

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 Cogen 38

PHYSICAL ADDRESS OF FACILITY: S 29 T12N R24W - BB&O Lease - Midway Sunset Field

CITY: Taft STATE: Ca ZIP CODE: 93263

NAME OF PERSON FILLING OUT PETITION: Cesar Leon

TELEPHONE: 661-788-9497 E-MAIL: cleon@bary.com

NAME OF PERSON AUTHORIZED TO RECEIVE NOTICES: Cesar Leon

MAILING ADDRESS: 11117 River Run Blvd

CITY: Bakersfield STATE: CA ZIP CODE: 93311

TELEPHONE: 661-788-9497 E-MAIL: cleon@bry.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 Cogen 38 supplies steam and electricity in support of oil and gas E&P activities in Berry's Heavy Oil Western Stationary and the electrical grid.

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.

During the annual maintenance outage for the Cogen Unit the turbine rotor was shipped to Texas for a full rebuild. Due to delays in rebuild the turbine rotor will not be back and installed in time to meet the annual compliance test requirement the must occur +/- 30 of the February 18th anniversary date.

Berry is also seeking to replace its CO analyzer on the Cogen 38 CEMS. The CEMS continuously monitors concentrations of NOx, CO, and O2 to verify continuous compliance with conditions in S-2265-1-15. The CEMS unit must be operational and certified at all times in order to maintain compliance with applicable permit conditions. The replacement of the CO analyzer will require recertification of the system via a 7-day drift test and RATA.

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).

S-2265-0-6

8. The permit condition states we must be in compliance with all permit conditions.

The Unit will not be operable without the turbine rotor, which will not be reinstalled until after the annual compliance test window. Furthermore, compliance with this requirement will be impossible since we will have to operate a non-certified CEMs for at least 7 days while we perform the recertification.

S-2265-1-17

7. The owner or operator shall install, certify, maintain, operate and quality-assure a system which continuously measures and records exhaust gas NOx, O2 and CO concentrations. [District Rules 2201, 4703 and 40 CFR 60.334(b)]

The Unit will not be operable without the turbine rotor, which will not be reinstalled until after the annual compliance test window. Once installed, in order to re-certify the CEMS, Berry will need to perform a 7-day drift test and a RATA and until the work is completed the unit will be considered out of compliance. There is no way for Berry to replace the CO analyzer and remain in compliance with the permit condition while re-certifying.

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).

Rule 4703 6.3

Because the Unit will not be operable without the turbine rotor, which will not be reinstalled until after the annual compliance test window and will need to re-certify the CEMs following replacement of the CO Analyzer.

Berry will not meet the annual compliance testing due to the turbine rotor delay of 30 days. Once the rotor is installed, due to the 7-day drift test and RATA requirements, Berry has no way of replacing the CO analyzer without operating out of compliance for at least 7-10 days depending on the scheduling of the RATA following the drift test.

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

Due to delays in the turbine rotor rebuild that are outside of our control we will not be able to meet the annual compliance testing

The CEMs certification requirements, which force us to operate in order to re-certify while also operating out of certification, puts the facility's CEMS out of compliance. The only way to re-certify the CEMs is to operate while it is uncertified.

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.

The financial harm would be directly tied to fines from an NOV associated with knowingly operating an uncertified CEMS during the time we were performing the necessary tests to re-certify.

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

The facility is in compliance currently, this is part of planned maintenance which will make the system temporarily out of compliance until the turbine rotor can be reinstalled and the CEMs re-certified.

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

The system is currently in compliance, we won't be out of compliance until we perform the replacement work.

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

There aren't any options in lieu of obtaining a variance since we need to replace the sensor and we must recertify following the replacement. The recertification process takes a minimum of 8 days (7 day drift test and RATA), so there is no way to perform the necessary work and maintain compliance during certification.

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				
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.

Berry does not anticipate any excess emissions during this time. The unit will be operated normally with water and anhydrous ammonia injection rates necessary to control NO_x emissions based on historical control rates.

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)

There will not be any excess emissions, the unit and its controls will be operated based on existing control programming generated by historical operations and prior RATAs.

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.

The CEMS will continue to monitor NOx, CO and O2.

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.

Completion of the 7-day drift test and RATA will bring the unit back into compliance following the installation of the analyzer.

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: 3/01/2026 End variance: 5/30/2026

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

18. 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.

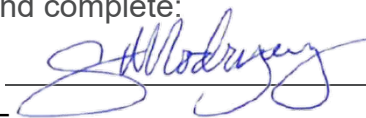
19. List the names of any District personnel who are familiar with the facility (inspectors, permit engineers, etc.) or with whom facility representatives have had contact concerning this variance petition, or any related NOV or NTC.

Jaimee Brownlow

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

Date: 2/5/2026

*Signature:



Title: VP HSE

Print Name: Raymond Rodriguez

**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

San Joaquin Valley Air Pollution Control District

FACILITY: S-2265-0-6

EXPIRATION: 12/31/2029

FACILITY-WIDE REQUIREMENTS

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Should the facility, as defined in 40 CFR Part 68.10 become subject to part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 CFR, Part 68.10. The facility shall certify compliance as part of the annual certification as required by 40 CFR Part 70. [40 CFR, Part 68, Subpart G] Federally Enforceable Through Title V Permit
3. All permits for facilities #S-1246 and #S-2265 are included in Berry Petroleum Company's Heavy Oil Western Stationary Source. [District Rule 2201] Federally Enforceable Through Title V Permit
4. The owner or operator shall notify the District of any breakdown condition as soon as reasonably possible, but no later than one hour after its detection, unless the owner or operator demonstrates to the District's satisfaction that the longer reporting period was necessary. [District Rule 1100 and Kern County Rule 111]
5. The District shall be notified in writing within ten days following the correction of any breakdown condition. The breakdown notification shall include a description of the equipment malfunction or failure, the date and cause of the initial failure, the estimated emissions in excess of those allowed, and the methods utilized to restore normal operations. [District Rule 1100 and Kern County Rule 111]
6. The owner or operator of any stationary source operation that emits more than 25 tons per year of nitrogen oxides or reactive organic compounds, shall provide the District annually with a written statement in such form and at such time as the District prescribes, showing actual emissions of nitrogen oxides and reactive organic compounds from that source. [District Rule 1160, 5.0] Federally Enforceable Through Title V Permit
7. Any person building, altering or replacing any operation, article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, shall first obtain an Authority to Construct (ATC) from the District unless exempted by District Rule 2020 (12/20/07). [District Rule 2010, 3.0 and 4.0; and 2020] Federally Enforceable Through Title V Permit
8. The permittee must comply with all conditions of the permit including permit revisions originated by the District. All terms and conditions of a permit that are required pursuant to the Clean Air Act (CAA), including provisions to limit potential to emit, are enforceable by the EPA and Citizens under the CAA. Any permit noncompliance constitutes a violation of the CAA and the District Rules and Regulations, and is grounds for enforcement action, for permit termination, revocation, reopening and reissuance, or modification; or for denial of a permit renewal application. [District Rules 2070, 7.0; 2080; and 2520, 9.8.1 and 9.13.1] Federally Enforceable Through Title V Permit
9. A Permit to Operate or an Authority to Construct shall not be transferred unless a new application is filed with and approved by the District. [District Rule 2031] Federally Enforceable Through Title V Permit
10. Every application for a permit required under Rule 2010 (12/17/92) shall be filed in a manner and form prescribed by the District. [District Rule 2040]

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate. Any amendments to these Facility-wide Requirements that affect specific Permit Units may constitute modification of those Permit Units.

Facility Name: BERRY PETROLEUM COMPANY LLC

Location: HEAVY OIL WESTERN, SE SECTION 28; TOWNSHIP 12N; RANGE 24W, CA

11. The operator shall maintain records of required monitoring that include: 1) the date, place, and time of sampling or measurement; 2) the date(s) analyses were performed; 3) the company or entity that performed the analysis; 4) the analytical techniques or methods used; 5) the results of such analysis; and 6) the operating conditions at the time of sampling or measurement. [District Rule 2520, 9.4.1] Federally Enforceable Through Title V Permit
12. The operator shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, or report. Support information includes copies of all reports required by the permit and, for continuous monitoring instrumentation, all calibration and maintenance records and all original strip-chart recordings. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
13. The operator shall submit reports of any required monitoring at least every six months unless a different frequency is required by an applicable requirement. All instances of deviations from permit requirements must be clearly identified in such reports. [District Rule 2520, 9.5.1] Federally Enforceable Through Title V Permit
14. Deviations from permit conditions must be promptly reported, including deviations attributable to upset conditions, as defined in the permit. For the purpose of this condition, promptly means as soon as reasonably possible, but no later than 10 days after detection. The report shall include the probable cause of such deviations, and any corrective actions or preventive measures taken. All required reports must be certified by a responsible official consistent with section 10.0 of District Rule 2520 (6/21/01). [District Rules 2520, 9.5.2 and 1100, 7.0] Federally Enforceable Through Title V Permit
15. If for any reason a permit requirement or condition is being challenged for its constitutionality or validity by a court of competent jurisdiction, the outcome of such challenge shall not affect or invalidate the remainder of the conditions or requirements in that permit. [District Rule 2520, 9.7] Federally Enforceable Through Title V Permit
16. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. [District Rule 2520, 9.8.2] Federally Enforceable Through Title V Permit
17. The permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [District Rule 2520, 9.8.3] Federally Enforceable Through Title V Permit
18. The permit does not convey any property rights of any sort, or any exclusive privilege. [District Rule 2520, 9.8.4] Federally Enforceable Through Title V Permit
19. The Permittee shall furnish to the District, within a reasonable time, any information that the District may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the District copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to EPA along with a claim of confidentiality. [District Rule 2520, 9.8.5] Federally Enforceable Through Title V Permit
20. The permittee shall pay annual permit fees and other applicable fees as prescribed in Regulation III of the District Rules and Regulations. [District Rule 2520, 9.9] Federally Enforceable Through Title V Permit
21. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to enter the permittee's premises where a permitted source is located or emissions related activity is conducted, or where records must be kept under condition of the permit. [District Rule 2520, 9.13.2.1] Federally Enforceable Through Title V Permit

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate

Facility Name: BERRY PETROLEUM COMPANY LLC

Location: HEAVY OIL WESTERN, SE SECTION 28; TOWNSHIP 12N; RANGE 24W, CA

22. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit. [District Rule 2520, 9.13.2.2] Federally Enforceable Through Title V Permit
23. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. [District Rule 2520, 9.13.2.3] Federally Enforceable Through Title V Permit
24. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements. [District Rule 2520, 9.13.2.4] Federally Enforceable Through Title V Permit
25. No air contaminants shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark or darker than Ringelmann #1 or equivalent to 20% opacity and greater, unless specifically exempted by District Rule 4101 (02/17/05). If the equipment or operation is subject to a more stringent visible emission standard as prescribed in a permit condition, the more stringent visible emission limit shall supersede this condition. [District Rule 4101, and County Rules 401 (in all eight counties in the San Joaquin Valley)] Federally Enforceable Through Title V Permit
26. No person shall manufacture, blend, or repackage for use within the District; or supply, sell, market, or offer for sale within the District; or solicit for application or apply within the District any architectural coating or colorant with a VOC content in excess of the corresponding limit specified in Table 1 or Table 2, after the specified effective date in Table 1 or Table 2 of District Rule 4601 (4/16/20). [District Rule 4601] Federally Enforceable Through Title V Permit
27. All VOC-containing materials subject to Rule 4601 (4/16/20) shall be stored in closed containers when not in use. [District Rule 4601] Federally Enforceable Through Title V Permit
28. The permittee shall comply with all the applicable administrative requirements specified in Section 6.0 of District Rule 4601 (4/16/20). [District Rule 4601] Federally Enforceable Through Title V Permit
29. With each report or document submitted under a permit requirement or a request for information by the District or EPA, the permittee shall include a certification of truth, accuracy, and completeness by a responsible official. [District Rule 2520, 9.13.1 and 10.0] Federally Enforceable Through Title V Permit
30. If the permittee performs maintenance on, or services, repairs, or disposes of appliances, the permittee shall comply with the standards for Recycling and Emissions Reduction pursuant to 40 CFR Part 82, Subpart F. [40 CFR 82 Subpart F] Federally Enforceable Through Title V Permit
31. If the permittee performs service on motor vehicles when this service involves the ozone-depleting refrigerant in the motor vehicle air conditioner (MVAC), the permittee shall comply with the standards for Servicing of Motor Vehicle Air Conditioners pursuant to all the applicable requirements as specified in 40 CFR Part 82, Subpart B. [40 CFR Part 82, Subpart B] Federally Enforceable Through Title V Permit
32. Disturbances of soil related to any construction, demolition, excavation, extraction, or other earthmoving activities shall comply with the requirements for fugitive dust control in District Rule 8021 unless specifically exempted under Section 4.0 of Rule 8021 (8/19/2004) or Rule 8011 (8/19/2004). [District Rules 8011 and 8021] Federally Enforceable Through Title V Permit
33. Outdoor handling, storage and transport of any bulk material which emits dust shall comply with the requirements of District Rule 8031, unless specifically exempted under Section 4.0 of Rule 8031 (8/19/2004) or Rule 8011 (8/19/2004). [District Rules 8011 and 8031] Federally Enforceable Through Title V Permit

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate

Facility Name: BERRY PETROLEUM COMPANY LLC

Location: HEAVY OIL WESTERN, SE SECTION 28; TOWNSHIP 12N; RANGE 24W, CA

34. An owner/operator shall prevent or cleanup any carryout or trackout in accordance with the requirements of District Rule 8041 Section 5.0, unless specifically exempted under Section 4.0 of Rule 8041 (8/19/2004) or Rule 8011 (8/19/2004). [District Rules 8011 and 8041] Federally Enforceable Through Title V Permit
35. Whenever open areas are disturbed, or vehicles are used in open areas, the facility shall comply with the requirements of Section 5.0 of District Rule 8051, unless specifically exempted under Section 4.0 of Rule 8051 (9/21/2023) or Rule 8011 (8/19/2004). [District Rules 8011 and 8051] Federally Enforceable Through Title V Permit
36. Any paved road or unpaved road shall comply with the requirements of District Rule 8061 unless specifically exempted under Section 4.0 of Rule 8061 (8/19/2004) or Rule 8011 (8/19/2004). [District Rules 8011 and 8061] Federally Enforceable Through Title V Permit
37. Any unpaved vehicle/equipment area that anticipates more than 50 Average annual daily Trips (AADT) shall comply with the requirements of Section 5.1.1 of District Rule 8071. Any unpaved vehicle/equipment area that anticipates more than 150 vehicle trips per day (VDT) shall comply with the requirements of Section 5.1.2 of District Rule 8071. On each day that 25 or more VDT with 3 or more axles will occur on an unpaved vehicle/equipment traffic area, the owner/operator shall comply with the requirements of Section 5.1.3 of District Rule 8071. On each day when a special event will result in 1,000 or more vehicles that will travel/park on an unpaved area, the owner/operator shall comply with the requirements of Section 5.1.4 of District Rule 8071. All sources shall comply with the requirements of Section 5.0 of District Rule 8071 unless specifically exempted under Section 4.0 of Rule 8071 (9/16/2004) or Rule 8011 (8/19/2004). [District Rules 8011 and 8071] Federally Enforceable Through Title V Permit
38. Any owner or operator of a demolition or renovation activity, as defined in 40 CFR 61.141, shall comply with the applicable inspection, notification, removal, and disposal procedures for asbestos containing materials as specified in 40 CFR 61.145 (Standard for Demolition and Renovation). [40 CFR 61 Subpart M] Federally Enforceable Through Title V Permit
39. The permittee shall submit certifications of compliance with the terms and standards contained in Title V permits, including emission limits, standards and work practices, to the District and the EPA annually (or more frequently as specified in an applicable requirement or as specified by the District). The certification shall include the identification of each permit term or condition, the compliance status, whether compliance was continuous or intermittent, the methods used for determining the compliance status, and any other facts required by the District to determine the compliance status of the source. [District Rule 2520, 9.16] Federally Enforceable Through Title V Permit
40. The permittee shall submit an application for Title V permit renewal to the District at least six months, but not greater than 18 months, prior to the permit expiration date. [District Rule 2520, 5.2] Federally Enforceable Through Title V Permit
41. When a term is not defined in a Title V permit condition, the definition in the rule cited as the origin and authority for the condition in a Title V permits shall apply. [District Rule 2520, 9.1.1] Federally Enforceable Through Title V Permit
42. Compliance with permit conditions in the Title V permit shall be deemed in compliance with the following outdated SIP requirements: Rule 401 (Madera, Fresno, Kern, Kings, San Joaquin, Stanislaus, Tulare and Merced), Rule 110 (Fresno, Stanislaus, San Joaquin), Rule 109 (Merced), Rule 113 (Madera), Rule 111 (Kern, Tulare, Kings), and Rule 202 (Fresno, Kern, Tulare, Kings, Madera, Stanislaus, Merced, San Joaquin). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate

Facility Name: BERRY PETROLEUM COMPANY LLC

Location: HEAVY OIL WESTERN, SE SECTION 28; TOWNSHIP 12N; RANGE 24W, CA

43. Compliance with permit conditions in the Title V permit shall be deemed in compliance with the following applicable requirements: SJVUAPCD Rules 1100, sections 6.1 and 7.0 (12/17/92); 2010, sections 3.0 and 4.0 (12/17/92); 2031 (12/17/92); 2040 (12/17/92); 2070, section 7.0 (12/17/92); 2080 (12/17/92); 4101 (2/17/05); 4601 (12/17/09); 8021 (8/19/2004); 8031 (8/19/2004); 8041 (8/19/2004); 8051 (9/21/2023); 8061 (8/19/2004); and 8071 (9/16/2004). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
44. The reporting periods for the Report of Required Monitoring and the Compliance Certification Report begin December 20th of each year, unless alternative dates are approved by the District Compliance Division. These reports are due within 30 days after the end of the reporting period. [District Rule 2520] Federally Enforceable Through Title V Permit

These terms and conditions are part of the Facility-wide Permit to Operate

Facility Name: BERRY PETROLEUM COMPANY LLC

Location: HEAVY OIL WESTERN, SE SECTION 28; TOWNSHIP 12N; RANGE 24W, CA

San Joaquin Valley Air Pollution Control District

PERMIT UNIT: S-2265-1-17

EXPIRATION DATE: 12/31/2029

SECTION: 28 **TOWNSHIP:** 12N **RANGE:** 24W

EQUIPMENT DESCRIPTION:

38.7 MW G.T.E. NATURAL GAS-FIRED COGENERATION SYSTEM - MIDWAY SUNSET FIELD

PERMIT UNIT REQUIREMENTS

1. Operation shall include General Electric Frame 6, model PG-6531 (B), 503.4 MMBtu/hr gas-fired turbine engine, inlet air evaporator cooler, NOx water control injection system, and 38.7 MW electrical generator. [District Rule 2201] Federally Enforceable Through Title V Permit
2. Operation shall include Coen 105.0 MMBtu/hr gas-fired, Low-NOx/Low-CO duct burner, VOGT #SMP-5034-D1 heat recovery steam generator (HRSG), and Johnson-Mathey fixed-bed selective catalytic reduction system built into HRSG. [District Rule 2201] Federally Enforceable Through Title V Permit
3. Operation shall include two Trion, model IMP-38, electrostatic precipitators (350 cfm each), one serving lube oil tank, and another serving load gear box vent and generator bearings vent. [District Rule 2201] Federally Enforceable Through Title V Permit
4. Gas turbine engine shall be equipped with water injection system for NOx control, and turbine exhaust shall be controlled with selective catalytic reduction (SCR) system achieving 90% NOx control. [District Rule 2201] Federally Enforceable Through Title V Permit
5. Gas turbine engine water injection rate shall be maintained such that water to fuel ratio is no less than that documented to result in maximum degree of NOx reduction. [District Rule 2201] Federally Enforceable Through Title V Permit
6. Except during periods of startup/shutdown, emission rates (3-hr rolling average) shall not exceed any of the following: PM10: 5.70 lb/hr, SOx (as SO2): 0.49 lb/hr, NOx (as NO2): 8.29 lb/hr, VOC: 6.24 lb/hr, or CO: 22.88 lb/hr. [District Rules 2201 and 4703] Federally Enforceable Through Title V Permit
7. The owner or operator shall install, certify, maintain, operate and quality-assure a system which continuously measures and records the exhaust gas NOx, O2 and CO concentrations. [District Rule 2201, 4703, and 40 CFR 60.334(b)] Federally Enforceable Through Title V Permit
8. The CEMS shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period or shall meet equivalent specifications established by mutual agreement of the District, the ARB and the EPA. [40 CFR 60.334(b)(2) and District Rule 1080, 6.4] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

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Facility Name: BERRY PETROLEUM COMPANY LLC

Location: HEAVY OIL WESTERN, SE SECTION 28; TOWNSHIP 12N; RANGE 24W, CA

9. The NO_x and O₂ CEMS shall meet the requirements in 40 CFR 60, Appendix F Procedure 1 and Part 60, Appendix B Performance Specification 2 and 3, or shall meet equivalent specifications established by mutual agreement of the District, the ARB, and the EPA. [40 CFR 60.334(b)(1) and District Rule 1080, 6.3, 6.5, 6.6, & 7.2] Federally Enforceable Through Title V Permit
10. The CEMS shall be linked to a data logger which is compatible with the District's Data acquisition system. Upon notice by the District that the facility's CEM system is not providing polling data, the facility may continue to operate without providing automated data for a maximum of 30 days per calendar year provided the CEM data is sent to the District by a District-approved alternative method. [District Rule 1080, 7.1] Federally Enforceable Through Title V Permit
11. The owner or operator shall maintain CEMS records that contain the following: the occurrence and duration of any start-up, shutdown or malfunction, performance testing, evaluations, calibrations, checks, adjustments, maintenance, duration of any periods during which a continuous monitoring system or monitoring device is inoperative, and emission measurements. [40 CFR 60.7(b) and District Rule 1080, 7.3] Federally Enforceable Through Title V Permit
12. The owner or operator shall submit a written report of CEM operations for each calendar quarter to the APCO. The report is due on the 30th day following the end of the calendar quarter and shall include the following: Time intervals, data and magnitude of excess NO_x emissions, nature and cause of excess (if known), corrective actions taken and preventive measures adopted; Averaging period used for data reporting corresponding to the averaging period specified in the emission test period used to determine compliance with an emission standard; Applicable time and date of each period during which the CEM was inoperative (monitor downtime), except for zero and span checks, and the nature of system repairs and adjustments; A negative declaration when no excess emissions occurred. [40 CFR 60.334(j), (j)(5) and District Rule 1080, 8.0] Federally Enforceable Through Title V Permit
13. Excess emissions shall be defined as any operating hour in which 4-hour rolling average NO_x concentration exceeds applicable emissions limit and a period of monitor downtime shall be any unit operating hour in which sufficient data are not obtained to validate the hour for either NO_x or O₂ (or both). [40 CFR 60.334(J)(1)(iii)] Federally Enforceable Through Title V Permit
14. APCO or an authorized representative shall be allowed to inspect, as determined to be necessary, the monitoring devices required by this rule to ensure that such devices are functioning properly. [District Rule 1080, 11.0 and 40 CFR 64] Federally Enforceable Through Title V Permit
15. This unit shall be fired exclusively on natural gas as defined in 40 CFR 60.331(u) which has a total sulfur content of less than or equal to 1.0 gr/100 scf. [40 CFR 60.333(b), 40 CFR 64, and County Rule 407 (Kern)] Federally Enforceable Through Title V Permit
16. The owner or operator shall not operate the gas turbine under load conditions, excluding start up, shut down, or reduced load period, which results in the measured NO_x emissions concentration exceeding 5 ppmv @ 15% O₂. [40 CFR 60.332(a)(1), (a)(2), 40 CFR 64, and District Rule 4703, 5.1.2] Federally Enforceable Through Title V Permit
17. The owner or operator shall not operate the gas turbine under load conditions, excluding start up, shut down, or reduced load period, which results in the measured CO emissions concentration exceeding 200 ppmv @ 15% O₂. [District Rule 4703, 5.2 and 40 CFR 64] Federally Enforceable Through Title V Permit
18. Reduced Load Period shall be defined as the time during which a gas turbine is operated at less than rated capacity in order to change the position of the exhaust gas diverter gate not exceeding one hour. [District Rule 4703, 3.23 and 40 CFR 64] Federally Enforceable Through Title V Permit

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19. Start up time shall be defined as a time during the period of time during which a unit is brought from a shutdown status to its operating temperature and pressure, including the time required by the unit's emission control system to reach full operation. Shut down shall be defined as the period of time during which a unit is taken from an operational to a non-operational status by allowing it to cool down from its operating temperature to ambient temperature as the fuel supply to the unit is completely turned off. The start up and shutdown time shall not to exceed two hours. [District Rule 4703, 3.26 and 3.29 and 40 CFR 64] Federally Enforceable Through Title V Permit
20. Particulate matter emissions shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201, 3.1 and 40 CFR 64] Federally Enforceable Through Title V Permit
21. The sulfur content of each fuel source shall be: (i) documented in a valid purchase contract, a supplier certification, a tariff sheet or transportation contract or (ii) monitored weekly using ASTM Methods D4084, D5504, D6228, or Gas Processors Association Standard 2377. If sulfur content is less than 1.0 gr/scf for 8 consecutive weeks, then the Monitoring frequency shall be every six (6) months. If any six (6) month monitoring show an exceedance, weekly monitoring shall resume. [40 CFR 60.334(h)(3), 40 CFR 64, and District Rule 2520, 9.3.2] Federally Enforceable Through Title V Permit
22. Performance testing shall be conducted annually to measure NOx and CO emission concentrations using following test methods: EPA Methods 7E or 20 for NOx emissions, EPA Methods 10 or 10B for CO emissions, EPA Methods 3, 3A, or 20 for Oxygen content of the exhaust gas. The 3-run tests shall be performed at four evenly spaced load points in the normal operating range of the gas turbine. [40 CFR 60.335(a), (b)(2) and District Rule 4703, 6.3.1, 6.4.1, 6.4.2, & 6.4.3] Federally Enforceable Through Title V Permit
23. The owner or operator shall be required to conform to the sampling facilities and testing procedures described in District Rule 1081, 3.0, & 6.0 (as amended 12/16/93). [District Rule 1081, 3.0 & 6.0] Federally Enforceable Through Title V Permit
24. The District must be notified 30 days prior to any performance testing and a test plan shall be submitted for District approval 15 days prior to such testing. [District Rule 1081, 7.1] Federally Enforceable Through Title V Permit
25. Performance testing shall be witnessed or authorized District personnel. Test results must be submitted to the District within 60 day of performance testing. [District Rule 1081, 7.2, 7.3] Federally Enforceable Through Title V Permit
26. The owner or operator of a stationary gas turbine system shall maintain all records of required monitoring data and support information for inspection at any time for a period of five years. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
27. Results of the CEM system shall be averaged over a three hour period, using consecutive 15-minute sampling periods in accordance with all applicable requirements of CFR 60.13. [40 CFR 60.13 and District Rule 4703, 5.1, 6.4] Federally Enforceable Through Title V Permit
28. Owner or operator shall maintain a stationary gas turbine system operating log that includes, on a daily basis, the actual local time start-up and stop time, length and reason for reduced load periods, total hours of operation, type and quantity of fuel used. [District Rule 4703, 6.2.6] Federally Enforceable Through Title V Permit
29. Any gas turbine with an intermittently operated auxiliary burner shall demonstrate compliance with the auxiliary burner both on and off. [40 CFR 60.335(b)(3) and District Rule 4703, 6.3.3] Federally Enforceable Through Title V Permit
30. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following subsumed requirement: Rule 407 (Kern). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

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31. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following applicable requirements: 40 CFR 60.332 (a)(1), (a)(2), 60.333 (a); 60.334(b) (b)(1), (b)(2), (h)(3), (j), (j)(1)(iii), and (j)(5), and 60.335(a), (b)(2), (b)(3), (b)(10), and District Rule 4703 (as amended 4/25/02), Sections 5.1.2.1, 5.2, 6.2.2, 6.2.6, 6.3, and 6.4. A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
32. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following applicable requirements: 40 CFR 60.7(b), 60.8, 60.13, and District Rules 1080 (as amended 12/17/92), Sections 6.3, 6.4, 6.5, , 7.1, 7.2, 7.3, 8.0, and 11.0; and 1081, Section 3.0, 6.0, 7.1, 7.2, and 7.3 (as amended 12/16/93). A permit shield is granted from these requirements. [District Rule 2520, 13.2 and 40 CFR 64] Federally Enforceable Through Title V Permit