



ACTION SUMMARY

(Unofficial)

August 5, 2009

Hearing Board

9:30 A.M.

BOARD OF SUPERVISORS HEARING ROOM

Betteravia Government Center

511 East Lakeside Parkway

Santa Maria, CA

APCD Hearing Board Members:

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

- I. 9:30 a.m. - Roll Call – All members present
- II. Administration of Oath to Participants
All participants were sworn in.
- III. Approval of minutes of the June 3, 2009 meeting
Ward/Lagattuta Approved.
Abstain: Schmarje, Saperstein
- IV. Requests for continuance or addition of Ex-Agenda items
None.
- V. Announcements/Staff Reports
None.
- VI. Public Comment Period
There were no public comments.
- VII. Public Hearings – continued from March 18, March 25, and June 3, 2009

Clerk of the APCD Board:

Terence E. Dressler

Hearing – To consider rescinding Stipulated Orders of Abatement for the gasoline stations listed below which have completed installation of Phase II Enhanced Vapor Recovery equipment and are in compliance with District Rule 316:

- 1) **Case No. 15-09-SA** – Respondent: Golam Mostafa, Sweet Petroleum
89 E. Highway 246, Buellton
Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.

- 2) **Case No. 16-09-SA** - Respondent: Roy R. Tate, Lompoc Valley Gas & Diesel
719 W. Laurel Avenue, Lompoc

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.
- 3) **Case No. 17-09-SA** - Respondent: R. Craig Lincoln, Fastrup Oil Company
752 Guadalupe Street, Guadalupe

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.
- 4) **Case No. 20-09-SA** - Respondent: John Letters, Santa Maria Car Wash
2301 S. Broadway, Santa Maria

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.
- 5) **Case No. 21-09-SA** - Respondent: Mort Zomorodi, Gasco Auto Care
740 E. Donovan Road, Santa Maria

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.
- 6) **Case No. 22-09-SA** - Respondent: Linda M. Schultze, Eagle Energy
1260 W. Main Street, Santa Maria

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.
- 7) **Case No. 26-09-SA** - Respondent: Brian E. Mercer, Moller Investment Group
150 S. La Cumbre Road, Santa Barbara

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.
- 8) **Case No. 29-09-SA** - Respondent: Consuelo N. Moralez, Moralez Property
1502 San Andres Street, Santa Barbara

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.
- 9) **Case No. 30-09-SA** - Respondent: Aied Abdullatif, Stop & Shop Gas 2
134 S. Milpas Street, Santa Barbara

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.
- 10) **Case No. 36-09-SA** - Respondent: Don Pommerville, The Pommerville Corp.
1001 N. H Street, Lompoc

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.
- 11) **Case No. 37-09-SA** - Respondent: Spencer Wasem, Educated Car Wash

3735 State Street, Santa Barbara

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| | Lagattuta/Schmarje | Due to compliance, Stipulated Order of Abatement was rescinded. |
| 12) | <u>Case No. 38-09-SA</u> - Respondent: Tom Price, Fairview 76 42 N. Fairview Avenue, Goleta | |
| | Lagattuta/Schmarje | Due to compliance, Stipulated Order of Abatement was rescinded. |
| 13) | <u>Case No. 39-09-SA</u> - Respondent: Tom Price, Winchester 76 and Market 20 Winchester Canyon Road, Goleta | |
| | Lagattuta/Schmarje | Due to compliance, Stipulated Order of Abatement was rescinded. |
| 14) | <u>Case No. 41-09-SA</u> - Respondent: John Price, Jemesa LLC 1929 Cliff Drive, Santa Barbara | |
| | Lagattuta/Schmarje | Due to compliance, Stipulated Order of Abatement was rescinded. |
| 15) | <u>Case No. 42-09-SA</u> - Respondent: John Price, Channel Auto Services LP 3898 State Street, Santa Barbara | |
| | Lagattuta/Schmarje | Due to compliance, Stipulated Order of Abatement was rescinded. |
| 16) | <u>Case No. 44-09-SA</u> - Respondent: John Price, Turnpike Fuel Partners LP 250 N. Turnpike Road, Santa Barbara | |
| | Lagattuta/Schmarje | Due to compliance, Stipulated Order of Abatement was rescinded. |
| 17) | <u>Case No. 45-09-SA</u> - Respondent: John Hundley, World Oil Marketing Company 1800 State Street, Santa Barbara | |
| | Lagattuta/Schmarje | Due to compliance, Stipulated Order of Abatement was rescinded. |
| 18) | <u>Case No. 46-09-SA</u> - Respondent: John Hundley, World Oil Marketing Company 5648 Hollister Avenue, Goleta | |
| | Lagattuta/Schmarje | Due to compliance, Stipulated Order of Abatement was rescinded. |
| 19) | <u>Case No. 47-09-SA</u> - Respondent: John Hundley, World Oil Marketing Company 2837 De la Vina Street, Santa Barbara | |
| | Lagattuta/Schmarje | Due to compliance, Stipulated Order of Abatement was rescinded. |
| 20) | <u>Case No. 48-09-SA</u> - Respondent: John Hundley, World Oil Marketing Company 5960 Calle Real, Goleta | |

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.

- 21) Case No. 50-09-SA - Respondent: Griff Williamson, ConocoPhillips
303 W. Carrillo Street Santa Barbara

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.

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

Lagattuta/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.

Hearing – Consider Staff Status Report and Respondents’ reports regarding installation of Phase II Enhanced Vapor Recovery (EVR) equipment by August 5, 2009 as directed by Stipulated Orders of Abatement amended on June 3, 2009, and take appropriate action to continue, amend, or rescind Stipulated Orders of Abatement for the following cases:

Mike Goldman, APCD Engineering and Compliance Division Manager represented the District and reported on the compliance status of the service stations required to install the Phase II Enhanced Vapor Recovery equipment. Woody Lavayen acted as Counsel to the Hearing Board.

- 23) Case No. 18-09-SA - Respondent: Saleem Patel, Anishan Services, Inc.
1337 N. H Street, Lompoc

Keith Slocum of B & T Service Station Contractors appeared on behalf of the Respondent and testified that the Respondent’s station was in compliance as of July 31, 2009.

Ward/Schmarje Due to compliance, Stipulated Order of Abatement was rescinded.

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

Al Yakinian appeared on behalf of the Respondent and testified that the station should be in compliance by the end of September 2009.

Ward/Van Mullem Granted continuance of the Stipulated Order of Abatement until October 7, 2009.

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

Respondent, Jon McConnel appeared and testified that his station should be compliant by September-October.

Ward/Van Mullem Granted continuance of the Stipulated Order of Abatement until October 7, 2009.

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

Keith Slocum of B & T Service Station Contractors appeared on behalf of the Respondent and testified that the station should be under construction by October 1 and operations will cease until compliant.

Ward/Van Mullem

Granted continuance of the Stipulated Order of Abatement until October 7, 2009.

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

The Respondent did not appear and had not sent a written status report to the District within 30 days as directed at the June 3, 2009 hearing. Keith Slocum of B & T Service Station Contractors reported that he has given Jim Feinberg, the Respondent's partner, price quotes and has received a deposit. The Hearing Board directed District staff to send a certified letter to the Respondent informing him of the action taken at this meeting.

Saperstein/Schmarje

Respondent will be given a conditional continuance of the Stipulated Order of Abatement through October 7, 2009 provided that by September 1, 2009 the District receives a completed and updated Attachment 1 and 2 of the Stipulated Abatement Order; if Respondent fails to comply by September 1, 2009, the continuance of the Stipulated Order of Abatement will expire on October 7, 2009. If the information provided is to the District's satisfaction, the Stipulated Order of Abatement is extended to December 31, 2009.

- 28) Case No. 25-09-SA - Respondent: Jorn Winther, John's Chevron
3595 Sagunto Street, Santa Ynez

Respondent, Jorn Winther testified that he had received the necessary permits but had not yet secured financing to complete the installation.

Ward/Lagattuta

Granted an extension of the Stipulated Order of Abatement until December 31, 2009 the provision that the District receive a written update within 60 days of this

with
hearing.

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

Respondent, David Dabbour testified that he had received the necessary permits but had not yet secured financing to complete the installation.

Ward/Schmarje

Granted an extension of the Stipulated Order of Abatement until December 31, 2009 the provision that the District receive a written update within 60 days of this

with
hearing.

VIII. Public Hearings –

- 1) Case No. 67-09-R – ExxonMobil Production Company, P.O. Box 4358, Houston, TX 77210-4358

Hearing – To consider an application by ExxonMobil Production Company for a Regular Variance from District Rule 342.D.1 and Rule 206, Condition 9.C.2(a) of Part 70/Permit to Operate 9101. The Petitioner operates a Central Process Heater on Platform Harmony that is subject to the emission standards of Rule 342.D.1. *Control of Oxides of Nitrogen (NO_x) From Boilers, Steam Generators and Process Heaters*. The process heater is exceeding the carbon monoxide emission standard required and the CO mass emissions limit. The Petitioner has operated under variance protection since January 2009 and is seeking continued variance relief through December 31, 2009 to allow sufficient time to secure an Authority to Construct from the District and implement required modification to the Central Process Heater burner.

Since the same conditions were present in both Case Nos. 67-09-R and 69-09-R, the Hearing Board agreed to consider the cases simultaneously. Sandra Combe, Bart Leininger, Justin Pace and Steve Shively appeared on behalf of the Petitioner; Craig Strommen represented the District; Woody Lavayen acted as Counsel to the Hearing Board.

Following testimony by the Petitioner and the District, the Hearing Board discussed that the six findings had been met as presented by the Petitioner.

Ward/Lagattuta

Granted a Regular Variance for the period of August 5, 2009 through December 31, 2009 with conditions as specified in the Findings and Order.

- 2) Case No. 69-09-R – ExxonMobil Production Company, P.O. Box 4358, Houston, TX 77210-4358

Hearing – To consider an application by ExxonMobil Production Company for a Regular Variance from District Rule 342.D.1 and Rule 206, Condition 9.C.2(a) of Part 70/Permit to Operate 9102. The Petitioner operates a Central Process Heater on Platform Heritage that is subject to the emission standards of Rule 342.D.1. *Control of Oxides of Nitrogen (NO_x) From Boilers, Steam Generators and Process Heaters*. The process heater is exceeding the carbon monoxide emission standard required and the CO mass emissions limit. The Petitioner has operated under variance protection since January 2009 and is seeking continued variance relief through December 31, 2009 to allow sufficient time to secure an Authority to Construct from the District and implement required modification to the Central Process Heater burner.

Ward/Lagattuta

Granted a Regular Variance for the period of August 5, 2009 through December 31, 2009 with conditions as specified in the Findings and Order.

- 3) Case No. 72-09-R – ExxonMobil Production Company, P.O. Box 4358, Houston, TX 77210-4358

Hearing – To consider an application by ExxonMobil Production Company for a Regular Variance from District Rule 206, Condition 9.C.2(c)(i) of Part 70/Permit to Operate 5651. The Petitioner operates a Thermal Oxidizer at their Las Flores Canyon oil and gas processing plant located approximately 25 miles northwest of the City of Santa Barbara. The low pressure “low range” gas flow meter and acid gas “low range” meter are currently in need of replacement with a new model meter that allows calibration and replacement in the field. The Petitioner is seeking variance relief through September 30, 2009 to allow time for receipt and installation of new flow meters from the manufacturer.

Sandra Combe and John Deacon appeared on behalf of the Petitioner; Craig Strommen represented the District; Woody Lavayen acted as Counsel to the Hearing Board.

Following testimony by the Petitioner and the District, the Hearing Board discussed that the six findings had been met as presented by the Petitioner.

Schmarje/Lagattuta

Granted a Regular Variance for the period of August 5, 2009 through September 30, 2009 with conditions as specified in the Findings and Order.

- 4) Approve revisions to the "Quick Reference Attachments" of the Hearing Board Policies and Procedures.

Ward/Schmarje

Approved.

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. 66-09-I – ExxonMobil Production Company
12000 Calle Real, Goleta, CA 93117

On May 28, 2009 Hearing Board Vice-Chair Donald Ward approved an Interim Variance providing variance protection to the Petitioner from District Rule 342.D.1 and Condition 9.C.2(a) of Part 70/Permit to Operate 9101 for operation of the Central Process Heater located on Platform Harmony in violation of the 400 ppmv carbon monoxide emission limit for the period of May 21, 2009 through August 18, 2009, or the date of decision of the Hearing Board on the application for Regular Variance 67-09-R, whichever occurs first.

- A-2) Case No. 68-09-I – ExxonMobil Production Company
12000 Calle Real, Goleta, CA 93117

On May 28, 2009 Hearing Board Vice-Chair Donald Ward approved an Interim Variance providing variance protection to the Petitioner from District Rule 342.D.1 and Condition 9.C.2(a) of Part 70/Permit to Operate 9102 for operation of the Central Process Heater located on Platform Heritage in violation of the 400 ppmv carbon monoxide emission limit for the period of May 21, 2009 through August 18, 2009, or the date of decision of the Hearing Board on the application for Regular Variance 69-09-R, whichever occurs first.

- A-3) Case No. 70-09-E – Santa Maria Refining Company
1660 Sinton Road, Santa Maria, CA 93458

On May 29, 2009 Hearing Board member David Van Mullem, Jr. approved an Emergency Variance providing variance protection to the Petitioner from District Rule 326 for continued operation of Tank 27001 at the Santa Maria Asphalt Refinery for the period of May 28, 2009 through June 11, 2009.

- A-4) Case No. 71-09-I – ExxonMobil Production Company
12000 Calle Real, Goleta, CA 93117

On June 5, 2009 Hearing Board member David Schmarje approved an Interim Variance providing variance protection to the Petitioner from District Rule 206, Condition 9.C.2(c)(i) of Part 70/Permit to Operate 5651 due to malfunction of the flare meter on Thermal Oxidizer

(EAW-1601) at the Las Flores Canyon oil and gas processing plant for the period of June 5, 2009 through August 5, 2009.

A-5) Case No. 73-09-E – U.S. Air Force
Vandenberg Air Force Base, CA 93437-5319

On June 8, 2009 Hearing Board member Dr. Francis Lagattuta approved an Emergency Variance providing variance protection to the Petitioner from District Rule 206, Condition 1 of Permit to Operate 6117-R7 for operation of the South Vandenberg Power Plant in violation of CO emission limits for the period of June 6, 2009 through June 20, 2009.

A-6) Case No. 74-09-E – ExxonMobil Production Company
12000 Calle Real, Goleta, CA 93117

On June 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 Thermal Oxidizer (A-803) in violation of the 239 ppmv H₂S limit at the POPCO gas processing plant for the period of June 12, 2009 through June 26, 2009.

A-7) Case No. 75-09-E – ExxonMobil Production Company
12000 Calle Real, Goleta, CA 93117

On June 16, 2009 Hearing Board member David Van Mullem, Jr. approved an Emergency Variance providing variance protection to the Petitioner from District Rule 202.F.2 for the operation of two CARB registered portable engine driven pumps on Platform Harmony without first complying with the 14-day advanced notification requirements for the period of June 16, 2009 through June 30, 2009.

Schmarje/Ward

Received and filed.

X. Adjourn

The meeting was adjourned at 11:25 a.m.

ANNOUNCEMENTS

The next regularly scheduled meeting of the Santa Barbara County Air Pollution Control District Hearing Board is September 2, 2009 at 9:30 a.m.