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MAR 20 2003

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

MARY ROMAIDIS
CLERK
HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

BEFORE THE HEARING BOARD
OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA

In the Matter of the Application of)	
)	
United Airlines, Inc.)	No. 3416
)	
For a Variance from Regulation 2,)	<u>ORDER GRANTING VARIANCE</u>
Rule 1, Section 307 (Condition No. 6465,)	
Item Nos. 5 and 6), and Regulation 11-8)	
(incorporating CARB ATCM Sections)	
93102(e)(2) and (e)(3)))	
_____)	

The above-entitled matter is an Application for Variance from the provisions of Regulation 2, Rule 1, Section 307, and Regulation 11-8 (incorporating CARB ATCM Sections 93102(e)(2) and (e)(3)), filed on December 27, 2002.

Chad Naylor and Keith Casto of Sedgwick, Detert, Moran & Arnold, LLP appeared on behalf of United Airlines, Inc. ("Applicant").

Toby Sherwood, Counsel, appeared for the Air Pollution Control Officer ("APCO").

The Clerk of the Hearing Board provided notice of this hearing on the Application for Variance in accordance with the requirements of the California Health and Safety Code. The Hearing Board heard the request for Variance on February 27, 2003.

The Hearing Board provided the public an opportunity to testify at the hearing as required by the California Health and Safety Code, but no one did so. The Hearing Board heard the Applicant's and APCO's evidence and argument. The APCO did not oppose the granting of this Variance.

ARB

1 The Hearing Board received evidence and argument and took the matter under submission
2 for decision. After consideration of the evidence, the Hearing Board voted to grant the request for
3 Variance, as set forth in more detail below:
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5 BACKGROUND

6 Applicant operates a hard chromium plating line at its San Francisco Maintenance Center,
7 located at the San Francisco International Airport. The company uses the plating line to conduct
8 repairs on passenger aircraft engines and landing gears. Emissions from all chromium tanks go to
9 two identical wet scrubber abatement systems, which are placed in parallel. Each abatement
10 system is comprised of three separate control technologies: a packed-bed wet scrubber, a
11 composite mesh pad and a fiber bed mist eliminator (FBME). Applicant recently discovered that
12 the abatement systems were falling outside of their permitted pressure drop and inlet velocity
13 limits. Applicant sought variance relief for this equipment, pending District approval of changes
14 to the facility's permit to allow a greater range of pressure drop and inlet velocity.
15

16 DISCUSSION

17 Applicant applied for a variance from two permit conditions. The first permit condition,
18 No. 6465(5), limits the pressure differential across the FBME. The upper limits for the FBME are
19 7.0" w.c. for abatement device A-48 (north scrubber) and 7.8" w.c. for A-49 (south scrubber).
20 These limits were established during the most recent performance test conducted in March 2001.
21 Even though Applicant conducts regularly scheduled maintenance on the systems, beginning in
22 October 2002, Applicant discovered that the pressure differential rose above the limit specified in
23 permit condition No. 6465.

24 When Applicant first discovered elevated readings for the pressure differential in October
25 2002, Applicant attempted to resolve the issue by conducting a series of increasing water wash
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1 down periods in accordance with the manufacturer's specifications. Thereafter, Applicant shut
2 down the north scrubber system because it could not be maintained within the permit limit.
3 Applicant kept the south scrubber system in operation because it was still operating within the
4 permitted pressure differential range. In November 2002, Applicant retained Fume Control, Inc.,
5 a scrubber abatement specialty vendor, to perform a thorough cleaning of the scrubber system
6 and conduct troubleshooting on the scrubber systems. Fume Control initially cleaned the scrubber
7 system in the belief that this would resolve the pressure issue. Fume Control then considered the
8 replacement of the composite mesh pad. However, upon further investigation, Fume Control
9 determined that the pressure differential problem stemmed from the FBMEs, which were gradually
10 filling, as a part of normal aging.

11 Prior to Fume Control's investigations, Applicant believed that the FBMEs were designed
12 to operate within a two-inch pressure range as specified in BAAQMD Regulation 11-8. However,
13 when Fume Control reported that the FBMEs were filling as they aged, Applicant obtained
14 additional information. The manufacturer reported in a letter to Applicant that the filters would
15 work efficiently from 2 to 20 inches of pressure, and that, in fact, the collection efficiency actually
16 increases as the pressure rises. For this reason, there are no excess emissions associated with the
17 variance.

18 Applicant submitted a permit application to District staff to amend permit condition
19 No. 6465(5) to allow for a higher pressure differential. District staff anticipates that it will be able
20 to complete the permitting process by May 1, 2003. Accordingly, Applicant is seeking a variance
21 from permit condition No. 6465(5) until May 1, 2003, for the specific dates set forth below.

22 The second permit condition, No. 6465(6), limits the inlet velocity to both scrubber
23 systems. When both scrubber systems are operating, Applicant is able to maintain the inlet
24 velocity within the required range. However, at times during the variance period, Applicant
25 anticipates that it will need to run only one scrubber system and conduct maintenance on the other.

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1 When only one scrubber system is operated, the inlet velocity pressure falls below the minimum
2 required pressure of 0.45 inches. Although Applicant's permit anticipates and allows operation of
3 only one scrubber at a time, the permit does not address inlet velocity pressure when only one
4 scrubber system is in operation.

5 Applicant has asked District staff to revise the permit condition to allow for periods of
6 single scrubber system operation, with the appropriate allowance for a lower inlet velocity pressure.
7 District staff has indicated that it will be able to revise the permit by May 1, 2003. Accordingly,
8 Applicant is seeking a variance from permit condition No. 6465(6) until May 1, 2003, for the
9 specific dates set forth below.

10 Since Applicant has only intermittently been out of compliance, Applicant has requested a
11 variance from Regulation 2-1-307 and Regulation 11-8 only for the following dates: December 27,
12 30 and 31, 2002; January 2, 3, 6, 7, 9, 10, 13-17, 20-24 and 27-31, 2003; and February 3-7, 10-14,
13 17-21 and 24-27, 2003. Applicant also seeks a variance from February 28, 2003, to and including
14 May 1, 2003.

15 Applicant is not considered a small business as described by California Health and Safety
16 Code Section 42352.5(b)(1).

17 The APCO has not requested Applicant to monitor or quantify actual emissions during
18 the variance period.

19 20 SPECIFIC FINDINGS

21 The Hearing Board finds pursuant to Health and Safety Code Section 42352 that:

22 1. Applicant has been and will be in violation of Regulation 2, Rule 1, Section 307
23 and Regulation 11-8 (incorporating CARB ATCM Sections 93102(e)(2) and (e)(3)) during the
24 variance period.

25 2. Due to conditions beyond the reasonable control of the Applicant, requiring
26 compliance with District Regulation 2, Rule 1, Section 307, and Regulation 11-8 (incorporating

1 CARB ATCM Sections 93102(e)(2) and (e)(3)) would result in an arbitrary and unreasonable
2 taking of property. The problems associated with the pressure differential and inlet velocity at the
3 scrubbers were unforeseeable by the Applicant, and it was beyond the reasonable control of the
4 Applicant to comply with these conditions during the variance period. Compliance could be
5 achieved only by shutdown. This would be an unreasonable taking of property.

6 3. The hardship due to requiring immediate compliance with District Regulation 2,
7 Rule 1, Section 307 and Regulation 11-8 would be without a corresponding benefit in reducing air
8 contaminants. There will be no excess emissions during the variance period.

9 4. Applicant considered curtailing operations in lieu of obtaining a Variance, but
10 curtailing operation would result in undue hardship to Applicant. If Applicant curtailed the
11 operation of the chrome plating line, then Applicant would have to cease maintenance activities
12 on aircraft engines, impacting its ability to efficiently maintain and operate its fleet of aircraft.

13 5. During the period the Variance is in effect, Applicant will reduce excess emissions
14 to the maximum extent feasible by continuing the operation of the scrubbers. Even when
15 operating under high pressure drops, the filters will operate efficiently. Accordingly, there will be
16 no excess emissions during the variance period.

17 6. The District staff has not requested Applicant to monitor or otherwise further
18 quantify any emission levels. Applicant will continue to monitor pressure drop and inlet velocity
19 as required by its current permit conditions.

20
21 **THEREFORE, THE HEARING BOARD ORDERS:**

22 A variance from Regulation 2, Rule 1, Section 307 (Condition No. 6465, Item Nos. 5
23 and 6) and Regulation 11-8 (incorporating CARB ATCM Sections 93102(e)(2) and (e)(3)) is
24 hereby granted for the following dates: December 27, 30 and 31, 2002; January 2, 3, 6, 7, 9, 10,
25 13-17, 20-24 and 27-31, 2003; February 3-7, 10-14, 17-21 and 24-27, 2003; and February 28,
26 2003, through and including May 1, 2003. The variance is subject to the following conditions:

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- 1) The Applicant will verify that the filters in the north and south scrubber systems for the chromium line are Flexifiber Mist Eliminator Type BD, by photographing the filters and confirming the type with the manufacturer. Applicant will submit a letter to the Hearing Board by March 27, 2003, confirming the type of filters.


- 2) The Applicant will submit a report to the Hearing Board by May 12, 2003, indicating the specific days of non-compliance between February 28 and May 1, 2003.

Moved by: Terry A. Trumbull, Esq.

Seconded by: Christian Colline, P.E.

AYES: Christian Colline, P.E., Julio Magalhães, Ph.D., Allan Saxe, Esq., Terry A. Trumbull, Esq., and Thomas M. Dailey, M.D.

NOES: None.



Thomas M. Dailey, M.D., Chair

3-17-03
Date