

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

	<u>TYPE OF HEARING</u>	<u>FEES (Non-Refundable)</u>
☐	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 heavy oil wells in the Midway-Sunset field. The "waste gas" from the wells is incinerated in steam generators. At the Ethel D property, two vessels are used to remove sulfur from the gas prior to incineration in four generators.

Normally, the spent sulfur treatment media is replaced in one vessel while the other vessel is in operation. Recent inspections revealed that one vessel (V-210B) has experienced damage to the internal coating and cannot be operated. The vessel has been taken out of service to be re-coated.

The active treatment vessel (V-210A) needs to have treatment media re-charged as soon as possible and V-210B is not available as the alternate vessel.

Recharging of the media in V-210A is expected to require up to 20 days.

To ensure worker safety, the sulfur treatment system (both vessels) will be bypassed while the active vessel is being recharged.

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)?

To perform the needed repairs and also comply with the rules would require shut down of oil production at Ethel D. This would have immediate and long-term effects on the oil production capacity from this reservoir.

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, approximately 900 barrels per day of production (\$60,000 per day in revenues), would have to be curtailed. 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 investigation during the week of September 7 revealed the need to shut down and re-coat sulfur treatment vessel V-210B. The vessel is not available as the alternate when V-210A is recharged.

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

Operations personnel are procuring the necessary materials and equipment and expertise to recharge the active vessel.

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

Berry feels that, with no variance, and having to shut down, the impact on production and revenues is not warranted.

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	Excess emissions are those that are in excess of the rules or permit conditions or otherwise lawfully allowed	Total Estimated Excess Emissions
VOC				
NO _x				
CO				
SO _x	22 lb/day	744 lb/day		722 lb/day x 20 days =14,440 pounds
PM ₁₀				
PM _{2.5}				

Highest Opacity level anticipated: _____ %

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

Ethel D CVR permit S-1246-290 requires 95% control of sulfur content in the gas processed. With an estimated worst case 2,674 ppm H₂S, the sulfur content exiting the treatment plant should be no more than 133 ppm. Based on this, the excess SO_x created upon combustion would be 677 lb/day.

However, two of the steam generators have fairly strict fuel sulfur limits (2.34 gr/100 scf and 1 gr/100 scf) such that the excess emissions from all the generators combined exceeds this, at 722 pounds per day. A spreadsheet printout is attached showing these calculations.

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)

Shutting down equipment and reducing production are not economically viable in this scenario.

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

This is a remote oilfield and the excess SO₂ emissions are not expected to have any health risk impact.

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.

Steam gen fuel quantities are recorded daily electronically and the fuel sulfur content will be checked daily with Drager tubes and lab-tested each week of the variance.

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.

The active treatment vessel will be re-charged and returned to service as soon as practically feasible.

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: 9/28/26 End variance: 10/27/26

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 20 days (480 hours). As a precaution, Berry requests that the variance allow for these hours to be non-consecutive..

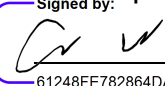
17. If a variance, or series of variances, is to extend beyond one year, you must attach a Schedule of Increments of Progress pursuant to Rule 5050 –*Compliance Schedule* which must specify certain dates or milestones to be met in achieving compliance.

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: 9/28/2026

***Signature:** 
61248FE782864DA...
Title: Valley Facilities 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

Variance for Ethel D Sulfur Scrubber - Maintenance Shutdown

Listing of Permits, Conditions, and Applicable Rules

UPDATED 9-23-26

Permit No	Facility Name	Conds		Rules/Section
S-1246-0-5	Facilitywide	5	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.	2070, 7.0; 2080; and 2520, 9.8.1 and 9.13.1
S-1246-290-24	Ethel D CVR system	3	Sulfur scrubber(s) shall meet at least one of the following performance criteria: sulfur compounds reduction efficiency shall be maintained at 95% or greater, or the sulfur compounds concentration in the vapors exiting the sulfur scrubber(s) shall not exceed 3 ppmv.	2201
		5	During recharging of the sulfur scrubber(s), untreated well casing vent collection system vapors shall not be introduced into the fuel system or vented to the atmosphere.	2201
		6	Collected vapors sent to District approved incineration devices shall be processed through sulfur scrubber(s) prior to incineration.	2201
		7	The sulfur scrubber(s) shall be operated to maintain continued compliance with fuel sulfur content limits on steam generator S-1246-24 and '-354.	2201
		9	Scrubbed well casing vent vapor collection and control system gas burned in 4.2 MMBtu/hr heater treater shall be demonstrated by fuel gas analysis to qualify for permit exemption immediately upon burning TEOR gas in unit and at least every six months thereafter.	2020
S-1246-0019-35	SG MSJ-407	25	Daily SOx emissions shall not exceed 15 lbs/day.	2201 and 4301
		27	The concentration of sulfur compounds in the exhaust from this unit shall not exceed 0.2% by volume as measured on a dry basis over a 15 minute period.	2520, 4301, and 4801
S-1246-0269-20	SG MSJ-413	4	Only sulfur-scrubbed gas from the Ethel-D casing vent vapor collection system (S-1246-290)(TEOR gas) and/or natural gas shall be used as a fuel	2020
		12	Emission rates shall not exceed any of the following: 0.0067 lb SOx/MMBtu (as SO2), 0.005 lb PM10/IV[MBtu, or 0.003 lb VOC/MMBtu.	2201
		15	The concentration of sulfur compounds in the exhaust from this unit shall not exceed 0.2% by volume as measured on a dry basis over a 15 minute period.	2520, 4301, and 4801
		26	Emissions of sulfur compounds from this unit shall not exceed 200 lb per hour, calculated as SO2.	2520 and 4301
		27	Sulfur emissions shall not exceed 0.11 lb of sulfur per million BTU of heat input, averaged over 3 - one hour periods.	Kern County Rule 424 and District Rule 2520
S-1246-0354-2	SG MSJ-431	4	This unit shall be fired on natural gas, TEOR gas, and/or TVR gas treated to remove 95% by weight of sulfur compounds or treated such that the sulfur content does not exceed 1 gr of sulfur compounds (as S) per 100 scf.	2201
		5	The unit shall only be fired on natural/TEOR/TVR/ ethane rich gas with a maximum sulfur content of 2.34 gr/100scf.	2201
S-1246-0406-3	SG MSJ-432	5	This unit shall be fired on PUC quality natural gas, but not solely PUC quality natural gas; or gaseous fuel treated to remove 95% by weight of sulfur compounds, or gaseous fuel treated such that the sulfur content of all fuel streams combined does not exceed 1 gr of sulfur compounds (as S) per 100 dscf.	2201
		6	The unit shall only be fired on natural/TEOR/ethane-rich gas with a maximum sulfur content of 1.75 gr S/100scf.	2201, 4301, and 4320

Berry Petroleum
Variance for Ethel D Sulfur Scrubber - Maintenance Shutdown
Excess Emissions Estimate

Oct 2026 Cleaning & Maint

Permit No	Facility Name	Variance Period Hours	Fuel Volume (mcf)	Fuel Gas HHV (Btu/scf)	Fuel gas Sulfur (ppm)	Waste gas Volume (mcf)	Waste Gas HHV (Btu/scf)	Waste gas Sulfur (ppm)	average Grains (gr/100 scf)	Grains Limit (gr/100 scf)	Excess lb (gr basis)	Theoretical lb SO2/day	lb SO2 /day Limit	Heat Input (MMBtu/ day)	lb SO2 / MMBTU	lb/MMBTU limit	Excess lb/ MMBtu	Excess lb (BTU basis)	Variance Actual emission (lb)	Variance permit emission limit (lb)	Variance excess emission (lb)	Variance excess emission basis
S-1246-0019-35	SG MSJ-407	24.00	0.00	1,024.00	0.43	0.00	655.8	2,674	0.00	5	0.0	0.0	15	0	0.000	N/A	N/A	N/A	0.0	0.0	0.0	
S-1246-0269-20	SG MSJ-413	24.00	944.44	1,024.00	0.43	590.37	655.8	2,674	63.58	5	256.9	278.8	200 lb/hr	1,354	0.206	0.0067	0.199	269.8	278.8	9.1	269.8	Btu basis
S-1246-0354-2	SG MSJ-431	24.00	782.94	1,024.00	0.43	534.70	655.8	2,674	67.08	2.34	243.7	252.5	N/A	1,152	0.219	N/A	N/A	N/A	252.5	8.8	243.7	grain basis
S-1246-0406-3	SG MSJ-432	24.00	1,001.26	1,024.00	0.43	450.15	655.8	2,674	51.27	1	208.5	212.6	N/A	1,320	0.161	N/A	N/A	N/A	212.6	4.1	208.5	grain basis
S-1246-290-24	Ethel D CVR					1,575		2,674				743.99										
Totals Per Day																			744	22	722	
																			Days for variance		20	
																			Total Excess SO2		14,439	

133.7 Reduced by 95%