

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

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

Date: April 22, 2014

Re: Hearing Board Quarterly Report – January through March 2014

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the first quarter of 2014 (January through March), the Hearing Board:

- Held two hearings consisting of one Accusation (3659), no Appeals and one Variance (3658);
- Processed a total of two orders consisting of one Accusation (3659), no Appeals, no Variances, no Emergency Variances and one Request for Withdrawal/Dismissal (3657); and
- Collected a total of \$6,520.00 in filing fees.

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

Location: Alameda County; City of Hayward

Docket: 3657 RUSSELL CITY ENERGY COMPANY, LLC – *Application for Interim and Regular Variances*

Regulation(s): 2-1-307; Authority to Construct and Prevention of Significant Deterioration permit Condition 23763, Parts 44 and 45

Synopsis: Applicant is the owner and/or operator of a combined cycle power generation facility equipped with a nine-cell cooling tower with high-efficiency mist eliminators testing in excess of the required drift rate.

Status: Application withdrawn March 4, 2014 and Order for Dismissal filed March 13, 2014

Period of Variance: Requested December 20, 2013 through September 30, 2014

Estimated Excess Emissions: Fine and ultrafine particulate matter in amounts to be determined

Fees collected this quarter: \$0.00

Location: Santa Clara County; City of San Jose

Docket: 3658 GUADALUPE RUBBISH DISPOSAL COMPANY, INC. – *Application for Regular Variance*

Regulation(s): 8-34-301.1; and California Air Resources Board Landfill Methane Rule, Section 95464(b)(2)(A)

Synopsis: Applicant operates a landfill and states that the current abatement flare may not be able to abate all landfill gas (LFG) generated by Fall 2014 and proposes to install a non-enclosed candlestick flare in the interim in tandem with the existing enclosed flare in order to abate the additional LFG until the new larger permanent flare and power plant engines are installed by the end of October 2014. The District approved the new flare and power plant engines project in August 2012, and it is valid until August 9, 2014. However, approval of the project by the City of San Jose is pending due to CEQA and EIR review.

Status: Application denied at the hearing on March 13, 2014

Period of Variance: Requested December 31, 2013 through October 31, 2014

Estimated Excess Emissions: 18.4 tons/year nitrogen oxides and 91.98 tons/year carbon monoxide

Fees collected this quarter: \$3,260.00

Location: Alameda County; City of Hayward

Docket: 3659 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. RUSSELL CITY ENERGY COMPANY, LLC – *Accusation*

Regulation(s): 2-2-307; Permit to Operate Condition 44

Synopsis: Respondent operates a 619 megawatt combined-cycle energy production facility that is expected to be a Title V facility once the application has been submitted. Source testing indicated that the Respondent violated the cooling tower ‘drift rate’ limit and that the regulated material in excess was particulate matter. The drift rate tested approximately one order of magnitude (i.e., ten times) above the permissible limit.

Status: Stipulated Conditional Order for Abatement filed March 13, 2014

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A

Location: Contra Costa County; City of Richmond

Docket: 3660 CHEVRON PRODUCTS COMPANY – *Appeal*

Regulation(s): Permit to Operate Abatement Equipment, A-629, Temporary Carbon System for Abating No. 17 Pump Station Fugitive Emissions

Synopsis: In 1992, Appellant applied for a permit to install eight thermal oxidizers to abate various pump seal fugitive emissions and applied to use thermal oxidizers for the exemptions. In August 2013, Appellant found the thermal oxidizer operating less than the minimum required temperature and filed emergency variance docket number 3653. During the course of an Enforcement investigation, Appellant was found not to have done any preventative maintenance of the thermal oxidizer since installation in 1992 (over 20 years of operation). The variance was denied on September 12, 2013. In January 2014, Respondent issued the permit to operate with new Permit Condition # 8869 Part 5 (requiring continual abatement with the thermal oxidizers) and new Permit Condition # 25708.

Status: Hearing scheduled for April 17, 2014

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$3,260.00

Location: Contra Costa County; City of San Pablo

Docket: 3661 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. ALEX AGUILAR – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to own and operate a body shop since at least 2012 without a permit to operate and failed to install a spray booth or use any filtration device for the coating operations and failed to maintain volatile organic compounds, coating, or solvent records, as required per District regulations.

Status: Hearing scheduled for April 10, 2014

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

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