VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT
ADVISORY COMMITTEE MEETING
March 24, 2015
MINUTES

Chair Sara Head convened the meeting at approximately 7:32 p.m.

I. Director's Report

Mike Villegas, Air Pollution Control Officer, began by providing a brief report. He first mentioned the issue of pesticides at Rio Mesa High School. The District only has an advisory role in this issue, and we will be working with the California Department of Pesticide Regulation as needed. It is a big issue, and there will likely be additional press coverage.

The District is also putting together a report on clean air progress with the California Air Pollution Control Officers Association (CAPCOA). We have looked at the data and last year was the second cleanest year on record. 2013 was the cleanest. Last year was a hot summer, so the fact that it was the second cleanest year shows we are still making progress.

That concludes the Director's Report.

II. Call to Order

Chair Sara Head called the meeting to order at approximately 7:35 p.m.

III. Roll Call

Present

Robert Cole	Hugh McTernan
Raymond Garcia	Paul Meehan
Sara Head	Keith Moore
Randy Johnson	Alice Sterling
Thomas Lucas	Steven Wolfson

Absent

Joan Burns (excused)	Kim Lim (excused)
Martin Hernandez (excused)	Richard Nick (excused)

Staff

Mike Villegas	Chuck Thomas
Chris Frank	Eric Wetherbee
Tyler Harris	Kerby Zozula
Dan Searcy	

Public	Representing
Rebecca Bradley	DK Law Group
Todd M. Shuman	Citizens for Responsible Oil and Gas
Marianne Strange	MFSA/WSPA
Kevin Tohill	Self

IV. Minutes (addressed at the end of the meeting)

Committee Member Raymond Garcia made a motion to approve the minutes as drafted. A committee member seconded the motion. Minutes were approved as drafted with no opposition; however Committee Members Alice Sterling and Thomas Lucas abstained since they did not attend the last meeting.

V. Committee Comment

There was no committee comment on matters not on the agenda.

VI. Public Comment

There was no public comment on matters not on the agenda.

VII. New Business

Mr. Villegas introduced the issue for discussion. Rule 71, Crude Oil Production and Separation, requires emission controls at crude oil production facilities. Most of them need vapor recovery. There are some exemption provisions in the rule. The rule requires vapor recovery on 638 tanks in the county and 18 other tanks are exempt from vapor recovery requirements due to cost effectiveness. Due to the throughput, the cost of putting controls on exceeds nine dollars per pound of ROC controlled on an annualized basis. Nine dollars per pound is the cost effectiveness threshold adopted by our board.

Two of the 18 exempt tanks are near homes. One of these, a 200-barrel tank, is in Simi Valley near Walnut on Lightning Ridge Way, and it is generating a significant number of complaints. Because of this, the District is proceeding with a very focused rule action that will remove the exemption only for the tanks within 300 feet of a sensitive receptor.

We are using the term "sensitive receptor" from the South Coast Air Quality Management District's definition in their well stimulation rule. We would really like to stick with a definition that has already passed muster with the EPA. We received comments about including playgrounds in the definition, but then there was concern about whether it includes private playgrounds or just public parks. So we decided to stick with the South Coast definition. It ends

up covering places where people spend the night – hospitals, jails, and schools but really residences, which is what we are focused on.

It is interesting to note that we have not had any pushback from the oil companies that own these two tanks. They are willing to put on the controls. We have had two workshops on this rule and we have worked with the neighbors. We have one neighbor here, Mr. Kevin Tohill, who has been working with us throughout the rule process.

The companies have agreed to put on the controls, the neighbors want the controls, we want the controls, and there is just one little hang-up that I will discuss in a minute. When an air district writes a rule, we need to have a legal reason to put in a requirement. We can't put in a requirement when it's not cost-effective. In this case, we determined if it was cost-effective to install controls on these tanks for regional air quality, and the answer was no. These tanks qualify for the exemption at nine dollars a pound.

We can also look at toxic air contaminants, which we did, using a conservative screening analysis. We had to use the information we had at the time to get this done in a timely manner. Based on that, we believe there is not a significant toxic issue. You would not expect one from a facility this size. Their total throughput is less than three barrels a day. So they are not moving a lot of oil in this facility. If you do the math at $44 per barrel, it is not a lot of money.

The remaining issue is they are going to put in controls and it will most likely be a small flare. We realize flares are not visually pleasing, but we have no jurisdiction on that issue. It will be a shrouded flare with some 55-gallon drums welded together to protect the flame because it is windy in Simi Valley. The shroud will also keep the light down at night.

The residents would really like to see the flare placed at least 300 feet from their homes. I understand and agree that I would want as well. We have thought about this and worked with several staff members including Chris Frank our rule engineer and Kerby Zozula our engineering manager who are both here. If there is a rationale that we can use from an air quality standpoint to require that flare be some distance from the homes, I am all for it. Right now we do not have one.

Committee Member Tom Lucas asked how long has the tank and oil wells been there, and how long have the houses been there. Mr. Villegas responded we think the tank was sited in 1959, and the homes are more recent, built in 1984 and 2002.

We have proposed changes to the rule, changing three sentences and adding one more. We should not have to work too hard tonight on the language. The language cleanly requires the controls and will affect one other facility, which is owned by California Resources, and they are not objecting to the change either. We want to put a distance in the rule to keep the flare away from the homes because that will make the problem go away. But the air district boards include the cities for one specific reason – cities were concerned that air districts would enter into land use regulation.

There is a conditional use permit (CUP) for this site, and the CUP says you have to mitigate, to the maximum extent feasible (I am paraphrasing) odor issues, noxious emission, and toxics. The wording leads you to believe the source is supposed to upgrade the mitigation over time. It is very difficult for us to mandate the flare a certain distance from the homes when a hospital can put a diesel engine right next to a home. We have no say in that other than requiring controls on the engine and they are limited to a certain number of hours. The County Hospital engine house is close to some homes. They are big engines and they are diesel powered because the hospital has to stay online at all costs.

Committee Member Paul Meehan stated that one issue with a distance requirement is that the facility might be unable to comply because they may not be able to locate the flare 300 feet from the house. They may not have enough land to meet the requirement. Mr. Villegas stated he understands that concern. We hate to have unintended consequences. We do not want to create a situation where someone builds a home near an existing tank five years from now and they can't site the flare far enough away.

Mr. Lucas pointed out there is additional cost to site the flare further away. Mr. Villegas stated the intent is to place the flare on the other side of a wash. There are three wells associated with this and they are little hobby horse wells about 6 feet tall, not the big wells you see along Highway 33. It is a very small facility.

We wish there was a way we could lock down the flare location away from the homes. We might be able to work with the oil company and get to that end. Committee Member Steven Wolfson asked, even though it might be beyond the purview of APCD, are there safety requirements that could influence the flare location? Mr. Villegas responded that he considered that and spoke to the California Division of Oil, Gas and Geothermal Resources (DOGGR) to see if there is a distance requirement from the tank due to the flammable vapors and ignition source, and they said they have no requirements. We also worked with Ventura County Fire Department and they said the flare must be 100 feet from brush. If you get close to the homes, there are trees so I don't think County Fire will let them site it near the existing tank.

Committee Member Alice Sterling asked if we had cross checked with the City of Simi Valley and their development standards to see whether they have anything that would place restrictions on this. Mr. Villegas responded they have a CUP. Ms. Sterling noted Simi Valley might have an oil and gas development section of their code, so if this is a modification of the CUP they might need to review this based on today's standards if there are any. She also asked if the flare would disrupt any satellite or radio transmissions or something along those lines that could help create a buffer.

Mr. Villegas said he has no background with the satellite or radio transmission issue. But those issues are all CUP issues. Ms. Head asked if the city will need to revise the CUP. Mr. Villegas stated he did not know. Ms. Sterling stated there may be conditions that require the city to look at this. Mr. Villegas said that is a possibility, and it is one potential solution.

Committee Member Randy Johnson asked if we had spoken to Barnett and if they are willing to locate the flare that far away. Mr. Villegas responded that they are willing, and it is their intent

to locate it on the other side of the wash. We are not sure if it is actually 300 feet away or not, it could be 200 or 250. Mr. Johnson suggested this could be arranged through a gentlemen's agreement since there are so few, and it would not need to be codified in the rule.

Mr. Meehan said it seems like the point of specifying the location is to address the visual aspects of the flare. If that is the case, it might not matter how far away it is, and you can still see it – even from a mile or more. The regulation should address visual aspects such as it must be covered, low to the ground, etc. Mr. Villegas stated the CUP could possibly specify these things, but our regulation could not because we only regulate the emissions.

Mr. Wolfson stated it does not need to be in the regulation, as long as the proposal comes in with the flare in an acceptable location. Mr. Johnson stated he doesn't see a need to codify it if one is already willing to meet the distance voluntarily; the other facility is just a matter of individual negotiations.

Committee Member Keith Moore asked if the cost is only $2000, why does the community not donate the money necessary to install the controls and fix the problem. Why are we changing the rule that could cause unintended consequences if it could be fixed without the rule change? Mr. Villegas stated the oil companies are not objecting to the cost. Mr. Moore responded that the community is where this originated, so are they willing to take the initiative? Mr. Villegas stated he could not speak for them. Mr. Kevin Tohill, one of the neighbors at the Simi Valley site, stated that if Mr. Moore was asking him personally, then yes he would be willing to pay for it. He has offered in the past to pay for things in the past, and he has offered to pay for them to move the flare 300 feet.

Mr. Tohill stated he would like to give some background on his situation. When he bought the property, there were 15 lanterns behind him and across the canal that burned off the wellhead gases. They maintained them from when they were installed, probably in the late 1980's while they had the exemption, until 2004 after he had bought the property and built his house. When Chris Bercaw took over, they turned them off. The issues started after that. As the temperature changed and they kept changing things at the facility, the issue continued to get worse.

So yes, I built the house after the facility was there and I definitely knew it was there, but they had a system in place when we bought it. The CUP states that they must upgrade the facility as time goes on, and people developed around it. The property was developed based on the city requirements.

Ms. Head asked Mr. Tohill to help her understand the issue, if it is odors or something else. Mr. Tohill stated for him personally it is an odor issue and a health issue. He and his wife have had extreme health issues. Mr. Head then asked if he supported the proposed rule because it would alleviate the issue of the odors and the emissions. The remaining thing is that the best way to eliminate those issues creates a new issue of a visible flare. Mr. Tohill responded that he is not worried about the visible flare. He is here tonight to ask the committee to adopt the revised rule, to help provide information, and to ask the committee to put a distance requirement on the flare.

Unfortunately, when this first became an issue in 2013, a C.R. Barnett, Inc. representative said they would have a flare up right away (C.R. Barnet Inc. is the owner/operator of the wells, tanks and associated equipment on the property). In fact, they claimed they would have it up within 30 days. They were going to put it across the channel, between 250 and 300 feet from the house. It seemed like it was going forward, but unfortunately in November of 2013 Chris Bercaw stopped it. Then he started working with APCD to get it required.

The problem they have as a community is if the rule is not written very specifically, Chris Bercaw and his legal staff will just find a way around it. They are currently under a violation with APCD for a major leak and still have not fixed it. We have also been working with DOGGR since 2013. A gentlemen's agreement with the facility owners/operators seemed like it was going forward, but they have not followed through with their commitments. He is unsure now if they will follow through with anything they say. He has offered by email and verbally to pay for things if that is what it takes to address the financial impact.

Mr. Tohill continued stating the financial impact that should be mentioned in the staff report is though it costs $1,000 per year to maintain the flare, they also save between $1,500 and $1,700 as a discount from APCD. So there is actually a profit from the flare. You would think, they would have already done it for one, to meet the CUP, two, to be good neighbors, and three, because of the financial gain. Ms. Head thanked Mr. Tohill for his input and stated APCD would have a hard time enforcing any gentlemen's agreement so it is problematic from that standpoint.

Mr. Wolfson stated he has concerns with using a flare to mitigate an odor. You will still have an odor, it may be different, but you will still have an odor from the flare. He questions the effectiveness of a flare to mitigate odor issues. Mr. Head asked if the District has done any analysis on the effectiveness of a flare on odor mitigation.

Mr. Villegas stated he believes the flare will definitely mitigate the odors because it is destroying the reactive organic compounds that are the source of the odor. Mr. Wolfson responded that it will replace it with a different odor. Mr. Tohill added that was part of his concern that they would have to file complaints and go through this again if the flare is close to the house. That is why he has been active in the rule development, so they don't change one problem into another problem. That is why it is so important to specify the distance.

Mr. Moore asked where the distance of 300 feet came from. Mr. Villegas stated DOGGR has 300 feet in their definition of sensitive receptor. Mr. Moore asked if that is sufficient, because he does not think 300 feet will be enough, depending on the weather and inversion situations. Mr. Moore asked and Mr. Tohill confirmed that he was downwind from the facility. Mr. Tohill stated the emissions were released about 7 feet from his property line. The facility owners have no rights to the Tohill property. The CUP is 30+ acres but the source is right next to the Tohill property line. They moved a valve and that helped reduce the problem, but it is still not far enough. As of now, this will be another weekend when the Tohill's cannot use their yard because of a major leak the facility refuses to fix.

Ms. Sterling asked how will the District measure 300 feet – is it from the well itself? Mr. Villegas stated it is from the tank and the loading rack. And it is measured to a sensitive

receptor, but the use of the property can change. Someone could put a sandbox right at the property line where kids play all the time. District Engineering Manager Kerby Zozula stated we would treat it like state law, and measure to the property line, which is the outer boundary of the sensitive receptor. Ms. Sterling stated it is not clear in the rule. If you throw an arc and it hits the property line, the rule should apply. As a property owner you have a right to add on to your home or install a swimming pool, so it should be the property line otherwise you get into real difficulty enforcing where the 300 feet should be measured. Mr. Villegas stated we would measure from the property line, but we would have to consider the consequences of that clarification.

Mr. Moore asked how many properties were within 300 feet of the source. Mr. Tohill responded that there are three houses within 300 feet of the tank. Mr. Moore asked Mr. Tohill if these tanks were identified on the CC&R (covenants, conditions and restrictions document associated with the property), and did he know the tanks were there when he bought the property. Mr. Tohill responded that he did know they were there.

Committee Member Hugh McTernan asked if there are other methods of mitigation other than the flare, especially since we have previously discussed getting rid of flares. Mr. Villegas stated the rule states you can recover the gas, which is what the larger facilities do. Then, they sell it to SoCal Gas. Unfortunately with the small throughput and the location, that will not work here. They could burn it on site in combustion equipment such as an engine to power a well if it was away from electricity, or perhaps a compressor but they do not need that type of equipment at this facility. Other options are a flare or any other method that would meet 90% control. So you could make a case for carbon adsorption. However, since this is not a manned facility, there is no one there to know when the carbon reaches saturation and the ROC breaks through. Mr. Moore stated you really need more than 90% control in this case, because the community will likely not be satisfied if 10% of the emissions are allowed to escape.

Mr. Johnson asked if we know how much gas will be flared. Will there be a 16-foot flame? Mr. Villegas said no. This will be on the scale of the energy from a large pool heater. Mr. Tohill stated for perspective, they used to have 15 lanterns going just to combust the wellhead gases. Mr. Zozula stated it will likely be a solar powered flare with continuous spark, so it will have a constant sound like snapping fingers. When the gas burps from the tank, it will ignite. Mr. Moore stated it would need propane supplemental fuel. Mr. Zozula stated there are a lot that don't have backup fuel – it depends if there is sufficient gas from the source.

Mr. Moore asked about the cost of carbon canisters. Mr. Villegas stated we would consult with the oil company about that. Mr. Zozula stated we have concerns about a carbon system because it does not control the methane and propane emissions, the lower C gases. They might be contributing to the odor, so carbon might have zero effectiveness.

Mr. Tohill asked about benzene. Ms. Head stated it is a toxic chemical, but she is not certain about its odor. Mr. Villegas stated it is toxic and associated with crude oil. Mr. Tohill passed around some photos of his property and the location of the well and tank.

Mr. Johnson asked if the location where they will move the gases, 300 feet away, is owned by the oil company, or is it part of the lease. Mr. Villegas stated it is owned by another party. There is a residence on the other side of the wash, but it is further away from the well. We would need to work out any property rights issues with the oil company. Mr. Zozula stated the intent is to place the flare on the location of another well. So that lease holder has the surface rights.

Mr. Moore asked about the responsibility of the facility for odors leaving the property and clarification about how the District can regulate location of equipment inside the property. Mr. Villegas stated if the tank or loading rack are located within 300 feet of the sensitive receptor, they do not qualify for any exemption from the vapor recovery requirement in the rule under this proposal.

Ms. Head stated odors are regulated differently. Mr. Moore compared the odor regulation from a landfill. Mr. Villegas stated for landfills, we permit the landfill gas recovery and control equipment. Mr. Moore asked about nuisance regulations. Mr. Villegas stated to have a nuisance in California you have to impact what is called a considerable number of persons. Under court rulings, a "considerable number of persons" means about six. So you would have to have an incident that affects six households.

If you have a landfill near a subdivision with a lot of homes you can meet that threshold. We have Toland Road landfill, with ranches around it, so it cannot legally meet the public nuisance threshold. Mr. Moore stated in that case you put criteria in property sales agreements that you are accepting this nuisance because you decided to move there. Ms. Head states this becomes a land use issue, not an air permit issue. Ms. Sterling stated one of the conditions for the landfill CUP modification was to put in aromatic trees. Mr. Villegas noted those are CUP issues, not under air district jurisdiction.

Mr. Lucas asked if there would be problems with running a pipeline across the wash since it is probably a county easement. Mr. Villegas stated he believes there is an existing pipeline that could be used for this purpose.

There was some discussion of the photos provided by Mr. Tohill.

Ms. Head requested additional public comments on the issue.

Mr. Todd M. Shuman, who stated he was on the advisory board of CFROG, requested the floor. He stated they have another person on their advisory board, Dr. Steven Colome, who is an expert in this area. He looked at the risk assessment in conjunction with the inspection reports in the area. The reason the District does not have a rationale for imposing a burden on the oil company is because they are not finding anything in their risk assessment. But they are not finding anything because there are problems with the methodology and the assumptions, such that even if there was something there they might not find it.

The deeper issue at play here is CFROG believes the risk assessment is inadequate. The discussion here tonight is premised on the lack of finding significant health risk. As a result we cannot justify imposing a burden on the facility. But we have problems with the risk assessment.

The comments were submitted to Mike Villegas and Chris Frank yesterday by email so they have them, and are aware of our concerns. Mike has requested a meeting with Steve and John Brooks to discuss their concerns. We suggest the Advisory Committee pause before signing off on not imposing a burden on the oil company to locate the flare further away from this property. Mr. Shuman asked Mr. Tohill if the flare would be about 75 feet from where his children would play basketball. Mr. Tohill confirmed it would be about 75 feet away if they put the flare in the location described in the risk assessment. Mr. Shuman stated we don't want to locate the flare only 75 feet away, and 300 feet would be ideal. We really don't know what will be coming out of the flare.

Mr. Moore asked if Mr. Shuman would do the risk assessment. Mr. Shuman stated it is not CFROG's responsibility. Mr. Moore suggested CFROG could find experts in the field, find out what is wrong with the risk assessment, and fix it. Mr. Shuman stated he is asking the District to do a credible risk assessment. Ms. Head stated she understood the flare is a control to reduce the risk, and CFROG is saying the flare would have risk associated with it. But in fact, this rule would reduce the overall risk. Mr. Villegas concurred.

Mr. Moore stated it is a reduction and not elimination of risk. It is difficult for the District to modify a regulation to address the very specific situation that impacts Mr. Tohill. Mr. Tohill stated he did not think he would be asking for this if they had left the 15 lanterns on. That is how it was when he bought the property, and he would have been happy to raise his family under those conditions. But he was not the one that turned the lanterns off, and the lanterns were installed as a result of an APCD citation.

Mr. Villegas stated he was not certain who the operator was when the lanterns were installed. The lanterns were similar to Coleman lanterns like campers use with the mantles. They tapped into the gas line so they were burning off the produced gas that was coming from the wells, and they were reducing the gas vented from the tank. Apparently the lanterns fell into disrepair and did not continue to operate. With the lanterns, the odor source was dispersed. If one of the mantles burned out, the system was venting the gas. It was not a great system from an emissions standpoint.

Ms. Sterling stated she was still unclear about the City's involvement and the CUP requirements. She asked if Mr. Tohill had talked to the City about the CUP requirements. Mr. Tohill stated he has talked to the City, and they have an open investigation into the facility not following the CUP requirements. Mr. Villegas stated the District is working with the City, but we do not have any specific information about their investigation. City staff attended the last inspection when the District issued the citation for the leak on a facility the operator said was closed.

Ms. Sterling stated she would like to know the City's position so the District does not impose something that is in conflict with the City's land use regulations. Mr. Johnson stated it seems the position of the flare is more of a land use decision under the City's jurisdiction, as opposed to APCD which is only concerned with emissions. Mr. Villegas agreed, and said he was unable to come up with a rationale for the District to specify the location of the flare. Mr. Johnson agreed.

There was a suggestion that this issue be tabled until there was more information. Mr. Head asked if there was any timing issues with the rule other than the homeowners are anxious to have the controls in place. Mr. Villegas stated he thinks the homeowners would like to see this resolved, but they would like to see it resolved with the flare further from the houses. Mr. Villegas stated he does not think oil fields should be this close to homes, and if they are, they certainly should not be exempt from vapor recovery. So the rule action we are proposing is a rational one.

Mr. Lucas stated the oilfield was there before the houses. Mr. Moore stated these abandoned oilfields often seem like excellent locations for homes. They are already prepared with water and power, and that is where people like to build. People buy property and build there because they like those aspects, but then it becomes a remediation issue.

Ms. Sterling stated in order to build a property for residential use you have to follow the general plan, which has land use designations. When they adopt a general plan, they have an environmental document that looks at these particular impacts. The general plan in the City of Simi Valley was adopted within 5 years. We need background information about these sensitive receptor sites, and if they were built in accordance with the general plan and if there was mitigation performed. It sounds like things have changed, and we need to know the city's position. Ms. Sterling suggested the District write to the City of Simi Valley an official request for cooperation in this issue. Mr. Villegas stated he is working with Samantha Argabrite, Assistant to the City Manager, and they have been in close contact on the phone. We do not have anything in writing from them because they are trying to determine what this means. However we can make a formal request.

Mr. Johnson stated he does not believe what the City of Simi Valley does will have an effect on the proposed rule revisions. The rule is strictly concerning air emissions and only affects two facilities. They could install a vapor recovery system to comply with the proposed rule, and then worry about applicable city requirements for mitigation. Mr. Moore stated the District might pass this rule, and then it won't fit with the city's mitigation. Additional coordination with the City would be better. Mr. Villegas responded that if we pass a rule requiring vapor recovery, that we would work with the city. But if we include requirements on the flare location we could run into problems. Mr. Johnson agreed saying they are two different issues, and the District does not have the authority to say where to put the flare. The city can mandate a distance from the receptors.

Mr. Tohill stated the facility is in both city and county jurisdiction, so if the District requests formal cooperation they should do so with both the city and the county. Two of the wells and the tank are in city limits, but the other well and the proposed flare location are in county jurisdiction. Mr. Tohill's property is within the city limits. The city-county line is the wash.

Mr. McTernan asked if this rule was already adopted by South Coast. Mr. Villegas stated they are working on something similar. Rule 1148.2 regulates well stimulation because of the public outcry over hydraulic fracturing. It is basically a disclosure rule. Our board did not elect to write a disclosure rule. They debated that at length, and decided they would wait for the DOGGR program which is in effect now. South Coast is now working on rule 1148.1 and looking at this

issue on a broader scale. At Beverly Hills high school, there is a well on the property. In Huntington Beach, some properties near the beach are house, well, house. These are not small wells like the ones we are discussing. They have pipelines running through neighborhoods, and they have issues to deal with.
Mr. Villegas stated he would like to resolve Mr. Tohill's and Mr. Brody's issues prior to trying to address this issue on a broad scale because that could take quite some time. We are lucky because we only have two cases where we have oil and residences in close proximity. Mr. McTernan asked if South Coast has the same cost-effectiveness exemption. Mr. Villegas responded they do, but he believes it is higher than nine dollars per pound.

Mr. Tohill submitted a written copy of his prepared statement for this meeting. Ms. Head summarized the statement saying Mr. Tohill is asking the Committee to approve the rule revisions with the additional requirement to locate the flare farther from the residences. However it is the District's position that they cannot make the additional amendment because there is no basis in state or local laws. Mr. Tohill responded saying after the discussion tonight, the District and residents need to go back to the city and county. There are more issues that need to be resolved before the Advisory Committee can give a recommendation.

Mr. Villegas agreed with that assessment. He said there are two paths tonight. The Committee can recommend approval of the rule and take it to the board after staff works out issues with the CUP and city and county jurisdictions. Or staff can bring the rule back to the Committee for a short update before you vote on a recommendation.

Mr. Moore asked for additional details about the gas lantern scheme. Mr. Villegas stated the flare is a similar concept just in one location instead of fifteen. It also has an igniter and is solar powered so it will spark and when gas shows up it will ignite. With a lantern, if the mantle fails you have a vent instead of a control device. Mr. Moore stated there are other types of mantles, metallic or ceramic, that are more robust. He would like the District to explore all of the options, coordinate with the city, and come back with a report. The facility says they can put the lanterns back in and manage them, perhaps with an upgraded version.

Mr. Meehan asked if they could pipe the gas to Mr. Tohill's swimming pool heater. Mr. Tohill stated he was working with people to help with research on that, but he is not sure if benzene would be burned in that process. That is the concern about using that as an option because the last test showed high levels of benzene. Before this all happened, our sandbox was right next to the facility property line.

Ms. Head stated she has confidence staff has looked at the control options, and the flare was likely the best one rather than a lot of little lights. She asked if staff needed a motion and vote for direction.

Mr. Villegas stated staff would work with the city and county on the CUP issues and coordinate with them. We will work with the city and oil company and come to a conclusion about where to put the flare. The best solution would be if there was some agreement that the CUP sited the flare further from the homes. Then they would be doing the land use work in their purview, we would handle the air emissions and we can move forward. What we are hearing from the

Committee is we should not put in a distance on the flare because we don't have a legal rationale. We followed the guidelines from the California Office of Health Hazard Assessment on the health risk assessment. We are confident that we did it correctly.

For a little perspective on the health risk assessment, there was concern that the sample with the benzene emissions was taken above the open hatch. Mr. Tohill, of his own volition, paid for the sampling and analysis. You would expect to see elevated levels of ROC related to oil, including benzene, at that location. It is just like if you took a sample after you pulled back the boot on the nozzle at a gas station. You would expect to get elevated BTX and 1,3 butadiene. We used some of those numbers in our health risk assessment just to get a breakdown on the different components in that gas. We believe we did a conservative assessment.

The expert with CFROG was concerned the sample had been taken after the tank had been pumped out. In fact, it wasn't pumped out until a month after the sample was taken. A lot of his comments were based on that, that we should not base the assessment on a tank without oil in it. In addition, the meteorological data we use is a year's worth of data at a minimum. Data sets are available and they come from our monitoring sites and airports. Luckily he doesn't live next to an airport, so we don't have specific data for that neighborhood. So we must use the closest data we have. We then use conservative assumptions and move forward.

If this was a thesis, we could set up a monitoring station at the site for a year and collect new data but that is cost prohibitive. There are issues we would like to talk to CFROG's expert about, but we believe our estimate is very good. We expect to run it again because there is new guidance from the state on how to run health risk assessments that just came available March 6th.

Mr. Lucas asked if we have to pass a law if the oil company is willing to install the controls and they get the permit from the District. Mr. Villegas responded that you really wouldn't have to. However, the rule would ensure if a new operator buys it and finds it is not required to use the controls, they can remove it. The rule will give the neighbors the assurance the controls will stay on if Barnett sells to company X.

Ms. Head stated we are in agreement that we will revisit this at a future meeting after staff has a chance to coordinate with the city and county. She brought the minutes from the February 24, 2015 minutes to the Committee at this time.

VIII. Adjournment

Having no further business, the chair adjourned the meeting at approximately 8:40 p.m.

Prepared by:

Chris Frank
Tyler Harris
Air Pollution Control District Staff