

FILED

APR 18 2004

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

MARY ROMAIDIS
CLERK
HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

In the Matter of the Application of)
)
EAST BAY MUNICIPAL UTILITY) No. 3460
DISTRICT (EBMUD))
) ORDER GRANTING INTERIM VARIANCE
For a Variance from Regulation 2,)
Rule 1, Section 307 (Permit Condition)
#13132)

The above-entitled matter is an Application for Interim and Regular Variance from the provisions of Regulation 2, Rule 1, Section 307, filed on March 18, 2004.

Daniel Jackson and Kurt Haunschild appeared on behalf of East Bay Municipal Utility District ("Applicant").

William Guy, Esq. appeared as counsel for the Air Pollution Control Officer ("APCO").

The Clerk of the Hearing Board provided notice of this hearing on the Application for Interim Variance in accordance with the requirements of the California Health and Safety Code.

The Variance application requested Interim and Regular Variance relief for the period March 18, 2004 through July 31, 2004. Interim Variance relief was requested from March 18, 2004, until the Regular Variance is heard, but for no more than 90 days as limited by California Health and Safety Code Section 42351. The Hearing Board heard the request for Interim Variance

ARB

1 on March 25, 2004. The hearing upon the Regular Variance has been set for 9:35 A.M., Thursday,
2 April 29, 2004.

3 The Hearing Board provided the public opportunity to testify at the hearing as required by
4 the California Health and Safety Code, but no one did so. The Hearing Board heard evidence and
5 argument from the Applicant and the APCO. The APCO did not oppose the granting of the
6 variance.

7 The Hearing Board took the matter under submission for decision. After consideration of
8 the evidence, the Hearing Board voted to grant the request for Interim Variance, as set forth in
9 more detail below:

10 BACKGROUND

11 Applicant, a publicly owned utility, operates a municipal wastewater treatment facility at
12 2020 Wake Avenue, Oakland, California, 94607 under a Major Facility Review (“MFR”) permit
13 from the Bay Area Air Quality Management District (District). Applicant is not considered a
14 small business as described by California Health and Safety Code Section 42352.5(b)(2) and emits
15 more than 10 tons per year of air contaminants. Applicant is a public agency providing an
16 essential public service as defined in Health & Safety Code 42352(a)(2). Applicant’s wastewater
17 facility serves over 600,000 people in the East Bay.

18 Applicant operates a digester system at the facility that processes the sludge resulting from
19 wastewater treatment. The digesters generate digester gas composed primarily of methane and
20 carbon dioxide with additional small quantities of hydrogen sulfide. Digester gas is stored in the
21 digester gas storage (“Dystor”) unit and is released for combustion in boilers and engines to
22 partially meet facility energy needs. Flares serve to burn gas not burned in engines or boilers. The
23 MFR permit for the facility requires, in Permit Condition #13132, that digester gas be vented to
24 engines, boilers, or flares. Compliance with this permit condition is required by District
25 Regulation 2, Rule 1, Section 307, which prohibits operation of equipment in violation of a permit
26 condition.

1 wastewater to the facility, that no alternative treatment facility exists, and that diversion of
2 wastewater would introduce untreated sewage to the San Francisco Bay.

3 The APCO did not oppose the Interim Variance. District staff testified that hydrogen
4 sulfide is not a carcinogen and that a health risk analysis prepared by staff showed hydrogen
5 sulfide emissions from the venting are orders of magnitude below the level at which a permit
6 applicant would be required to reduce emissions.

7 SPECIFIC FINDING

8 The Hearing Board finds pursuant to Health and Safety Code Section 42351 that good
9 cause exists to issue this Interim Variance, and that such good cause is specifically to avoid
10 disruption of wastewater treatment service to 640,000 people and to assure that treatment plant
11 equipment can be operated safely to avoid explosion from the accumulation of digester gas.

12
13 THEREFORE, THE HEARING BOARD ORDERS:

14 An Interim Variance from Regulation 2, Rule 1, Section 307 and specifically from the
15 Major Facility Review Permit for Facility #A0591, Condition #13132 is hereby granted from
16 March 18, 2004, to and including May 18, 2004, or until a decision by this Board on the Regular
17 Variance in this matter, whichever is sooner, subject to the following conditions:

18 1. Using a Gastech or equivalent portable gas detector, Applicant shall conduct daily
19 monitoring of the hydrogen sulfide concentration in gases purged from the air chamber of the
20 Dystor unit.

21 2 Applicant shall submit bi-weekly reports to the Hearing Board in writing, in an
22 original and eight copies, documenting daily hydrogen sulfide emissions from the purge air system
23 and progress on repairs to the system. Reports shall be addressed to Ms. Neel Advani, Deputy
24 Clerk of the Boards, Hearing Board, Bay Area Air Quality Management District, 939 Ellis Street,
25 San Francisco, California 94109 and shall be due one week after the end of each two-week period.

26 3. Applicant shall prepare a written engineering analysis of the purge air system and

1 Dystor unit focusing on proper installation of the system and on reducing impacts from the
2 installation. The analysis shall be submitted to the Hearing Board by April 22, 2004, in an original
3 and eight copies, and shall be addressed to Ms. Neel Advani, as described above.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

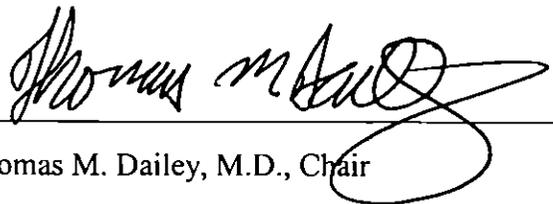
Moved by: Christian Colline, P.E.

Seconded by: Allan R. Saxe, Esq.

AYES: Christian Colline, P.E.; Julio Magalhães, Ph.D.; Allan R. Saxe, Esq.

NOES: Terry A. Trumbull, Esq.; Thomas M. Dailey, M.D.

ABSENT: None.



Thomas M. Dailey, M.D., Chair

4-8-04
Date