

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

TO: Chairperson John Gioia and Members of the Executive Committee
FROM: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board
DATE: October 9, 2012
RE: Hearing Board Quarterly Report – April through June 2012

RECOMMENDED ACTION:

None; receive and file.

DISCUSSION:

During the second quarter of 2012 (April through May), the Hearing Board:

- Held three (3) hearings consisting of one (1) Accusation (3633), one (1) Appeal (3632), one (1) Variance (3631), and zero (0) Emergency Variances;
- Processed a total of five (5) orders consisting of one (1) Accusation (3633), zero (0) Appeals, zero (0) Variances, two (2) Emergency Variances (3634 and 3635) and two (2) Requests for Withdrawal/Dismissal (3631 and 3632); and
- Collected a total of \$6,058.20.

Below is a detail of Hearing Board activity during the second quarter of 2012 (April through June):

Location: Contra Costa County; City of Martinez

Docket: 3624 – TESORO REFINING AND MARKETING COMPANY, GOLDEN EAGLE REFINERY (B2758) AND AMORCO TERMINAL (B2759) – *Appeal from Final Major Facility Review Permit issued June 28, 2011.*

Regulation(s): Final Major Facility Review Permit

Status: Appeal filed 07-27-2011; pro forma hearing scheduled for 09-22-2011 in conjunction with Docket 3532 Tesoro Refining and Marketing Company, et al; pro forma hearing rescheduled for 10-13-2011 and again for 11-10-2011; pro forma hearing held 11-10-2011 and continued for further pro forma hearing to 01-19-2012; pro forma hearing held 01-19-2012 wherein a briefing schedule was established and continued for further pro forma hearing to 07-12-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0

Location: Santa Clara County; City of San Jose

Docket: 3631 – JDS UNIPHASE CORPORATION – *Application for Variance (Interim and Regular)*

Regulation(s): 2-1-307; Permit Conditions A7 – A10 of Application for Permit # 23600; amended to Permit Condition A9 only on 04-12-12.

Status: Application filed 03-15-2012; interim variance hearing scheduled for 04-05-2012 and regular variance hearing scheduled for 05-03-2012; interim variance granted at hearing on 04-05-2012; Request for Withdrawal of Application filed on 04-27-2012; Order Granting Interim Variance filed 04-28-2012; Order for Dismissal filed 04-28-2012 and regular variance hearing canceled.

Period of Variance: Requested and interim granted for 03-12-2012 through 05-03-2012

Estimated Excess Emissions: 31 lbs./day of non-methane hydrocarbon

Fees collected this quarter: \$0

Location: Alameda County; City of Livermore

Docket: 3632 WASTE MANAGEMENT OF ALAMEDA COUNTY, INC. – *In the Matter of the Appeal of Permit to Operate Plant No. 2066*

Regulation(s): Permit to Operate

Status: Appeal filed 04-05-2012; pro forma hearing scheduled for 04-26-2012; pro forma hearing held 04-26-2012 and continued for further pro forma to 06-14-2012 at the request of Applicant; Request for Withdrawal of appeal filed 06-13-2012; Order for Dismissal filed 06-13-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$2,744.00 (Filing fee) and \$296.20 (Publication)

Location: Alameda County: City of Hayward

Docket: 3633 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. COLLISION TECHNOLOGIES, INC., A CALIFORNIA CORPORATION, D/B/A G & G ENTERPRISES and GERARDO MALDONADO, A/K/A GARY MALDONADO, INDIVIDUALLY AND D/B/A G & G ENTERPRISES - *Accusation*

Regulation(s): 2-1-302

Status: Accusation filed 04-11-2012; evidentiary hearing scheduled for 06-07-2012; conditional order for abatement granted at hearing on 06-07-2012; Conditional Order for Abatement filed 06-10-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the District)

Location: Solano County; City of Fairfield

Docket: 3634 REXAM BEVERAGE CAN COMPANY – *Application for Emergency Variance*

Regulation(s): 2-1-307; and Permit Condition #391, Parts 1 through 12

Status: Application filed on 05-18-2012; order granting emergency variance filed 06-06-2012

Period of Variance: May 18, 2012, through May 19, 2012

Estimated Excess Emissions: 1,292 pounds volatile organic compounds (VOC) and 54 pounds of toxic air contaminants (TAC)

Fees collected this quarter: \$685.00 (Filing fee)

Location: Santa Clara County; City of Gilroy

Docket: 3635 GILROY ENERGY CENTER, LLC – *Application for Emergency Variance*

Regulation(s): Permit Condition 18101 Part 19.2, ammonia slip limit 10.0 parts per million (PPM) at 15% O₂ 3-hour average

Status: Application filed on 06-06-2012; order granting emergency variance filed on 06-20-2012

Period of Variance: June 6, 2012, through July 4, 2012

Estimated Excess Emissions: Ammonia – 11.63 PPM NH₃ @ 15% O₂ Unit S-3 and 17.81 PPM NH₃ @ 15% O₂ Unit S-4

Fees collected this quarter: \$685.00 (Filing fee)

Location: Napa County; City of American Canyon

Docket: 3636 THE COCA-COLA COMPANY, INC. – *Application for Short-Term Variance*

Regulation(s): 2-1-307; Permit Condition 25049, Parts 2, 3 and 5

Status: Application filed on 06-28-2012; Request for Withdrawal filed 06-13-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$1,648.00 (Filing fee)

Location: Contra Costa County; City of Rodeo

Docket: 3637 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. PINOLE RODEO AUTO WRECKER and JIM TAYLOR, INDIVIDUALLY AND D/B/A PINOLE RODEO AUTO WRECKER – *Accusation*

Regulation(s): 2-1-302

Status: Accusation filed on 06-28-2012; Evidentiary Hearing scheduled for 08-02-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the District)

Location: San Mateo County; City of La Honda

Docket: 3638 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. COSTA LOMA LIMITED CORPORATION, A CALIFORNIA CORPORATION and JAMES A. WILKINSON, A/K/A HIM WILKINSON, INDIVIDUALLY AND D/B/A COSTA LOMA LTD. CORPORATION

Regulation(s): 2-1-302

Status: Accusation filed 06-28-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the District)

Respectfully submitted,

Thomas M. Dailey, M.D.
Chair, Hearing Board

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval