

**San Joaquin Valley Air Pollution Control District
SOUTHERN REGION HEARING BOARD MEETING**

ACTION SUMMARY MINUTES

Wednesday, August 12, 2026

Meeting held in Southern Region Office with the Central Region Office via VTC

1. Call Meeting to Order
The Chair, John Stovall, called the meeting to order at 10:01 a.m.
Mr. Stovall introduced Phil Jay, an attorney who will advise the Board on Docket S-26-11A.
2. Roll Call

John Stovall – Attorney (Chair)	Present
Kory Weber – Public (Vice Chair)	Present
Noelle Penner – Engineer (Primary)	Present
Dr. Chang Na – Medical (Primary)	Absent
3. Approval of Consent Calendar (Items 9-11)
These items are routine in nature and are usually approved by a single vote. Prior to action by the Hearing Board, the public will be given the opportunity to comment on any consent item.
 9. Approve Minutes from July 8, 2026
 10. The Southern Region Hearing Board did not hear, nor grant, any emergency variances since the July 8, 2026 hearing.
 11. The next scheduled meeting is on September 9, 2026.

Public Comments: None

Moved: Penner
Seconded: Weber
Ayes: Weber, Penner, Stovall
Abstain: None
Nays: None

Motion unanimously carried to approve Consent Calendar Items 9-11

The Chair, Mr. Stovall, swore in all those present to testify for all matters.

4. Public Comments

No members of the public provided comment at this time.

5. Public Hearing

A. S-26-15S Short

Chevron USA Inc.
15255 Lost Hills Road
Lost Hills, CA 93249

Petitioner: Curt Eknoin

Will Coon presented the staff report.

CHEVRON has requested a short variance from the applicable requirements of District Rules 2070, 2201, 2520, and 4623, in addition to applicable conditions of the subject permits. The requested variance period would be for a non-consecutive 14-day period to occur sometime between August 12, 2026 and November 10, 2026, inclusive. If granted, the variance would allow CHEVRON to continue to store VOC containing liquids in the subject tanks without an operating or functional VRS while they conduct the proposed work.

Public Comment: Christian Bisher (CCEJN)

Moved: Weber

Seconded: Penner

Ayes: Weber, Penner, Stovall

Nays: None

Motion unanimously carried to approve Docket No. S-26-15S

B. S-26-11A Appeal

**184 Community Action Group, an
unincorporated association**

The Hearing Board considered Docket S-26-11A, a petition for hearing and appeal of the approval of an Authority to Construct for Kern Energy Refinery (Project No. S-1251187). The Board's consideration was limited to the District's Motion to Strike.

Petitioner: Vivyana Prado, Staff Attorney, Leadership Council and Natalia Ospina, Legal Director, Center on Race, Poverty and the Environment

Annette Ballatore, District Counsel, SJVAPCD and Isela Welz, Assistant Counsel, SJVAPCD presented their Motion to Strike

District Counsel presented the District's Motion to Strike, seeking to strike two claims raised in the petition: (1) whether the Hearing Board has jurisdiction to adjudicate CEQA claims, and (2) whether the Community Emission Reduction Program (CERP) is an applicable permitting criterion for the Authority to Construct.

Zach Howe, counsel for Kern Energy, the real party in interest, joined the District's request to strike the CEQA and CERP claims, stating that neither falls within the Hearing Board's jurisdiction or applicable District permitting requirements. He emphasized that the Board's role is limited to determining whether the permit was properly issued under applicable District rules and regulations.

Ms. Prado, counsel for Leadership Counsel for Justice and Accountability and 184 Community Action Group, opposed the District's Motion to Strike, arguing that the Hearing Board has authority under the Health and Safety Code to consider the CEQA and CERP-related claims. She stated that the District considered CEQA in issuing the Authority to Construct and that the related environmental and public health impacts should be considered. She also emphasized the cumulative environmental burdens faced by residents of Fuller Acres and Lamont and the potential health and safety risks associated with the project.

Ms. Ospina, counsel for Center on Race, Poverty & The Environment and Comité Progreso de Lamont, opposed the District's Motion to Strike, arguing that the Arvin/Lamont CERP is relevant to the permit decision and that the Hearing Board has jurisdiction to consider whether the District properly considered the program's emission-reduction goals and findings, including the cumulative environmental burdens on the surrounding community.

SJVAPCD District Counsel, Ms. Ballatore, provided a rebuttal to the Petitioners' opposition to the District's Motion to Strike, addressing the arguments raised regarding the Hearing Board's jurisdiction and the applicability of CEQA and CERP to the permit appeal.

Mr. Howe, counsel for Kern Energy, the real party in interest, provided rebuttal, arguing that the Hearing Board's jurisdiction is limited to determining whether the permit complies with the District's applicable rules, orders, and regulations, and that CERP is not an applicable permitting requirement.

Public Comments:

The following individuals provided comment on this item:

Hector Lopez, Don Van Sickel, Melinda Palmer, Lisa Kiehl, Diana Mireles, Alicia Hernandez, Maria Martinez, Tim Prado, Byanka Santoyo, Cesar Aguirre, Emmi De La Rosa, Renee Donato Nelson, Jennifer Martinez Medina, Christian Bisher, Elizabeth, Jesus Alonso

Mr. Jay, advising the Hearing Board, stated that while air districts are required to comply with CEQA, the issue before the Board is whether it has jurisdiction to hear an appeal of a CEQA determination. He stated that the consensus among air pollution districts and their counsel statewide is that the Hearing Board does not have such jurisdiction and that its authority is limited by applicable statutes and regulations.

The Hearing Board Members had the opportunity to deliberate prior to the motion and vote.

Moved: Penner
Seconded: Weber
Ayes: Weber, Penner, Stovall
Nays: None

Motion unanimously carried to approve Docket No. S-26-11A

Mr. Jay recommended that the District, as the prevailing party, prepare a written decision and confer with counsel regarding the level of detail and findings. Ms. Ballatore agreed to prepare a proposed draft order, circulate it to the parties for comment, and submit the draft and comments to the Chair.

6. Hearing Board Member Comments: Chair Stovall announced that the next scheduled Southern Region Hearing Board meeting is September 9, 2026, and confirmed that the permit appeal hearing will be held on October 14, 2026, when the Board will consider the remaining substantive and technical issues. Mr. Stovall shared his appreciation of everyone's cooperation in the process today.
7. New Business: None
8. Adjournment: The Chair adjourned the meeting at 12:35 p.m.