

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson David Hudson and Members
of the Executive Committee

From: Chairperson Valerie J. Armento, Esq., and Members
of the Hearing Board

Date: July 9, 2018

Re: Hearing Board Quarterly Report: April – June 2018

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the second calendar quarter of 2018 (April - June), the Hearing Board:

- Held no hearings;
- Processed a total of four orders; and
- Collected a total of \$4,602.00 in filing fees.

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

Location: Solano County; City of Suisun City

Docket: 3705 – Potrero Hills Landfill, Inc. – Request for Short-Term Variance

Regulation(s): Regulation 2, Rule 1, Section 301 (Permits, General Requirements, Authority to Construct)

Synopsis: The Potrero Hills Landfill (PHLF) is a municipal solid waste landfill equipped with a landfill gas (LFG) collection and control system. The facility provides solid waste management services for the local communities, including collection, re-use, recycling, and disposal of municipal solid waste. The majority of the collected LFG is sent to a landfill gas to energy facility, which is permitted separately from the Landfill, in order to produce renewable energy. A Variance was sought for the central function of the site: To accept and place municipal solid waste and other waste material in the landfill. Curtailing operations would deprive the community of vital public services. In addition, PHLF would suffer substantial economic losses if forced to curtail landfilling operations. An application for a landfill expansion at the PHLF was first submitted to the BAAQMD in 2004. Permitting was delayed for several years due to protracted legal challenges to Solano County's environmental approval of the project. These legal challenges were resolved in early 2014. Several applications updating the original application were submitted since the original 2004 application, with the most recent permit application (application # [AIN] 27654) submitted on November 11, 2015. The intent of that application was to update and replace the original 2004

application (AIN 11378). BAAQMD determined the updated application to be complete on July 25, 2016; however, the District had not yet issued a permit. A primary factor in the delayed completion of the permitting was staffing/workload constraints on permitting staff, a factor beyond the control of PHLF. PHLF initially expected an Authority to Construct (ATC) increasing the cumulative disposal limit, based on the updated application, to be issued by the end of 2016. In 2018, PHLF was rapidly approaching its current cumulative limit and expected to reach it by the end of March 2018. It was not feasible for PHLF to curtail operations, as it would deprive the community of vital public services. As such, a variance was needed to allow the landfill to continue landfilling operations.

Status: Applicant submitted an application for a short-term variance on March 22, 2018; Hearing scheduled for April 10, 2018; Applicant requested to withdraw application on April 3, 2018 due to negotiations with staff for a Compliance/Enforcement Agreement; Order for Dismissal filed on April 4, 2018.

Period of Variance Requested: March 21, 2018 to Issuance of Authority to Construct

Estimated Excess Emissions: 21.66 tons of fugitive Particle Oxidation Catalysts emissions/year

Fees collected this quarter: None

Location: Contra Costa County; City of Richmond

Docket: 3706 – Wholesome Harvest Bakery, a Division of Bimbo Bakeries USA – Request for Interim and Regular Variances

Regulation(s): Regulation 2, Rule 1, Section 307 (Permits – General Requirements - Failure to Meet Permit Conditions); and Regulation 8, Rule 42, Section 303 (Organic Compounds – Commercial Break Bakeries - Emission Control Requirements, Existing Ovens)

Synopsis: A variance was sought for the 98% destruction efficiency permit condition for the catalytic oxidizer (A 1) which reduces ethanol emissions from the bread and rolls baked in the two tunnel ovens (S-1 and S-2). The facility requested a variance to operate at current conditions (estimated at 95% destruction efficiency) for this catalytic oxidizer while the applicant prepared a permit modification for its planned replacement. The applicant will request a 95% destruction efficiency for the new catalytic oxidizer. The variance would allow the bakery to operate while the new oxidizer is purchased, permitted, installed and source tested.

Status: Application filed on May 21, 2018; interim and regular variance hearings scheduled back-to-back on July 10; applicant requested to withdraw application on June 11; Order for Dismissal filed on June 11, 2018.

Period of Variance Requested: June 1, 2018 to March 31, 2019

Estimated Excess Emissions: 4.3 lbs of ethanol per day before mitigation

Fees collected this quarter: \$4,602.00

Location: San Mateo County, City of South San Francisco

Docket: 3707 - APCO vs. Gold Star Auto Body, LLC., et al – *Accusation*

Regulation(s): Regulation 2, Rule 1 (Permits, General Requirements)

Synopsis: Respondents have owned or operated a facility in South San Francisco, California, where they conduct auto body coating operations, for which they must hold a District permit to operate pursuant to District Regulation 2, Rule 1. District records indicate they have owned or operated the facility since at least 2007 and have not had a current or valid permit to operate the facility since April 1, 2010. The Air District alleged that despite Respondents' knowledge that they must hold a permit to conduct auto body coating operations, since at least April 1, 2010, they have continued to operate without one. Complainant sought an order that Respondents cease conducting operations until they obtain a District permit to do so.

Status: Accusation filed on May 29, 2018; hearing scheduled for July 17; Order for Dismissal filed on July 10, 2018 since facility obtained all required permits.

Location: Solano County, City of Vallejo

Docket: 3708 – APCO vs. Andy's BP Inc., et al - *Accusation*

Regulation(s): Regulation 2, Rule 1, Section 302 (Permit to Operate)

Synopsis: Respondents have owned or operated a gasoline dispensing facility in Vallejo, California, for which they must hold a District permit to operate pursuant to District Regulation 2, Rule 1. District records indicate they have owned or operated the facility since at least December 2011, but have not had a current or valid permit to operate the facility since March 1, 2014. The District is informed and believes and thereon alleges that Respondents know they must hold a permit to operate a gasoline dispensing facility, but that despite knowledge, they have been operating it without one since at least March 1, 2014. Complainant sought an order that Respondents cease conducting operations unless and until they obtain a District permit to do so.

Status: Accusation filed on June 12, 2018; hearing scheduled for July 17, 2018; Order for Dismissal filed on June 27, 2018.

Respectfully submitted,

Valerie J. Armento, Esq.
Chair, Hearing Board

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