not present were sworn in prior to testifying.

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

None.

IV. Announcements/Staff Reports

None.

V. Public Comment Period

None.

VI. Public Hearings

**Clerk of the APCD Board:**

Terence E. Dressler

**Hearing – To consider Petitions by the Santa Barbara County Air Pollution District Control Officer for issuance of Stipulated Orders of Abatement for the gasoline stations listed below pursuant to Health and Safety Code section 42451(a) requiring that these facilities comply with District Rule 316. Specifically, these gasoline stations are required to comply with the State of California's Phase II Enhanced Vapor Recovery requirements on April 1, 2009. The facilities have obtained the required District permit to construct, but will not be able to install the new equipment by the State's deadline. The owners of these gasoline stations and the District have agreed to the terms of a Stipulated Order of Abatement.**

**Before hearing the individual cases, the Chair reviewed the cases which were withdrawn due to compliance. These were case numbers 31-09-SA, 34-09-SA, 35-09-SA, and 49-09-SA.**

Bill Dillon, Counsel for the District, reviewed the Stipulated Order of Abatement and Mike Goldman, Engineering and Compliance Manager reported that fines for non-compliance by the April 1, 2009 deadline would be determined on a case-by-case basis as directed by the Air Pollution Control Officer.

All respondents appeared and testified as to the status of their compliance. Mike Goldman, Mike Broughton and Paula Iorio represented the District, and Bill Dillon acted as Counsel for the District. Jerry Czuleger acted as Counsel for the Hearing Board. Ann Marie Nelson of the Santa Barbara County Fire Department appeared on behalf of the Fire Department. Keith Slocum of B & T Service Station Contractors appeared on behalf of several Respondents to testify as to the progress of installing the Phase II Enhanced Vapor Recovery equipment.

Agenda #23, Case No. 50-09-SA – Respondent: Griff Williamson, ConocoPhillips, 303 W. Carrillo Street Santa Barbara was heard first.

Ward/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 1) Case No. 26-09-SA – Respondent: Brian E. Mercer, Moller Investment Group  
150 S. La Cumbre Road, Santa Barbara

Van Mullem/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 2) Case No. 28-09-SA - Respondent: David Dabbour, American Fuel  
2234 De la Vina Street, Santa Barbara

Lagattuta/Ward

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 3) Case No. 29-09-SA - Respondent: Consuelo N. Moralez, Moralez Property Enterprises, Inc.  
1502 San Andres Street, Santa Barbara

Van Mullem/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 4) Case No. 30-09-SA - Respondent: Aied Abdullatif, Stop & Shop Gas 2  
134 S. Milpas Street, Santa Barbara

Ward/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 5) Case No. 31-09-SA - Respondent: Mohamed Elmoussaid, Carpinteria 76  
WITHDRAWN due to compliance. 5085 Carpinteria Avenue, Carpinteria
- 6) Case No. 33-09-SA - Respondent: Bruce Sayahan, Donovan Chevron

739 E. Donovan Road, Santa Maria

Ward/Van Mullem

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 7) Case No. 34-09-SA - Respondent: Greg Pensa, Chumash CA Gas Station #2 LLC  
WITHDRAWN due to compliance. 3545 E. Highway 246, Santa Ynez
- 8) Case No. 35-09-SA - Respondent: Greg Pensa, Chumash CA Gas Station #1 LLC  
WITHDRAWN due to compliance. 3101 Mission Drive, Solvang
- 9) Case No. 36-09-SA - Respondent: Don Pommerville, The Pommerville Corporation  
1001 N. H Street, Lompoc

Van Mullem/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 10) Case No. 37-09-SA - Respondent: Spencer Wasem, Educated Car Wash  
3735 State Street, Santa Barbara

Ward/Van Mullem

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 11) Case No. 38-09-SA - Respondent: Tom Price, Fairview 76  
42 N. Fairview Avenue, Goleta

Lagattuta/Van Mullem

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 12) Case No. 39-09-SA - Respondent: Tom Price, Winchester 76 and Market  
20 Winchester Canyon Road, Goleta

Lagattuta/Ward

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

The hearing was recessed at 10:33 a.m. and reconvened at 10:40 a.m.

- 13) Case No. 40-09-SA - Respondent: John Price, North Turnpike Partners LP  
175 N. Turnpike Road, Santa Barbara

Ward/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 14) Case No. 41-09-SA - Respondent: John Price, Jemesa LLC  
1929 Cliff Drive, Santa Barbara

Ward/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 15) Case No. 42-09-SA - Respondent: John Price, Channel Auto Services LP  
3898 State Street, Santa Barbara

Ward/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 16) Case No. 43-09-SA - Respondent: John Price, Seaside Shell General Partnership  
101 W. Carrillo Street, Santa Barbara

Ward/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 17) Case No. 44-09-SA - Respondent: John Price, Turnpike Fuel Partners LP  
250 N. Turnpike Road, Santa Barbara

Ward/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 18) Case No. 45-09-SA - Respondent: John Hundley, World Oil Marketing Company  
1800 State Street, Santa Barbara

Van Mullem/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 19) Case No. 46-09-SA - Respondent: John Hundley, World Oil Marketing Company  
5648 Hollister Avenue, Goleta

Van Mullem/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 20) Case No. 47-09-SA - Respondent: John Hundley, World Oil Marketing Company  
2837 De la Vina Street, Santa Barbara

Van Mullem/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

- 21) Case No. 48-09-SA - Respondent: John Hundley, World Oil Marketing Company  
5960 Calle Real, Goleta

Van Mullem/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

22) Case No. 49-09-SA - WITHDRAWN due to compliance.

Respondent: Francisco Bernal, Shell Oil Products US  
55 N. Fairview Avenue, Goleta

23) Heard first.

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

Ward/Van Mullem

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

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

Lagattuta/Van Mullem

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

26) Case No. 53-09-SA - Respondent: John Price, Olive Oil and Gas LP  
1298 Coast Village Road, Santa Barbara

Ward/Lagattuta

Approved Stipulated Order of Abatement and continued the case to June 3, 2009.

Absent: Schmarje

VII. Adjourn

The meeting was adjourned at 11:02 a.m.

#### ANNOUNCEMENTS

The regularly scheduled April 1, 2009 meeting of the Santa Barbara County Air Pollution Control District Hearing Board is cancelled since there are no cases to be heard. The next regularly scheduled meeting is May 6, 2009.