

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Executive Committee

From: Chairperson Terry Trumbull, Esq., and Members
of the Hearing Board

Date: May 6, 2013

Re: Hearing Board Quarterly Report – January through March 2013

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the first quarter of 2013 (January through March), the Hearing Board:

- Held four (4) hearings consisting of one (1) Accusation (3646), three (3) Appeals (Evidentiary hearing, days 1 through 3, in 3644) and zero (0) Variances;
- Processed a total of five (5) orders consisting of one (1) Accusation (3638), zero (0) Appeals, zero (0) Variances, zero (0) Emergency Variances and four (4) Requests for Withdrawal/Dismissal (3624, 3640, 3641 and 3645); and
- Collected a total of \$3,290.00.

Below is a detail of Hearing Board activity during the same period:

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

Synopsis: Applicant's Title V Permit must be renewed every two years. Applicable regulations were amended in the interim period and the conditions of the Title V Permit were not amended to conform to same.

Status: Order for Dismissal filed 03-07-2013, upon the request of Appellant.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0

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 – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to operate an unsafe facility with no permit to operate in place or accompanying fees paid.

Status: Conditional Order for Abatement filed 01-10-2013.

Period of Variance: N/A

Estimated Excess Emissions: N/A

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

Location: Contra Costa County; City of Martinez

Docket: 3640 TESORO REFINING AND MARKETING COMPANY – *Application for Regular Variance*

Regulation(s): 8-2-301 regarding compliance with Condition 22070 and Table VII – B.6 of Permit to Operate; 2-6-307; and 2-1-307

Synopsis: Applicant's Hydrogen Plant includes two carbon dioxide removal systems that include carbon dioxide vents, one of which is believed to have measured excess emissions.

Status: Order for Dismissal filed 01-18-2013, upon the request of Applicant.

Period of Variance: N/A

Estimated Excess Emissions: Between 1.34 and 288.9 lb/day carbon over the limit of 15 lb/day.

Fees collected this quarter: \$0

Location: Contra Costa County; City of Concord

Docket: 3641 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. ALL STAR SERVICE, INC., D/B/A ALL STAR GASOLINE AND KELLY ENGINEER, INDIVIDUALLY AND D/B/A ALL STAR GASOLINE – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to own and/or operate a gas dispensing facility without a permit to operate since January 1, 2011.

Status: Order for Dismissal filed 01-10-2013, upon the request of Complainant.

Period of Variance: N/A

Estimated Excess Emissions: N/A

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

Location: Solano County; City of Suisun City

Docket: 3644 POTRERO HILLS ENERGY PRODUCERS, LLC, AND DTE BIOMASS ENERGY – *Appeal from Conditions of Authority to Construct Requiring Selective Catalytic Reduction as Best Available Control Technology for the Landfill Gas to Energy Project*

Regulation(s): Conditions of Authority to Construct Requiring Selective Catalytic Reduction as Best Available Control Technology for the Landfill Gas to Energy Project

Synopsis: Appellant requested review of the conditions imposed by the Air District requiring Selective Catalytic Reduction as Best Available Control Technology in issuing an Authority to Construct.

Status: Evidentiary hearing days 1 through 3 held on 02-07-2013, 02-28-2013 and 03-21-2013, respectively. Appeal was granted.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$2,991.00 (filing fee)

Location: San Mateo County; City of La Honda

Docket: 3645 COSTA LOMA LIMITED CORPORATION – *Application for Regular Variance*

Regulation(s): 8-5-301

Synopsis: Applicant seeks temporary relief for the facility that is the subject of Docket 3638 APCO v. Costa Loma Limited Corporation (see above).

Status: Order for Dismissal filed on 01-10-2013, upon the request of Applicant.

Period of Variance: Requested 235 days

Estimated Excess Emissions: None

Fees collected this quarter: \$0 (Hardship waiver filed)

Location: Alameda County; City of Hayward

Docket: 3646 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. KELLY ENGINEER, AN INDIVIDUAL – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to operate a gasoline dispensing facility with no permit to operate in place or accompanying fees paid.

Status: Evidentiary hearing held 03-07-2013 and Conditional Order for Abatement was granted, based upon the stipulation of the parties.

Period of Variance: N/A

Estimated Excess Emissions: N/A

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

Location: Contra Costa County; Census Designated Place of Crockett

Docket: 3647 CROCKETT COGENERATION – *Application for Emergency Variance*

Regulation(s): 2-6-307 and 2-2-301

Synopsis: Request to allow for short term commissioning period of the gas turbine with a refurbished compressor to repair damage to the gas turbine compressor resulting from the combustion turbine blade failures.

Status: Request was denied.

Period of Variance: N/A

Estimated Excess Emissions: 736.1 lbs/day of NOx

Fees collected this quarter: \$747.00

Location: Santa Clara County; City of San Jose

Docket: 3648 SAN JOSE / SANTA CLARA WATER POLLUTION CONTROL PLANT –
Application for Emergency Variance

Regulation(s): 9-1-302; Permit Condition 17741 – Digester gas total sulfur content shall not exceed 650 ppm

Synopsis: Ferric chloride dosing tank leak that results in chemical release; must replace the tank after obtaining requisite permits and will be unable to dose during transition.

Status: Granted as requested.

Period of Variance: Requested 03-20-13 through 04-20-13

Estimated Excess Emissions: None at this time

Fees collected this quarter: \$747.00

Location: Contra Costa County; Census Designated Place of Crockett

Docket: 3647 CROCKETT COGENERATION – *Application for Variance (Short)*

Regulation(s): 2-6-307 and 2-2-301

Synopsis: Request to allow for short term commissioning period of the gas turbine with a refurbished compressor to repair damage to the gas turbine compressor resulting from the combustion turbine blade failures.

Status: Evidentiary hearing scheduled for 05-02-13

Period of Variance: Requested 04-22-13 through 05-05-13

Estimated Excess Emissions: 736 lbs/day of NOx

Fees collected this quarter: \$1,796.00

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval