

US EPA ARCHIVE DOCUMENT

Big West Hearing Transcript

AIR PERMIT FOR BIG WEST REFINERY  
PUBLIC HEARING

TRANSCRIPT OF PROCEEDINGS TAKEN ON:  
WEDNESDAY, DECEMBER 5, 2007  
6:11 P. M.

Reported by: Victoria L. Thomas, CSR No. 12927

1 Big West Hearing Transcript  
2 5, 2007, 6:11 p.m., at Discovery Elementary School, 7500  
3 Vaquero Avenue, Bakersfield, California, before Victoria  
4 L. Thomas, CSR No. 12927.

5  
6 APPEARANCES OF COUNSEL

7 For Big West Refinery: Weston, Benshoof, Rochefort,  
8 Rubalcava, MacCui ch  
9 By: JOCELYN NIEBUR THOMPSON  
10 Attorney at Law  
11 333 South Hope Street  
12 Sixteenth Floor  
13 Los Angeles, California 90071  
14 (213) 576-1000  
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EXHIBIT INDEX  
(None Offered.)

1 BAKERSFIELD, CALIFORNIA;  
2 WEDNESDAY, DECEMBER 5, 2007; 6:11 P.M. ;  
3 DISCOVERY ELEMENTARY SCHOOL  
18:11:08 4  
18:11:10 5 GERARDO RIOS: Good evening, everybody. Would  
18:11:10 6 you all please take your seats? We're going to get  
18:11:12 7 started.

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18: 11: 14 8 As everybody's -- while everybody is  
18: 11: 16 9 settling down, if I can ask folks to please turn your  
18: 11: 18 10 cell phones off or to vibrate so that people don't get  
18: 11: 24 11 distracted and so that our court reporter will be able  
18: 11: 30 12 to do her job and the comment part.

18: 11: 36 13 As I mentioned earlier, if anybody needs  
18: 11: 38 14 simultaneous interpretation, we have headphones over  
18: 11: 40 15 there to the right.

18: 11: 52 16 Welcome to the US Environmental Protection  
18: 11: 54 17 Agency's public hearing to receive comment on the  
18: 11: 58 18 proposed Clean Air Act PSD permit, or prevention of  
18: 12: 00 19 significant deterioration permit, proposed for Big  
18: 12: 04 20 West's Clean Fuels Project.

18: 12: 28 21 My name is Gerardo Rios and I am the chief  
18: 12: 30 22 of the Air Permits Office at EPA in Region 9, located in  
18: 12: 34 23 San Francisco. From this point forward, I will only be  
18: 12: 50 24 speaking English. I just wanted to make sure that  
18: 12: 52 25 anybody that needed assistance in Spanish knew that

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18: 12: 56 1 there are materials that they can use in Spanish in the  
18: 13: 00 2 back and some simultaneous interpretation.

18: 13: 16 3 For your information, the restrooms are  
18: 13: 18 4 actually located on the -- on this exit to my left;  
18: 13: 22 5 they're around the corner. And there's a drinking  
18: 13: 26 6 fountain right outside this door. Please be clean and  
18: 13: 32 7 useful when you use them. They're the school children's  
18: 13: 36 8 rest rooms. We actually asked permission to use those  
18: 13: 40 9 for adults, but typically they're -- the restrooms are  
18: 13: 44 10 in this office, and that part of the building is closed,  
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18:13:48 11 so they allowed us to use that, so...

18:13:52 12 In case of an emergency, as you've probably

18:13:54 13 noticed, there's that exit and that exit (indicating).

18:13:58 14 So please walk to the nearest exit in case of an

18:14:02 15 emergency.

18:14:02 16 I would also like to take a moment to

18:14:04 17 introduce the EPA staff that are here tonight at the

18:14:08 18 hearing. First of all, to my right there is Beatrice

18:14:12 19 Wong, and she will be our public hearing officer today.

18:14:14 20 We also have Katie Stewart or Kathleen Stewart. She is

18:14:20 21 our staff scientist, and she is who is preparing a PSD

18:14:26 22 permit for this project.

18:14:26 23 We also have Carol Bonacamp, she is our air

18:14:30 24 quality modeler. Tri na Martynowicz, who organized --

18:14:36 25 who was organizing this public hearing and workshop for

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18:14:40 1 us. We also have Anita Lee of the staff, and she will

18:14:44 2 be our timekeeper today. Her function is going to be

18:14:46 3 basically to let people know when they have a minute

18:14:48 4 left and when the time is up. And we also have Leslie

18:14:52 5 Ramirez of my staff in the back. She is basically at

18:14:58 6 the sign-in table, and she is also fluent in Spanish.

18:15:00 7 And finally we have Francisco Arcada, who is our public

18:15:06 8 media officer. He's in the back. If you need something

18:15:10 9 in Spanish, he also speaks -- he's also bilingual.

18:15:14 10 In addition to the EPA staff, I believe

18:15:16 11 there's -- we have a staff person from the San Joaquin

18:15:20 12 Valley Air Pollution Control District, Mr. Cars.

18:15:24 13 And I think that's all of my introductions.

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18: 15: 30 14 If you have any questions about the permits  
18: 15: 32 15 the San Joaquin Valley Pollution Control District is  
18: 15: 34 16 preparing, please see Rich.

18: 15: 38 17 Tonight the public hearing will begin with a  
18: 15: 40 18 brief presentation that I will be making regarding the  
18: 15: 44 19 PSD permit that we're proposing for Big West and their  
18: 15: 50 20 Clean Fuels Project. At the end of the presentation  
18: 15: 52 21 Ms. Wong will discuss her role in running the public  
18: 15: 54 22 hearing, go over some ground rules for the hearing,  
18: 15: 56 23 including the process for submitting comments, and will  
18: 16: 00 24 then open for her comments. So essentially, once I stop  
18: 16: 04 25 talking, she'll be in charge, so listen to her. So with

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18: 16: 10 1 that, I will start with the presentation. I'll try to  
18: 16: 14 2 make it brief so that you all get an opportunity to make  
18: 16: 18 3 comments. We do have a limited number of copies for  
18: 16: 24 4 everyone -- for anyone that wants them in case they have  
18: 16: 30 5 difficulty viewing the presentation, so if you really  
18: 16: 32 6 need a copy, we have some in the back. We didn't bring  
18: 16: 36 7 a lot of them. We can also make some available for you  
18: 16: 40 8 if you tell us that you want one after the hearing.  
18: 16: 46 9 This presentation will also be posted on our website.

18: 16: 52 10 So why are we here today? The main reason  
18: 16: 56 11 we are here tonight is to hear your comments on a  
18: 16: 58 12 proposed air permit for the construction of new  
18: 17: 00 13 equipment at the existing Big West refinery. The  
18: 17: 04 14 purpose of this presentation is to briefly describe the  
18: 17: 06 15 proposed project, the EPA's process for issuing air  
18: 17: 10 16 permits, and the proposed air permit, as well as the

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18:17:14 17 process for commenting on the proposed permit.

18:17:18 18 First let me tell you a little bit about who  
18:17:20 19 we are. We work with the US Environmental Protection  
18:17:26 20 Agency, and the Agency's mission is to protect human  
18:17:28 21 health and the environment. The EPA is organized into  
18:17:32 22 ten regional offices. We work for EPA Region 9, which  
18:17:36 23 basically is in charge of overseeing environmental  
18:17:42 24 protection in Arizona, Nevada, California, Hawaii, and  
18:17:46 25 the Pacific Islands.

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18:17:52 1 In some cases we have direct authority for  
18:17:56 2 writing air permits. So aside from our oversight role,  
18:18:04 3 which is primarily our role in some areas like most of  
18:18:08 4 California, the EPA actually has direct permitting -- a  
18:18:12 5 direct permitting role. In this case, we're writing --  
18:18:16 6 we're proposing a permit for the Big West Clean Fuels  
18:18:22 7 Project.

18:18:22 8 In other places we have actually delegated  
18:18:24 9 the PSD permitting authority, like in the South Coast  
18:18:28 10 Air Quality Management District in Arizona and Nevada.

18:18:34 11 So what is Big West and -- Big West is  
18:18:38 12 currently owned by Flying J and is an existing oil  
18:18:42 13 refinery located about two and a half miles northwest of  
18:18:46 14 Bakersfield. Flying J purchased the refinery from Shell  
18:18:48 15 Oil after an announcement that Shell had plans to close  
18:18:52 16 the refinery. The refinery currently processes about  
18:18:54 17 70,000 barrels of crude oil a day and contributes to  
18:18:58 18 about 2.2 percent of California's gasoline supply and 6  
18:19:02 19 percent of its diesel. A little more than a third of  
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18:19:04 20 the total crude is left in some interim form and is  
18:19:08 21 escorted for its final processing to other refineries  
18:19:10 22 throughout the state.

18:19:14 23 This map generally shows you the location of  
18:19:16 24 the refinery. And you can find this map on the website,  
18:19:22 25 and there's a copy of it in the back, so if you want to

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18:19:24 1 look at it more closely, because I know it's a little  
18:19:26 2 difficult to see it in this one.

18:19:30 3 So what is the proposed Clean Fuels Project?  
18:19:34 4 Big West is proposing to construct additional processing  
18:19:38 5 units at the existing refinery. They would like to  
18:19:42 6 construct this project in order to process intermediate  
18:19:44 7 gas oils that are currently being exported to other  
18:19:48 8 refineries, as I mentioned in the previous slide.

18:19:50 9 If the proposed project is constructed,  
18:19:52 10 Big West would convert these intermediate gas oils into  
18:19:56 11 gasoline and diesel fuel that meet California's gasoline  
18:19:58 12 and diesel fuel standards. Big West calls this project  
18:20:02 13 the Clean Fuels Project. The total amount of crude  
18:20:04 14 processed at the refinery would not change.

18:20:10 15 So what are the proposed changes? Big West  
18:20:14 16 is requesting to add six new processing units to the  
18:20:18 17 existing refinery. These units would serve the purpose  
18:20:20 18 of redefining -- excuse me -- refining the intermediate  
18:20:24 19 gas oils into things like gasoline and diesel and  
18:20:26 20 treating the products at various stages of refinement to  
18:20:28 21 remove contaminants such as sulfur. One of the proposed  
18:20:32 22 units would convert the removed contaminants into

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18: 20: 36 23 fertilizer.

18: 20: 36 24 The Clean Fuels Project would also add new

18: 20: 38 25 supporting equipment, including a new flare, new cooling

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18: 20: 42 1 towers, water pumps, and four new process heaters.

18: 20: 48 2 So based on these changes, how will

18: 20: 52 3 emissions change? The proposed project will result in

18: 20: 54 4 an increase in emissions as shown in this table. The

18: 20: 58 5 largest increase will be of carbon monoxide, which is

18: 21: 04 6 formed during combustion processing.

18: 21: 04 7 The next largest increase will be with

18: 21: 08 8 organic compounds and then nitrogen dioxide particulate

18: 21: 12 9 matter. Again, this information can be found in posters

18: 21: 18 10 in the back, as well as on the website and our EPA

18: 21: 22 11 report.

18: 21: 24 12 So some of you may be asking, what is the

18: 21: 26 13 air permitting process? What is air permitting? There

18: 21: 30 14 are three types of Federal air permitting programs. Two

18: 21: 34 15 are basically preconstruction permitting programs, and

18: 21: 36 16 the first line is the prevention of significant

18: 21: 40 17 deterioration, or PSD, which is a program and a proposed

18: 21: 42 18 permit that we're discussing tonight. And this program

18: 21: 48 19 is basically for pollutants for which the air quality --

18: 21: 52 20 that the District is not violating any of the Federal

18: 21: 58 21 standards.

18: 21: 58 22 The second program is also a preconstruction

18: 22: 00 23 permitting program, and it's an electrical air quality

18: 22: 06 24 act with Federal standards. The Clean Fuels Project is

18: 22: 12 25 also subject to this permitting program, and the

18:22:16 1 San Joaquin Valley Air Pollution Control District is  
18:22:18 2 responsible for this permitting program and will be  
18:22:20 3 proposing this permit in the future.

18:22:26 4 Finally, there's an operating permit program  
18:22:28 5 for all major sources, also known as the Title 5  
18:22:32 6 Permitting Program. San Joaquin Valley is also  
18:22:34 7 responsible for this permitting program. Big West  
18:22:38 8 currently holds a Title 5 permit and will have to  
18:22:42 9 request our revisions to its refinery permit if the  
18:22:48 10 proposed construction permits are finalized in the  
18:22:52 11 issue. The Clean Fuels Project is basically subject to  
18:22:56 12 all three, as I mentioned.

18:23:02 13 Tonight, we are going to discuss the PSD  
18:23:08 14 permit program only. So let me mention to you what the  
18:23:12 15 PSD permitting program is. PSD, as I mentioned, is a  
18:23:16 16 preconstruction permitting program under the Clean Air  
18:23:18 17 Act, which means that the source must obtain this permit  
18:23:22 18 before it begins construction. The program requires  
18:23:26 19 sources to install the best available control technology  
18:23:30 20 to meet emissions limitations.

18:23:32 21 Permits must provide for emissions  
18:23:34 22 verification, testing, and periodic monitoring. The  
18:23:38 23 program also requires an analysis of impacts on air  
18:23:40 24 quality, visibility, growth cells, and vegetation, as  
18:23:44 25 well as an analysis of impact and especially protected

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18: 23: 48 1 areas such as national parks and forests. You might  
18: 23: 52 2 hear them being called Class 1 areas.

18: 23: 54 3 The PSD program also prohibits the  
18: 23: 56 4 construction of sources that would cause or contribute  
18: 24: 00 5 to violations of any national ambient air quality  
18: 24: 04 6 standard. In addition, under the Endangered Species  
18: 24: 08 7 Act, EPA must insure that any action it takes, like  
18: 24: 10 8 issuing a PSD permit, does not adversely impact an  
18: 24: 14 9 endangered species or its habitat.

18: 24: 20 10 So that's a little bit on the requirements  
18: 24: 24 11 of the PSD permitting program. So what is the  
18: 24: 26 12 permitting process?

18: 24: 28 13 There are several steps that are taken.  
18: 24: 30 14 First a source must submit an application to the EPA  
18: 24: 34 15 that describes the project and contains all the  
18: 24: 36 16 information the EPA will need to process the  
18: 24: 40 17 application.

18: 24: 40 18 Many times with the PSD you must also submit  
18: 24: 44 19 additional information. Once we determine that the  
18: 24: 46 20 application is complete because we have all the  
18: 24: 50 21 information we need, EPA conducts an analysis of the  
18: 24: 54 22 application and the projects to determine if the project  
18: 24: 58 23 as proposed would meet the requirements of the PSD  
18: 25: 00 24 program.

18: 25: 02 25 If the proposed project does not meet the

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18: 25: 04 1 requirements, EPA will inform the applicant; the  
18: 25: 08 2 applicant can then either revise the permit application

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18: 25: 10 3 or withdraw their permit application. Once EPA  
18: 25: 16 4 determines that the proposed project will meet the  
18: 25: 16 5 requirements of the PSD program, EPA proposes a permit  
18: 25: 20 6 for public review and comment. The public comment  
18: 25: 24 7 period lasts at least 30 days. In some instances, EPA  
18: 25: 28 8 will hold a public hearing, and sometimes, like today,  
18: 25: 34 9 an informational workshop to provide the public an  
18: 25: 36 10 opportunity to both comment in person and to learn more  
18: 25: 40 11 about our proposed permit.

18: 25: 42 12 At the close of the comment period, EPA  
18: 25: 44 13 reviews all comments that it receives and prepares a  
18: 25: 48 14 written response to comments. They like to note that  
18: 25: 52 15 comments that we receive, whether oral or written,  
18: 25: 56 16 e-mail or fax, will be weighted the same way.

18: 26: 00 17 If comments were received there is -- I'm  
18: 26: 04 18 sorry. I already mentioned that.

18: 26: 06 19 For the Clean Fuels Project, we are  
18: 26: 06 20 currently at the public comment and public hearing phase  
18: 26: 08 21 of the permitting process. I encourage you all to  
18: 26: 12 22 participate fully in the public comment process; the  
18: 26: 16 23 public comment period ends on January 7th.

18: 26: 20 24 I'd also like to emphasize to you that since  
18: 26: 24 25 we're in the public comment process, EPA has not made a

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18: 26: 26 1 determination or a decision to issue or deny this  
18: 26: 30 2 permit. That decision comes after we review all the  
18: 26: 32 3 comments and written our responses.

18: 26: 40 4 So what is the EPA analysis of the Clean  
18: 26: 44 5 Fuels Project? The Clean Fuels Project is subject to

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18: 26: 46 6 PSD permitting requirements for nitrogen dioxide, sulfur  
18: 26: 48 7 dioxide, carbon monoxide, and total particulate matter.

18: 26: 54 8 The EPA has determined that the project will  
18: 26: 56 9 meet the requirements of the PSD program if constructed  
18: 26: 58 10 and operated according to the terms of the proposed PSD  
18: 27: 02 11 permit program.

18: 27: 02 12 The EPA findings or proposed findings  
18: 27: 06 13 include a determination that the best available control  
18: 27: 08 14 technology will be used to comply with the strict  
18: 27: 14 15 emissions policy that we have proposed in the permit,  
18: 27: 14 16 and that based on the modeling results, this project  
18: 27: 16 17 will not cause or contribute to any violation of the air  
18: 27: 20 18 quality standards for those pollutants, nor will it  
18: 27: 24 19 contribute to deterioration of any air quality beyond  
18: 27: 26 20 the limits established under the Clean Air Act; and it  
18: 27: 30 21 will also -- it will also not cause any adverse impact  
18: 27: 34 22 on visibility or protected areas, such as Class 1 areas,  
18: 27: 38 23 soils or vegetation.

18: 27: 42 24 For more information on our results and our  
18: 27: 44 25 analysis, please look in the back. There's our website.

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18: 27: 50 1 You can call Katie, or contact information is in one of  
18: 27: 54 2 our handouts, or you can go to -- like I said, you can  
18: 27: 56 3 go to our website or talk to one of us afterwards as  
18: 27: 58 4 well.

18: 28: 02 5 The permit has a number of permit conditions  
18: 28: 06 6 that we're proposing. Stringent emissions limitations  
18: 28: 10 7 for all equipment that may emit pollutants regulated by  
18: 28: 12 8 the PSD program are included in this permit. It also

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18:28:16 9 contains requirements to install the best available  
18:28:18 10 control technologies prior to starting operations. It  
18:28:22 11 also contains requirements to install instruments,  
18:28:26 12 monitoring systems, and to conduct periodic monitoring  
18:28:32 13 to insure compliance with emissions limitations in the  
18:28:34 14 permit. Requirements for the best operational practices  
18:28:38 15 for all equipment regulated by the permit are included,  
18:28:42 16 as well as requirements for submitting approval and  
18:28:46 17 inspection and operation and maintenance plans and area  
18:28:52 18 plans.

18:28:52 19 Finally, there are requirements for initial  
18:28:54 20 performance and annual source tests regulated by the  
18:28:56 21 permit. And you will find all of this in the proposed  
18:29:00 22 permit.

18:29:04 23 So what are the next steps after this  
18:29:06 24 hearing? First, the PSD process -- for the PSD process  
18:29:12 25 to be complete, EPA must review responses to public

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18:29:14 1 comments, make a final decision on the permit.

18:29:18 2 If the EPA makes a final decision to issue  
18:29:20 3 the final permit, there will be a 30-day wait period  
18:29:24 4 prior to the permit becoming effective to allow for an  
18:29:26 5 appeal. During this period anyone who commented on the  
18:29:30 6 permit may appeal their final decision. If an appeal is  
18:29:34 7 filed, the permit may not become effective until the  
18:29:38 8 appeal is reviewed by the Environmental Appeals Board,  
18:29:40 9 and they make a decision on the status of the permit.

18:29:46 10 Also, the Endangered Species Act application  
18:29:50 11 with the US Fish & Wildlife must be completed before we

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can finalize the permit.

Please be aware that there will be another permitting process and public comment period for the permits if and when the San Joaquin Valley Air Pollution Control District proposes they are in this project -- this project.

So how can you comment? You have several options. One is to comment tonight, and you can do so by filling out the green speaker request form in the back. And -- I'm sorry, it's yellow. My notes here say it's green. You can do that at the sign-in table. You can also submit written comments, and they must be submitted prior to January 7th, 2008.

To submit written comments, you may fill out

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18: 30: 58 4  
18: 31: 02 5  
18: 31: 06 6  
18: 31: 10 7  
18: 31: 16 8  
18: 31: 20 9  
18: 31: 24 10  
18: 31: 28 11  
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18: 31: 30 13  
18: 31: 38 14

a written comment form that you can leave behind tonight. And we have some forms in the back. And if you mail or hand deliver or fax the comments, you can do so to our San Francisco office. And you can find our address -- you see it up on the page, but you can also find this information in some of the handouts in the back. And you can also go to our website. Finally, you have the option to submit comments to the website shown above, right there. Instructions for submitting comments are provided on the handout available at the sign-in table.

Again, I'd like to note that the comment period ends January 7th, 2008. I also want to point out that, to make a suggestion -- I didn't make an overhead

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18: 31: 42 15 for this because I wanted to make sure that you listen  
18: 31: 46 16 to this part.

18: 31: 46 17 Please focus your comments on the air  
18: 31: 50 18 quality permit and the PSD process itself. We will not  
18: 31: 54 19 be able to consider comments outside the PSD permitting  
18: 31: 58 20 program. If you have comments related to San Joaquin  
18: 32: 02 21 permit in our comment period, we will not be able to  
18: 32: 04 22 address those comments because they are not subject to  
18: 32: 08 23 our proposal.

18: 32: 10 24 I suggest that you comment on the best  
18: 32: 12 25 available control technology, our air control impact

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18: 32: 16 1 analysis, and the proposed permit. Those will make  
18: 32: 18 2 comments much more effective.

18: 32: 24 3 If you want more information, you can find  
18: 32: 26 4 it in these places located here. We have copies of the  
18: 32: 30 5 air permit on our website. We have copies of the permit  
18: 32: 36 6 and the impact report also at the San Joaquin Valley's  
18: 32: 40 7 offices, or you can contact any one of us.

18: 32: 46 8 That's all I have for tonight. I will now  
18: 32: 50 9 turn the mike over to Beatrice Wong, who will be  
18: 32: 54 10 presiding as our hearing officer, and will go over the  
18: 32: 58 11 ground rules for tonight. Thank you.

18: 33: 04 12 BEATRICE WONG: Welcome, everyone, and good  
18: 33: 06 13 evening. The public hearing is actually now in session.  
18: 33: 10 14 As Gerardo said, my name is Beatrice Wong. I am an  
18: 33: 12 15 acting public hearing officer for the United States  
18: 33: 16 16 Environmental Protection Agency, Region 9, which is  
18: 33: 20 17 located in San Francisco, California, and I am the

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presiding officer for today's hearing.

18: 33: 26 19 My role as the presiding officer is to  
18: 33: 28 20 insure that the EPA receives your comments in an orderly  
18: 33: 32 21 fashion. I am not involved with the decision-making  
18: 33: 36 22 process for this proposed permit.

18: 33: 40 23 As Gerardo said, the purpose of today's  
18: 33: 42 24 hearing is to accept public comments on the EPA's  
18: 33: 46 25 proposed Clean Air Act prevention deterioration permit

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18: 33: 52 1 on Big West's Clean Fuels Project, and that permit will  
18: 33: 56 2 grant conditional approval to Big West to construct and  
18: 34: 00 3 operate additional processing units that -- within its  
18: 34: 06 4 existing Bakersfield refinery, which is located here at  
18: 34: 10 5 651 Rosedale Highway.

18: 34: 12 6 These additional units and associated  
18: 34: 16 7 refinery modifications will enable Big West to increase  
18: 34: 22 8 production of gasoline and fuel that meets the Clean Air  
18: 34: 26 9 Resources Board's bureau specifications.

18: 34: 30 10 And before we begin accepting your comments,  
18: 34: 32 11 I'll go over the ground rules for today's hearings.  
18: 34: 36 12 Some of these you probably have just heard, but I'll go  
18: 34: 40 13 ahead and repeat them so that it's clear.

18: 34: 44 14 This hearing is a formal legal proceeding,  
18: 34: 46 15 and the testimony that is offered will become part of  
18: 34: 50 16 the administrative record that EPA will base its  
18: 34: 54 17 decision. Public notice of this hearing was given on  
18: 34: 58 18 November 2nd, 2007, by a publication in The Bakersfield  
18: 35: 02 19 Californian and Poplar (phonetic), and again on November  
18: 35: 06 20 30th in The Bakersfield Californian. Public notice was

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18: 35: 10 21 also posted on the EPA's website and mailed to  
18: 35: 14 22 individuals who are on the Agency's mailing list.

18: 35: 18 23 The hearing is being recorded, both by video  
18: 35: 22 24 recorder and by the court reporter, who will be  
18: 35: 24 25 preparing a verbatim record of this hearing. If you

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18: 35: 30 1 present oral comments today, we ask that you please  
18: 35: 34 2 speak clearly and slowly so that the court reporter has  
18: 35: 36 3 a chance to record your comments accurately.

18: 35: 40 4 I also ask that everyone -- that people  
18: 35: 44 5 refrain from interrupting speakers and from asking  
18: 35: 48 6 questions during presentations. That will also help the  
18: 35: 50 7 court reporter make an accurate record.

18: 35: 54 8 Shouting and noise making and other  
18: 35: 56 9 disruptive behavior that prevents speakers or hearing  
18: 36: 00 10 officials from being heard and any failure to follow the  
18: 36: 04 11 rules of this hearing are not permitted.

18: 36: 08 12 I don't see any banners here, but if, to the  
18: 36: 10 13 extent that there are banners and posters that are  
18: 36: 14 14 allowed, we just ask that they be placed in the back of  
18: 36: 18 15 the room here. Any banners and posters that are on  
18: 36: 20 16 sticks are not permitted here in the room. And if  
18: 36: 24 17 anyone wants to hold a banner or a poster, and I don't  
18: 36: 26 18 see anyone who is, we just ask that you sit in the back  
18: 36: 30 19 of the room so that you don't obstruct the view of  
18: 36: 36 20 anyone who's sitting behind you.

18: 36: 38 21 There is registration back in the right-hand  
18: 36: 42 22 corner of the room. You don't need to register to  
18: 36: 44 23 attend this hearing. If you'd like to make an oral

## Big West Hearing Transcript

18:36:48 24 comment, there is a yellow speaker form that you can  
18:36:50 25 fill out, and we'll take speakers in the order that they

20

18:36:54 1 were received. If you don't plan on making an oral  
18:36:58 2 comment today but would like to receive direct  
18:37:02 3 notification from the EPA of its final decision on the  
18:37:06 4 proposed permit, please sign in and leave us with a  
18:37:10 5 mailing address or your e-mail address so that we can  
18:37:14 6 provide that notification to you. If you don't wish to  
18:37:16 7 speak tonight, you can also submit written comments for  
18:37:20 8 the official record.

18:37:22 9                   Written comments and oral comments are given  
18:37:24 10 equal consideration in the EPA's final decision-making  
18:37:30 11 process. Written comments submitted by fax or U.S. Mail  
18:37:34 12 need to be postmarked on or before January 7th, 2008.  
18:37:38 13 Written comments submitted by e-mail have to be received  
18:37:40 14 by -- on or before January 7th of 2008.

18:37:46 15                   There is a handout in the back of the room  
18:37:48 16 that talks about the project and the permit, and on the  
18:37:52 17 backside of that is instructions on how to make comments  
18:37:56 18 if you wish to do so. If you you'd like to make written  
18:38:00 19 comments tonight, again, there is a form in the back,  
18:38:02 20 and there's also a box for you to put your completed  
18:38:04 21 written comments in if you want to do that.

18:38:10 22                   If you submit your comments tonight, it's  
18:38:12 23 not necessary for you to make the same comments orally,  
18:38:16 24 although if you choose to do that, you can. Just fill  
18:38:18 25 out the speaker form.

21

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18: 38: 22 1 It's -- all oral comments received at this  
18: 38: 26 2 hearing and all written comments received by January 7th  
18: 38: 30 3 will be reviewed and considered by EPA in preparing its  
18: 38: 34 4 final determination.

18: 38: 36 5 Again, it's important for you to know that  
18: 38: 40 6 comments -- we are here only to take comments on this  
18: 38: 44 7 specific permit, and we really can't consider comments  
18: 38: 48 8 that are not specific to the proposed permit that we're  
18: 38: 52 9 here about today.

18: 38: 54 10 EPA's decisions on clean air permits are  
18: 38: 58 11 typically made with the participation of a number of  
18: 39: 02 12 people within the Agency, so EPA staff today won't be --  
18: 39: 08 13 can't commit to any specific decision related to the  
18: 39: 10 14 permit.

18: 39: 12 15 Again, the purpose of this hearing is to  
18: 39: 14 16 listen to your comments, and we also -- EPA will not be  
18: 39: 18 17 providing responses. We're just here to take whatever  
18: 39: 20 18 comments it is that you have to make for us to consider  
18: 39: 24 19 as part of the decision-making process.

18: 39: 28 20 EPA's notice of final decision on the permit  
18: 39: 32 21 along with responses to comments will be sent to  
18: 39: 34 22 everyone who submitted written comments or who signed up  
18: 39: 38 23 at the registration table to receive notice and provided  
18: 39: 42 24 an e-mail and a postal mailing address, or a postal  
18: 39: 44 25 mailing address. The information will also be posted on

22

18: 39: 48 1 the website when it becomes available.

## Big West Hearing Transcript

18: 39: 52 2 A copy of today's transcript is available  
18: 39: 54 3 for inspection at the EPA's offices in San Francisco, as  
18: 39: 58 4 well as the Bakersfield office of the San Joaquin Valley  
18: 40: 04 5 Air Pollution Control District. You also have the  
18: 40: 04 6 option of purchasing a transcript, and you would just  
18: 40: 08 7 need to make arrangements with the court reporter. We  
18: 40: 12 8 will also be posting a copy of the transcript on the  
18: 40: 14 9 EPA's website.

18: 40: 16 10 When EPA issues a permit, it becomes  
18: 40: 18 11 effective 30 days after the notice of decision, unless  
18: 40: 22 12 no comments are submitted, in which case the permit  
18: 40: 26 13 becomes effective immediately. However, EPA's final  
18: 40: 30 14 decision is reviewable by the Environmental Appeals  
18: 40: 34 15 Board, and you can find the regulations on appeals at 40  
18: 40: 38 16 CR part 124, and petition for review have to be filed  
18: 40: 42 17 within 30 days.

18: 40: 44 18 In a few minutes I'm going to call the  
18: 40: 46 19 speakers who filled out speaker request forms, and the  
18: 40: 52 20 speakers will be called in groups of five. And there  
18: 40: 54 21 are two mikes. There's one on either side of the room.  
18: 40: 58 22 When you hear your name called, just kind of get up and  
18: 41: 00 23 go to a microphone on either side of the room, and we'll  
18: 41: 04 24 call you to speak when it's your turn.

18: 41: 08 25 When it's your turn to speak, I request that

23

18: 41: 12 1 you just state your name. If you're representing  
18: 41: 14 2 someone, please let us know who it is that you're  
18: 41: 16 3 representing and whom you're speaking on behalf of. If  
18: 41: 20 4 anyone is here making comments in Spanish, the

## Big West Hearing Transcript

18: 41: 24 5 translator will come and stand next to you. And we ask  
18: 41: 28 6 that you -- he'll translate each sentence at a time, so  
18: 41: 32 7 we ask that you finish saying a sentence and let the  
18: 41: 34 8 translator translate for us before you go on to your  
18: 41: 38 9 next sentence, just so we can have a clear record.

18: 41: 40 10 If for some reason you're not in the room  
18: 41: 44 11 when I call your name when it's your turn to speak, I'll  
18: 41: 48 12 recall your name at the -- after everyone's had an  
18: 41: 50 13 opportunity to speak and you'll have your opportunity  
18: 41: 52 14 tonight. And we want to make sure that everyone has an  
18: 41: 56 15 opportunity to speak, whoever wants to speak here  
18: 41: 58 16 tonight. So towards that end, we are asking people to  
18: 42: 02 17 keep their oral comments brief, and we're asking that  
18: 42: 06 18 people limit their oral comments to five minutes, and  
18: 42: 10 19 we'll provide a one-minute warning and let you know when  
18: 42: 14 20 your time is up.

18: 42: 14 21 If -- at the end, if time permits and  
18: 42: 20 22 there's -- and all the speakers have had a chance to  
18: 42: 22 23 speak, I will open it back up and let you finish your  
18: 42: 26 24 comments if you want to continue to make your oral  
18: 42: 28 25 comments. Otherwise, you can certainly submit your

24

18: 42: 32 1 comments in writing to us, and we will consider -- EPA  
18: 42: 36 2 will consider those in addition to the oral comments you  
18: 42: 40 3 make tonight.

18: 42: 40 4 So with that, I will begin the process, the  
18: 42: 44 5 comment period, and call the first five people.

18: 42: 52 6 Charles McCan, Gene Tackett, Les Clark,  
18: 43: 02 7 Gloria Smith, and Bob Lenam.

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18: 43: 18 8

Okay. Charles McCan.

18: 43: 18 9

## PUBLIC COMMENTS

18: 43: 24 10

CHARLES McCAN: My name is Charles McCan,

18: 43: 24 11

representing Wholesale Fuels, a job owner in Bakersfield

18: 43: 30 12

who serves agricultural oil to Government and

18: 43: 32 13

construction industries here in Kern County. I'm also

18: 43: 36 14

representing Jaco Oil, which is a Fastrip Food Store

18: 43: 40 15

chain of 44 locations and here in Central Valley where

18: 43: 46 16

we sell gasoline and diesel to residents and businesses

18: 43: 48 17

in Kern County.

18: 43: 54 18

Fastrip and Jaco Oil, Wholesale Fuels, with

18: 43: 58 19

over 300 employees, serving approximately 75,000

18: 44: 02 20

customers per day, support Big West's Clean Fuel Project

18: 44: 08 21

that will increase gasoline and diesel supply by some

18: 44: 10 22

1,260,000 gallons per day. Increased supply provides

18: 44: 18 23

improved pricing for our customers. This project does

18: 44: 22 24

not increase the refining capacity, but will take the

18: 44: 26 25

current approximately 20,000 barrels of fuel oil being

25

18: 44: 30 1

trucked to Los Angeles and converted to gasoline and

18: 44: 34 2

diesel for our market.

18: 44: 36 3

To put a number to this supply opportunity

18: 44: 40 4

for our customers, all we need to do is look at the

18: 44: 42 5

difference between Los Angeles raft diesel price today

18: 44: 48 6

and Bakersfield diesel price today. There's

18: 44: 52 7

approximately a six-cent-a-gallon savings here in

18: 44: 56 8

Bakersfield today. This type of pricing does occur

18: 45: 00 9

during the winter months because demand falls while

18: 45: 04 10

production at the refineries continues. More supply,

## Big West Hearing Transcript

18: 45: 08 11 less demand, lower prices.

18: 45: 12 12 From March to October during planting and  
18: 45: 16 13 harvest, our supply is flat, yet demand increases,  
18: 45: 22 14 higher prices than Los Angeles. With more supply in  
18: 45: 26 15 these months, it could help improve the price difference  
18: 45: 30 16 for our local economy.

18: 45: 34 17 Our business units are searching always for  
18: 45: 38 18 efficiencies and productivity which allow us to operate  
18: 45: 42 19 at a lower cost on a per-gallon basis. This refinery  
18: 45: 46 20 almost closed due to the inability to compete and make a  
18: 45: 50 21 profit. A refinery is like a production line just like  
18: 45: 58 22 automobiles, the more produced, the lower cost per unit.

18: 46: 02 23 If the last owner wanted to close a refinery  
18: 46: 06 24 due to high operating costs, how long can Big West be  
18: 46: 08 25 able to compete unless they can lower their cost of

26

18: 46: 12 1 operati on?

18: 46: 14 2 Wholesale Fuels, Jaco Oil, and Fastrip Food  
18: 46: 18 3 Stores support the Clean Air Act -- the Clean project  
18: 46: 22 4 that Big West has proposed. Thank you.

18: 46: 28 5 BEATRICE WONG: Okay. Gene Tackett.

18: 46: 46 6 GENE TACKETT: My name is Gene Tackett. I'm a  
18: 46: 48 7 board member of the Kern County Taxpayers Association,  
18: 46: 50 8 and I have a letter -- statement from our association  
18: 46: 54 9 that was put together by executive director, Mike  
18: 46: 58 10 Turnipseed.

18: 47: 00 11 "Kern Tax is a member-supported,  
18: 47: 02 12 nonpartisan, non-profit corporation, whose purpose is to  
18: 47: 04 13 bring about greater economy, efficiency, and

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18: 47: 08 14 effectiveness in local government. Kern Tax is  
18: 47: 10 15 politically independent, viewing matters and policies in  
18: 47: 14 16 an objective, impartial manner, and taking positions  
18: 47: 16 17 based on the Association's adopted principles. Founded  
18: 47: 20 18 in 1939, Kern Tax has only one bias, the best interest  
18: 47: 24 19 of Kern County taxpayers.

18: 47: 26 20                   After visiting the facility and reviewing  
18: 47: 28 21 the plans, we have reached the following conclusions:  
18: 47: 30 22 The Big West refinery retrofit expansion will increase  
18: 47: 36 23 the facility's gasoline and diesel production by 1.2  
18: 47: 38 24 million gallons per day; provide about 4 percent of the  
18: 47: 42 25 state's gasoline supply and 12 percent of the diesel

27

18: 47: 46 1 supply; provide the product mostly for consumers in  
18: 47: 50 2 Bakersfield, Kern County, and San Joaquin valley; make  
18: 47: 54 3 this facility the cleanest refinery in the United  
18: 47: 56 4 States.

18: 47: 58 5                   On the economy side, this project will  
18: 48: 00 6 double Kern County's tax revenues from this facility,  
18: 48: 04 7 create a hundred new permanent and -- support employees  
18: 48: 08 8 when completed, create new full-time jobs that pay in  
18: 48: 10 9 the 70,000 per year range, with many not requiring a  
18: 48: 14 10 college degree; require 700 workers during the  
18: 48: 18 11 construction phase, with the majority being Kern County  
18: 48: 22 12 residents; produce over 25 million in payroll during the  
18: 48: 26 13 construction phase.

18: 48: 28 14                   Since there has not been a new oil refinery  
18: 48: 30 15 built in the United States in the last 30 years, it is  
18: 48: 34 16 critical that existing refineries are allowed to

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18: 48: 38 17 modernize, expand, and address new environmental  
18: 48: 40 18 concerns to meeting growing consumer demands.

18: 48: 44 19                   Without reservation, the Kern County  
18: 48: 46 20 Taxpayers Association supports the Big West refinery's  
18: 48: 48 21 efforts to address the growing petroleum needs of Kern  
18: 48: 52 22 County and the rest of California."

18: 48: 54 23                   And this is signed by our executive  
18: 48: 56 24 director, Mike Turnipseed, and I have copies. I'll put  
18: 48: 58 25 those in the box in the back. And I want to thank EPA

28

18: 49: 00 1 for coming and taking public input for this important  
18: 49: 04 2 project for Kern County. Thank you for coming and  
18: 49: 06 3 allowing us to speak.

18: 49: 10 4                   BEATRICE WONG: Les Clark.

18: 49: 20 5                   LES CLARK: My name is Les Clark. I'm the  
18: 49: 20 6 executive VP for Independent Oil Producers Agency.  
18: 49: 24 7 We're an oil group that was formed in 1904. I represent  
18: 49: 30 8 a lot of mom and pop operators, and, of course, we're in  
18: 49: 32 9 support of the Big West project.

18: 49: 36 10                   With regards to the PSD permit, going  
18: 49: 38 11 through that process several times myself, I know that  
18: 49: 42 12 it's comprehensive and there's a lot of information in  
18: 49: 46 13 there which will protect the public, will protect and  
18: 49: 52 14 provide us the opportunity for a better market for our  
18: 49: 58 15 crude.

18: 49: 58 16                   The one thing that we are always concerned  
18: 50: 00 17 about as the independent is to have that market, a place  
18: 50: 06 18 to sell our oil. Just because you produce it doesn't  
18: 50: 12 19 mean you're going to sell it, because just because you

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18: 50: 14 20 sell it doesn't mean you're going to get the proper  
18: 50: 16 21 price.

18: 50: 16 22                   So what we do in representing our members,  
18: 50: 20 23 we make sure that the -- that markets there, and there  
18: 50: 24 24 is flexibility built in where we can be a part of that,  
18: 50: 28 25 realizing we also purchase diesel and gasoline. So this

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18: 50: 34 1 is natural. We already heard some numbers from the  
18: 50: 36 2 taxpayers, which we support and their comments and the  
18: 50: 40 3 other gentleman's comments preceding them. So we're in  
18: 50: 44 4 support. We know the -- again, how hard it is to go  
18: 50: 48 5 through the PSD permit process. And we were also here  
18: 50: 52 6 when we were concerned that their refinery would go  
18: 50: 56 7 away. It's a real concern. We provided comments at  
18: 51: 00 8 that time, too. I plan to prepare some written  
18: 51: 02 9 comments, so I'll submit those. I have information.  
18: 51: 06 10 But again, we support the Big West expansion process.  
18: 51: 12 11 Thank you very much.

18: 51: 16 12                   BEATRICE WONG: Gloria Smith.

18: 51: 20 13                   GLORIA SMITH: Good evening. My name is Gloria  
18: 51: 20 14 Smith. I represent the Bakersfield Refinery Group,  
18: 51: 24 15 which is a coalition of five labor unions, local  
18: 51: 28 16 residents, some of whom live within a mile of the  
18: 51: 30 17 refinery, and that association of irritated residents,  
18: 51: 36 18 which is a San Joaquin Valley environmental activists  
18: 51: 38 19 group.

18: 51: 38 20                   We came here tonight mostly just to listen  
18: 51: 40 21 to see what public comment was in the EPA's  
18: 51: 44 22 presentation. We will be commenting extensively on the

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18: 51: 46 23 PSD permit. We will also be commenting on the NSR, any  
18: 51: 52 24 NSR permits from the air district, and we submitted  
18: 51: 54 25 200-page comments on the direct environmental impact

30

18: 51: 58 1 report that Kern County issued last spring, and we will  
18: 52: 02 2 also be involved in the issue of its next EIR, I think  
18: 52: 04 3 sometime in the beginning of the year.

18: 52: 08 4 We did take a quick look, though, at the  
18: 52: 10 5 fact analysis, and we're concerned that it's actually  
18: 52: 14 6 seriously flawed. My quick review -- it appears to me  
18: 52: 24 7 that there was no demonstration of the actual degree of  
18: 52: 26 8 reduction that was achievable for each emission unit in  
18: 52: 30 9 the project. Instead, you simply looked at the recent  
18: 52: 34 10 permits that have been issued, and you just went with  
18: 52: 38 11 those, so sort of ballpark with those. In other words,  
18: 52: 40 12 the draft permit does not analyze the particular degrees  
18: 52: 44 13 of reductions that could have been achieved with  
18: 52: 48 14 specific technologies. So we'll be looking at it a  
18: 52: 52 15 little closer, because CO, Nox, NVOC, could be lowered  
18: 52: 56 16 if you had done that, a full top-down analysis, rather  
18: 52: 58 17 than just looking at other permits.

18: 53: 00 18 The other thing we're concerned about is the  
18: 53: 02 19 exemption of shutdown and startup. We're not really  
18: 53: 06 20 clear why shutdown and startup was not in the analysis,  
18: 53: 10 21 but we would -- we're going to be taking a look at that.  
18: 53: 12 22 And we would ask, if that is going to be some sort of  
18: 53: 14 23 separate analysis that that be subject to public review  
18: 53: 18 24 and comment. That's all I have. Thank you.

18: 53: 26 25 BEATRICE WONG: Bob Lenam.  
Page 28

18: 53: 32 1 BOB LENAM: Good evening. My name is Bob Lenam.  
18: 53: 32 2 I've been a resident of Bakersfield for 30 years and a  
18: 53: 36 3 resident of the northwest area for 19. And I'm here to  
18: 53: 42 4 speak in favor of the permit process and expansion of  
18: 53: 46 5 the refinery.

18: 53: 46 6 I have two children that attend Centennial  
18: 53: 50 7 High School right down the street, and I see no cause  
18: 53: 52 8 for alarm with this expansion. The limited amount of  
18: 53: 56 9 emissions that will be generated by the refinery are far  
18: 54: 00 10 outweighed by the amount of gasoline and diesel that  
18: 54: 02 11 will be produced with its outcome. And I would also  
18: 54: 06 12 like to thank the EPA and its staff for being here and  
18: 54: 08 13 allowing the public to speak. Thank you.

18: 54: 24 14 BEATRICE WONG: We have David Wolf and Mark Del  
18: 54: 30 15 Papa.

18: 54: 36 16 DAVID WOLF: Good evening. My name is a David  
18: 54: 38 17 Wolf, and I'm here as a concerned parent. I'm all for  
18: 54: 42 18 lower gas prices, construction, a better tax base, and I  
18: 54: 48 19 would like to see Big West expand, but if you're going  
18: 54: 50 20 to let them expand and you're looking at the numbers, I  
18: 54: 54 21 assume the numbers that you've said as far as the air  
18: 54: 58 22 quality are based on the fact that they're going to  
18: 55: 00 23 comply and do what they say they're going to do.

18: 55: 02 24 If you're going to trust somebody, then I  
18: 55: 04 25 think you need to look at their history. And

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18:55:06 1 unfortunately, it's been my experience with Big West  
18:55:10 2 over the last two years has had a number of violations  
18:55:12 3 when it comes to leaks into the air. And I certainly  
18:55:16 4 hope the EPA will look at their track record when you're  
18:55:18 5 going to judge whether or not this expansion is going to  
18:55:20 6 be good for air quality.

18:55:22 7                   If someone has a multi-year history of  
18:55:24 8 multiple violations, the one that most recently comes to  
18:55:28 9 my mind was the one where there was a leak and it went  
18:55:32 10 all the way down to Lowe's and made people sick. We're  
18:55:34 11 lucky that it flowed west as opposed to north to the new  
18:55:38 12 school or northwest to this school or -- we've got  
18:55:42 13 schools all around.

18:55:44 14                   We've got a new school up here by Olive  
18:55:46 15 Drive, we've got Discovery, Columbia, Endeavor,  
18:55:52 16 Fruitvale Junior High, Centennial, and even the  
18:55:54 17 Bakersfield schools within five miles.

18:55:56 18                   I understand that they're going to be using  
18:55:58 19 a modified hydrofluoric acid process. According to an  
18:56:04 20 article in The Los Angeles Times, if there's a leak that  
18:56:06 21 creates a white gaseous cloud which would be in the air,  
18:56:10 22 it would be a violation, and that cloud would kill  
18:56:14 23 within a 5 to 7.5 mile radius. And I hope you'll look  
18:56:16 24 to see how many schools and residents are in that  
18:56:20 25 five-mile radius and how many people would be killed by

33

18:56:22 1 that, and then look to see if Big West has been a good  
18:56:26 2 neighbor and how many violations and how many times

## Big West Hearing Transcript

18: 56: 28 3 they've been cited, because if they've been cited over  
18: 56: 30 4 and over and over again the way they are now, why would  
18: 56: 34 5 we let them expand? Thank you.

18: 56: 38 6 BEATRICE WONG: Thanks. Mark Del Papa.

18: 56: 46 7 MARK DEL PAPA: My name is Mark Del Papa. I'm  
18: 56: 50 8 here representing Fleet Card Fuels, a local fuel  
18: 56: 54 9 distributor, retailer.

18: 56: 58 10 The Big West project, it's already been  
18: 57: 02 11 mentioned the benefit of additional supply of petroleum  
18: 57: 06 12 motor fuels. In addition, there are logistic issues  
18: 57: 12 13 that need to be considered.

18: 57: 14 14 Since the refinery has remained opened and  
18: 57: 16 15 when the refinery is operating properly and at its  
18: 57: 22 16 capacity, we have products that move into the  
18: 57: 26 17 transportation assets pipelines in California that gets  
18: 57: 30 18 product north of Bakersfield to Fresno. The current  
18: 57: 34 19 infrastructure in the state has products which also move  
18: 57: 36 20 south from the Bay Area refining centers to Fresno in a  
18: 57: 42 21 line owned and operated by Kinder Morgan Energy  
18: 57: 46 22 Partners. That line is often prorated and constrained,  
18: 57: 48 23 and you can't put, or the shippers cannot put the  
18: 57: 52 24 volumes into that line that they wish to ship.

18: 57: 56 25 What we find happened at those points in

34

18: 57: 58 1 time is we find the whole transportation assets, the  
18: 58: 04 2 trucks that haul fuels, begin to move to different  
18: 58: 06 3 terminals and move longer distances and start putting  
18: 58: 10 4 more traffic on the highways.

18: 58: 12 5 With the expansion of Big West and the

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18: 58: 14 6 addition of more motor fuels into the market, it would  
18: 58: 18 7 help to facilitate balancing the distribution system in  
18: 58: 22 8 the state, and it would help keep the prices moderated  
18: 58: 26 9 for the consumers to help knock some of these price  
18: 58: 30 10 pipes out of the market that we've seen on a regular  
18: 58: 32 11 basis. And you don't have to be a player in the  
18: 58: 36 12 industry to see what has happened in times of shortage.  
18: 58: 40 13 You have to just be a consumer. And we've seen some  
18: 58: 42 14 very high prices, and Big West will help keep those in  
18: 58: 46 15 line. Thank you.

18: 58: 56 16 BEATRICE WONG: Before we conclude, are there any  
18: 58: 56 17 other speakers? Anyone else who wants to speak tonight?

18: 59: 06 18 Why don't we take a ten-minute break and we  
18: 59: 10 19 can -- before we conclude and people can think about it.  
18: 59: 12 20 Thanks.

19: 11: 16 21 (Whereupon, a short break was taken.)

19: 11: 16 22 BEATRICE WONG: We are ready to get started. The  
19: 11: 28 23 next speakers are Chuck Burks and Mike Purdy.

19: 11: 38 24 CHUCK BURKS: Hello. I'm Chuck Burks. I'm a  
19: 11: 40 25 lifetime resident of Bakersfield. I am 19-year resident

35

19: 11: 44 1 in this very neighborhood we're in. And I guess I want  
19: 11: 46 2 to address kind of the safety issues.

19: 11: 48 3 I've lived here for 19 years, and in that 19  
19: 11: 52 4 years there has never been an incident at that refinery  
19: 11: 54 5 that has impacted my family or my property. And while  
19: 11: 58 6 I've heard many of the same violating stories, and I've  
19: 12: 02 7 read in The Bakersfield Californian about those, I think  
19: 12: 06 8 that's only one side of the story. I think the reports

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19:12:08 9

are inaccurate.

19:12:10 10

And that while there may have been

19:12:12 11

violations, what was the response to those violations?

19:12:14 12

What caused those violations? Was it, you know,

19:12:18 13

neglect? Was it an outside source, like maybe PG&amp;E

19:12:22 14

shutting down power? Those things. So I think those

19:12:24 15

are things that need to be addressed. So there's, you

19:12:26 16

know, two sides to every story.

19:12:28 17

But fundamentally, I've been here for 19

19:12:30 18

years. I'm within two miles of that refinery. My

19:12:34 19

children went to the same schools, although they're

19:12:36 20

grown now. And again, we never had any issues with that

19:12:38 21

refinery that impacted my family or my property. That's

19:12:42 22

all I have to say.

19:12:44 23

BEATRICE WONG: Thank you. Mike Purdy.

19:12:52 24

MIKE PURDY: Mike Purdy, long-time resident of

19:12:54 25

Bakersfield. I, too, have lived south of the refinery

36

19:12:58 1

for about 32 years, within a two-mile radius, and I

19:13:06 2

don't feel threatened by Big West and what they're

19:13:10 3

proposing at all, nor do I feel threatened living south

19:13:14 4

of the refinery. We're in the path of prevailing winds

19:13:16 5

that would come across our house.

19:13:20 6

Again, I would like to talk about this

19:13:24 7

permit that we're proposing, where you look at, yes,

19:13:28 8

Big West has had releases. Certainly, they have had

19:13:32 9

accidents, but I'm like Chuck before me. What caused

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them? No one plans for an accident. What was the

19:13:40 11

response of Big West? And I think Big West's response

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19: 13: 42 12 was not only appropriate, but very aggressive to do the  
19: 13: 46 13 right thing for our community.

19: 13: 48 14 And I think we need good community business  
19: 13: 52 15 folks out there that are willing to make the response to  
19: 13: 54 16 our concern and do the right thing by the community.  
19: 13: 58 17 Big West has done that. I think they've demonstrated it  
19: 14: 04 18 with some of the things that they've already done.

19: 14: 06 19 Typically, when they had a problem with the  
19: 14: 08 20 water issue, where they self-impose shutting down their  
19: 14: 12 21 refinery to do the right thing. That's the type of  
19: 14: 16 22 businesses we need in this community. And the only way  
19: 14: 20 23 that we can get them to stay here is if we approve this  
19: 14: 22 24 permit so that they can produce more gasoline and diesel  
19: 14: 26 25 for us to use and lower our prices. Thank you.

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19: 14: 34 1 BEATRICE WONG: Before we conclude, are there any  
19: 14: 36 2 other individuals who would like to speak today? Okay.  
19: 14: 44 3 We'll take another ten-minute break before we conclude  
19: 14: 46 4 the hearing. Thanks.

19: 14: 48 5 (Whereupon, a short break was taken.)

19: 30: 08 6 BEATRICE WONG: We're going to go back on the  
19: 30: 12 7 record for a minute.

19: 31: 08 8 Hi, everyone. At this point we don't have  
19: 31: 10 9 any additional speaker cards. This public hearing is  
19: 31: 14 10 open until 9:00. And what we'll do is we will be here  
19: 31: 18 11 until 9:00 to accept any public comments. For now we'll  
19: 31: 22 12 close. We'll adjourn until 8:30 and see if there are  
19: 31: 28 13 any additional comments at that point, and if there  
19: 31: 30 14 aren't, we'll close the hearing at that point, but this

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19: 31: 34 15 way the public has a chance, for those who might be  
19: 31: 38 16 coming late, they'll have an opportunity to speak if  
19: 31: 40 17 they wish. So thank you, and thanks for your patience.

19: 31: 42 18 (Off the record.)

20: 25: 26 19 BEATRICE WONG: We are going to go back on the  
20: 25: 50 20 record. And if there are no further comments, I'll  
20: 25: 52 21 conclude the public hearing today. And as a reminder,  
20: 25: 56 22 the comment period, written public comment period will  
20: 26: 00 23 stay open until January 7th, 2008. And thanks,  
20: 26: 04 24 everyone, for coming and participating. The EPA really  
20: 26: 06 25 appreciates it. The public hearing is closed.

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(The hearing concluded at 8:30 p.m.)

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1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF KERN )  
4

5 I, Victoria L. Thomas, a Certified Shorthand  
6 Reporter in the State of California, holding Certificate  
7 No. 12927, do hereby certify that the foregoing  
8 proceedings were taken Wednesday, December 5, 2007, at  
9 the time and place set forth on the second page hereof.

10 That upon the taking of the proceedings, the  
11 words were written down by me in stenotype and  
12 thereafter transcribed by computer under my supervision;  
13 that the foregoing is a true and correct transcript of  
14 the proceedings.

15 I further certify that I am neither counsel  
16 for, nor in any way related to any party to said action,  
17 nor in any way interested in the result of outcome  
18 thereof.

19 Dated this 14th day of December, 2007, at  
20 Bakersfield, California,

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23  
24  
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Big West Hearing Transcript

Victoria L. Thomas, CSR No. 12927.

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