

PETITION FOR A HEARING
BEFORE THE HEARING BOARD OF THE
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

☐ Northern Region Office
4800 Enterprise Way
Modesto, CA 95356

☐ Central Region Office
1990 E. Gettysburg Ave.
Fresno, CA 93726

☒ Southern Region Office
34946 Flyover Court
Bakersfield, CA 93308

TYPE OF HEARING

FEES (Non-Refundable)

☐ A.	Short Variance (90 Days or Less)	\$ 987.00
☐ B.	Interim & Short Variance	\$1443.00
☒ C.	Emergency Variance	\$ 343.00
☐ D.	Regular Variance	\$1136.00
☐ E.	Interim & Regular Variance	\$1592.00
☐ F.	Appeal Hearing	\$1136.00
☐ G.	Extension of Variance	\$ 456.00
☐ H.	Modification of Variance	\$ 456.00
☐ I.	Modification of Variance Schedule of Progress	\$ 456.00
☐ J.	Product Variance	\$1515.00
☐ K.	Rehearing	\$1136.00
☐ L.	Revocation of Variance	\$ 456.00
☐ M.	Special Hearing	\$1136.00

In addition to the filing fee above, an excess emissions fee will be assessed at the conclusion of the variance at \$3.00 per pound on the excess emissions emitted during the variance period. Additionally, a \$3.75 per pound mitigation fee will be assessed if excess emissions are greater than 2000 pounds.

A. NAME OF FACILITY: Berry Petroleum Company

PHYSICAL ADDRESS OF FACILITY: South Midway Sunset field

CITY: McKittrick / Fellows

STATE: CA

ZIP CODE: _____

NAME OF PERSON FILLING OUT PETITION: Brent Winn

TELEPHONE: 661-747-8963

E-MAIL: Brent.winn@crc.com

NAME OF PERSON AUTHORIZED TO RECEIVE NOTICES: Sam Parks

MAILING ADDRESS: P.O. Box 11164

CITY: Bakersfield

STATE: _____

CA

ZIP CODE: 93389-1164

TELEPHONE: 661-201-5987

E-MAIL: Sam.parks@crc.com

B. TYPE OF ENTITY (Check One)

☐ LLC

☐ Partnership

☒ Corporation

☐ Other Entity

Please include the name, title, and address of officers, if a corporation; partners, if a partnership; or the person(s) in control, if other entity.

(Attach additional sheets, if needed)

NAME

TITLE

ADDRESS

Omar Hyatt

Exec Vice Pres, Operations

See mailing address above

In accordance with State Law, the District will provide assistance to small businesses in preparing and filing the petition for the hearing. Small business has the same meaning as defined in the Small Business Administration, except that no stationary source which is a major source can be a small business.

If you plan on having attendees participate via the video teleconferencing system in a region other than that of which you filed the petition, please check the box(s) below for the region they will be participating:

☒ Bakersfield

☐ Fresno

☐ Modesto

1. Describe the type of business conducted at your facility.

Berry Petroleum is an oil and gas production company, producing mostly heavy crude oil in Kern County, California.

2. Describe in detail the equipment or activity that is the subject of this petition, what the equipment is used for, and why it is necessary to the operation of your facility. Include all pertinent information necessary to describe the activity including: fuels burned, raw materials processed, product produced, true vapor pressure of all volatile organic compounds, site diagrams, material flow charts, fuel systems, and diagrams of air pollution control systems if necessary. Provide photos as well.

Berry operates multiple tank settings in the Midway-Sunset field. The tanks receive, store, and process produced oil and water. This variance petition affects tanks at the following settings:

- 1) Pan Fee
- 2) Southwestern Diatomite
- 3) Fairfield
- 4) Tidewater Diatomite

These tanks are equipped with functional and operating vapor recovery systems (VRS), and are maintained in a leak free condition at all times.

3. List all the District Permits to Operate and/or Authorities to Construct and the corresponding permit conditions for which you are requesting variance protection and **explain** how you are violating, or will violate the condition(s). Please list the current version(s).

See attached for a listing of permit conditions and rule numbers.

4. List all District Rule numbers, including subsections, for which you are requesting variance protection and **explain** how you are violating or will violate the rule(s).

See attached for a listing of permit conditions and rule numbers.

5. Why is it beyond your reasonable control to comply with the rule(s) and/or permit condition(s)?

Berry has been experiencing electrical-related breakdowns in the past several weeks and need to perform urgent preventative investigation and maintenance. A main concern is that there is a high potential for brush fires if electrical components fail. In addition, Berry wishes to ensure that repeated breakdowns and service interruptions do not continue.

It will be necessary to shut down power to the aforementioned tank settings which means the tank vapor recovery systems will not be operating.

6. What would be the harm to your business if the variance were not granted? Include business closure, economic losses in dollar amounts, breach of contracts, hardships on customers, employee lay-offs, loss of market share to competitors, etc.

If the variance were not granted, electrical equipment could fail, causing potential fire damage to the field and equipment. This in turn could result in extended shutdown of oil production to repair damage. Berry could lose approximately \$100,000 per day in revenues, and shutting down wells for too long can have a long-term effect on future production rates.

7. What date, and under what circumstances, did your facility first become aware that it would **not** be in compliance?

Recent testing and investigation during the week of April 6 have revealed several electrical "hot spots" that need to be more closely investigated and addressed.

8. What actions have you taken since that time to achieve compliance?

Operations personnel have procured the necessary replacement/upgrade electrical equipment.

Plan has been developed to conduct more detailed Investigation/diagnostic work and replace electrical components as needed.

9. Explain what options have been evaluated towards curtailment or termination of operations in lieu of obtaining a variance.

The expect short duration of the variance work does not warrant curtailment or termination of operations.

10. Estimate the excess emissions in total pounds over the duration of the variance period. *Estimate the maximum amount of excess emissions that will occur.*

Pollutant	Pollutant Limit	Actual Emissions	<i>Excess emissions are those that are in excess of the rules or permit conditions or otherwise lawfully allowed</i>	Total Estimated Excess Emissions
VOC	4.0	80.2		76.2
NO _x				
CO				
SO _x				
PM ₁₀				
PM _{2.5}				

Highest Opacity level anticipated: _____ %

11. Show all calculations and provide references for emission factors used in estimating excess emissions.

Spreadsheet printout is attached.

12. Explain how you can reduce or mitigate excess emissions during the variance period. (such as shutting equipment down or reducing production to offset excess emissions)

Excess emissions will be partially mitigated because with the power outage, there will be no oil throughput to the tanks. So only breathing losses will occur. Repair crews will be staged and work efficiently to minimize downtime.

13. If there are excessive hazardous or toxic emissions, attach a health risk assessment and receptor modeling data.

14. Can you monitor or quantify emission levels from the subject equipment or activity during the variance period and make such records available to the District? Source tests, engineering tests, or portable emission analyzers can be utilized.
Yes: ☒ No: ☐ Provide an explanation of your response.

Berry will monitor the duration of power and TVR downtime and estimate excess emissions using standard emission factors.

15. How do you intend to achieve compliance with the rules or permit conditions? Include a detailed description of any equipment to be installed and/or modifications to be made, a listing of the dates by which the actions will be completed, and an estimate of the total cost, if available.

Electrical repairs and upgrades will be completed in a timely manner and power restored to re-start vapor recovery systems.

16. State the dates you are requesting the variance to begin and end (the end date should be the date you expect to achieve compliance with the rules, regulations, and permit conditions). Please overestimate the time needed to allow for any contingencies.

Begin variance: 4/15/26 End variance: 4/16/26

Please state if you need special time designations. For example: "*We need 15 non-consecutive days between such and such date.*"

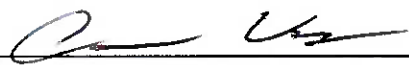
It is expected that work will be accomplished in 10 hours. As a precaution, Berry requests that the variance allow up to 24 hours to cover any unanticipated issues.

17. If a variance, or series of variances, is to extend beyond one year, you must attach a Schedule of Increments of Progress pursuant to Rule 5050 –*Compliance Schedule* which must specify certain dates or milestones to be met in achieving compliance.

18. List the names of any District personnel who are familiar with the facility (inspectors, permit engineers, etc.) or with whom facility representatives have had contact concerning this variance petition, or any related NOV or NTC.

Jaimee Brownlow

Based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete:

Date: 4/14/24 *Signature: 
Title: Operation Manager
Print Name: Adrian Vega

**must be signed by a responsible official if petitioner is a Title V source*

The original petition in this format, and any attachments must be submitted to the District. Any attachments that are extraordinarily difficult to reproduce, such as full color photographs, must be submitted as six copies. Petitions which are incomplete, illegible, submitted in the wrong format, or without the necessary filing fee will be returned. If you need assistance completing this petition and/or developing a compliance schedule, contact the Compliance Department in your region.

Northern Region Office
(209) 557-6440

Central Region Office
(559) 230-5950

Southern Region Office
(661) 392-5540

You may hand deliver, mail, or email this petition to variance@valleyair.org

Berry Petroleum/CRC
List of Applicable Conditions
Power Outage Emergency Variance

EQ ID	PTO #	Condition number	Rule/Section	Comments
Facilitywide	S-1246-000-4	Condition 5	District Rules 2070, 7.0; 2080; and 2520, 9.8.1 and 9.13.1; District Rule 2201, District Rule 4623	Electrical power must be shut down to perform investigation and replacement/upgrade of electrical components. Tank vapor recovery (TVR) will not be operating and breathing losses will likely be vented.
T1201A	S-1246-334-9	Condition 1		
T1207	S-1246-335-3	Condition 1		
T1225	S-1246-336-3	Condition 1		
T1201B	S-1246-374-3	Condition 1, 2		
FF A-1	S-1246-418-2	Condition 1		
FF A-1	S-1246-419-3	Condition 2		
FF A-1	S-1246-420-3	Condition 2		
FF A-1	S-1246-421-3	Condition 2		
T100	S-1246-305-5	No emission limits; leak-free requirement implied		
T1245A	S-1246-371-3	Condition 1		
T111	S-1246-153-8	No emission limits; leak-free requirement implied		
T1245B	S-1246-339-5	Condition 1		
T736	S-1246-382-3	Condition 1		
T120	S-1246-334-9	Condition 1		
T1865A	S-1246-384-3	Condition 1, 2		
T107	S-1246-306-5	No emission limits; leak-free requirement implied		
T1865B	S-1246-385-3	Condition 1		
	S-1246-386-3	Condition 1		
T-580	S-1246-370-10	Condition 1		
T-585	S-1246-373-3	Condition 1, 2		
TK-581	S-1246-389-3	Condition 1		
T-968	S-1246-155-8	No emission limits; leak-free requirement implied		
T-969	S-1246-400-3	Condition 1		

