

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Carole Groom and Members
of the Executive Committee

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

Date: April 1, 2015

Re: Hearing Board Quarterly Report – January through March 2015

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the first quarter of 2015 (January through March), the Hearing Board:

- Held two hearings, including one Accusation and one Appeal. There were no hearings relative to Variances;
- Processed a total of one order, consisting of an Accusation (3668). There were no orders relative to Appeals or Emergency Variances and no Orders for Dismissal relative to any type of matter; and
- Collected a total of \$531.00 in filing fees

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

Location: Solano County; City of Benicia

Docket: 3667 VALERO REFINING COMPANY – CALIFORNIA – *Appeal*

Regulation(s): Final Decision on Banking of Emission Reduction Credits, Issued November 21, 2014

Synopsis: Appellant alleges the Air District has historically established an emissions baseline used to calculate emission reduction credits by relying on the date an application for permit is submitted but erroneously utilized the date of an application for banking credits based on recent rulemaking.

Status: Hearing scheduled for April 30, 2015.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0.00

Location: Contra Costa County; City of Concord

Docket: 3668 APCO v. ALL STAR SERVICE, INC.; KELLY ENGINEER; and PERRIN ENGINEER – *Accusation*

Regulation(s): Regulation 2, Rule 1, Section 302

Synopsis: Respondent is a retail gasoline station equipped with three underground storage tanks. A Notice of Violation was issued to Respondent on March 21, 2011 for operating without a valid Permit to Operate (P/O). Respondent has not had a valid P/O since January 2011. The APCO sought an Order for Abatement requiring Respondent to cease violating operating without a current P/O by (i) immediately ceasing operation of the facility, or (ii) by paying the permit fees.

Status: Stipulated Order for Abatement filed March 17, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Santa Clara County; City of San Jose

Docket: 3669 APCO v. MARIO ROJAS; MARIA ROJAS; and MARCOS ALVAREZ – *Accusation*

Regulation(s): Regulation 2, Rule 1

Synopsis: Respondents operate an auto body painting facility which has operated since August 15, 2012 without a District P/O in violation of the above regulation. Respondents were issued a Notice of Violation in 2013 for no P/O. The APCO seeks a Conditional Order for Abatement that requires Respondents to cease violating Regulation 2-1-302 by: (i) immediately ceasing operation of the facility, or (ii) by complying with District permit requirements.

Status: Continued hearing scheduled for May 14, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Sonoma County; City of Santa Rosa

Docket: 3670 SONOMA COUNTY MEAT CO – *Application for Variance*

Regulation(s): Regulation 6, Rule 1, Section 301

Synopsis: Applicant operates a meat smoking facility and was issued a Notice of Violation for excessive emissions.

Status: Hearing scheduled for April 16, 2015.

Period of Variance: February 24, 2015 through February 24, 2016

Estimated Excess Emissions: 0.24 lb/day particulate matter

Fees collected this quarter: \$531.00

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Sean Gallagher
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