

FILED

MAY 16 2013

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT
Sean Gallagher
Clerk of the Boards
Bay Area Air Quality
Management District

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

In the Matter of the Application of)
)
SAN JOSE / SANTA CLARA WATER) No. 3648
POLLUTION CONTROL PLANT)
) ORDER GRANTING
For a Variance from Regulation 9, Rule 1,) EMERGENCY VARIANCE
Section 302, and Permit Condition 17741.)
_____)

The above-entitled matter, being an Application for Variance from the provisions of Regulation 9, Rule 1, Section 302, and Permit Condition 17741, having been filed on March 20, 2013, at 2:21 p.m., and having been considered by the Hearing Board,

THE HEARING BOARD STATES as the reasons for its decision and FINDS as to those matters in which findings are required:

A. Applicant filed this Application for Variance under the Emergency Variance (EV) procedures, Hearing Board Rules, Section 2.5. Pursuant to Health and Safety Code Sections 42359 and 42359.5, the Hearing Board determined that this Application properly could be ruled upon without notice and hearing. Prior to making this determination, and in accordance with Hearing Board Rules Section 2.5.d.2, the Hearing Board requested and received a response to this Application from the Executive Officer/Air Pollution Control Officer (APCO) for the Bay Area

1 Air Quality Management District (Air District). The response recommended the EV be granted.

2 B. Applicant operates a waste water treatment plant at 700 Los Esteros Road, San
3 Jose, CA 95134.

4 C. A ferric chloride dosing tank began leaking, as discovered by a Plant Area Shift
5 Supervisor, resulting in a release of ferric chloride used to suppress hydrogen sulfide (H2S) in the
6 digester gas, resulting in an excess in H2S in the digester gas.

7 D. Applicant has determined that the tank must be replaced and has begun the
8 installation process but must work to comply with the Certified Unified Program Agency
9 permitting requirements relative to the new tank placement. Applicant has requested a variance
10 period of March 20, 2013, at 5:00 p.m., to April 20, 2013, at 5:00 p.m. (32 days).

11 E. Applicant estimates there will not be excess emissions during the repair period.

12 F. Applicant cannot curtail, terminate or modify operations in lieu of obtaining a
13 variance because wastewater treatment operations are constantly running.

14 G. Applicant intends to reduce excess emissions during the variance period by
15 exploring the possibility of dosing upstream of the plant in the collection system, if permissible
16 and effective.

17 H. Therefore, the Applicant does meet the good cause standard for issuance of an EV.

18 THEREFORE, THE HEARING BOARD ORDERS:

19 An Emergency Variance from Regulation 9, Rule 1, Section 302 and Permit Condition
20 17741, be and is hereby granted.

21
22 DATED: May 16, 2013

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25 Gilbert G. Bendix, P.E.
26 Hearing Board Member

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
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Section 302, and Permit Condition 17741.)
_____)

NO. 3648

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA)
)
City and County of San Francisco) ss.

I, Sean Gallagher, do hereby certify under penalty of perjury as follows:

That I am a citizen of the United States, over the age of eighteen years and not a party to the above entitled action; that I served a true copy of the attached Order Granting Emergency Variance on:

**Joanna De Sa
City of San Jose ESD
700 Los Esteros Road
San Jose, CA 95134**

by depositing same in the United States certified mail, return receipt requested on May 22, 2013; and on

**Brian C. Bungler
District Counsel
Bay Area Air Quality Management District
939 Ellis Street, 7th Floor
San Francisco, CA 94109**

by hand-delivery deposit of same in the in-box of the District Counsel's office, on May 22, 2013.

DATED: May 22, 2013



Sean Gallagher
Clerk of the Boards