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**BEFORE THE HEARING BOARD OF THE  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
STATE OF CALIFORNIA**

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In the Matter of the Application of ) Docket No. 3769  
SILICON VALLEY CLEAN WATER ) ORDER GRANTING INTERIM VARIANCE  
For Interim Variance from Regulation, 2, Rule 1, )  
Section 307; Regulation 9, Rule 2, Section 301; )  
and Permit Condition #26966, Parts 1, 3, & 5 )  
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**Findings and Decision of the Hearing Board**

The above-entitled matter, being an Petition for Interim and Regular Variance from the provisions of Regulation 2, Rule 1, Section 307, Regulation 9, Rule 2, Section 301, & Permit Condition #26966, Parts 1, 3, & 5 of the Bay Area Air Quality Management District (District) was filed on March 13, 2026, after the Petitioner originally filed an emergency variance petition, on February 27, 2026. On March 3, 2026, the parties deemed the emergency variance was not the appropriate action to seek, and the Petitioner changed the nature of the petition, to that of interim and regular variances. The Interim Variance portion of the petition was heard on March 24, 2026, pursuant to notice and in accordance with the provisions of Health and Safety Code Sections 40824 and 40825. Petitioner, Silicon Valley Clean Water, was represented by Kim Hackett, Matt Zucca, and Arvind Akela of Silicon Valley Clean Water, and Jeff Adkins, of Trinity Consultants. Respondent, Air Pollution Control Officer (APCO) of the Bay Area Air Quality Management District (Air District), was represented by Jamie Jefferson, Assistant Counsel at the Air District.

THE HEARING BOARD STATES as the reasons for its decision and FINDS as to those

1 matters in which findings are required:

2 **Nature of Business and Location of Facility**

3 Petitioner is a regional wastewater treatment plant (the “Facility”) located at 1400 Radio  
4 Road, Redwood City, CA, 94065.

5 **Equipment Subject to the Variance Petition**

6 The equipment that is the subject of the petition is the Facility’s (Plant 1534) Packed Bed  
7 Scrubber odor control system (A-23), which serves the Preliminary Treatment System, Receiving  
8 Lift Stations, Surge Flow Structure & Headworks (S-111).

9 **Summary**

10 The circumstances leading to the need for both an Interim and Regular Variance were the  
11 result of a sudden and unforeseen failure of a piece of air pollution control equipment, blower Fan  
12 #2 for the A-23 Packed Bed Scrubber. At the time of Fan #2’s failure, the spare blower Fan #1  
13 was out of service and in the process of being rebuilt. While no one was injured as a result of the  
14 incident, the failure was a significant safety incident, as pieces of the fan broke apart and broke  
15 through the fan housing at a rate of speed that could have caused significant injury. To prevent  
16 reoccurrence of equipment failure and for the safety of personnel and the community nearby, both  
17 scrubber fans will remain out of service until the underlying issue is identified and resolved.

18 A prior emergency variance petition was submitted in September 2023, regarding blower  
19 Fan #1, which experienced a failure similar to the one now reported with Fan #2. Fan #1 was  
20 repaired and returned to service in 2024. Both Fan #1 and Fan #2 were modified in 2024 to address  
21 vibration problems to prevent a recurrence of a similar event.

22 On Wednesday 2/25/2026 at 0720 hours, Fan #2 for Scrubber A-23 catastrophically failed  
23 and broke through its fiberglass enclosure causing debris to scatter nearby. Personnel at the Facility  
24 immediately discovered the failure. The system operates with redundant Fans #1 and #2. In  
25 November 2025, Fan #1 started making noises that were concerning to the Petitioner’s

1 maintenance division. At that time, Fan #2 was placed in service, while Fan #1 was taken out of  
2 service to be investigated and rebuilt. Since November, the odor control system was running on  
3 Fan #2. Once Fan #2 failed, the Petitioner was aware of their noncompliance with permit  
4 conditions since both fans were out of service. Petitioner decided that both fans will remain out of  
5 service as a precaution until the underlying root cause is identified and resolved to prevent  
6 reoccurrence of equipment failure and for the safety of facility personnel and the community  
7 nearby.

8 Petitioner immediately contacted the contractors and manufacturers involved with the  
9 design, installation and operation of the A-23 Scrubber odor control system, including the fan  
10 blowers. The Petitioner has hired a third-party expert to conduct a root cause investigation with  
11 support from facility personnel to determine the cause of the fan's failure and next steps for  
12 returning the odor control system to service under safe and reliable conditions.

13 Beginning February 25, 2026, the following operational changes were performed to  
14 mitigate excess emissions and establish a temporary setup that allows passive airflow through the  
15 biofilters and carbon filters of the Packed Bed Scrubber odor control system:

- 16 - The gravity-fed pipeline leading to S-111 is now operating in level control, thereby  
17 creating natural air flow drawn in from the drop structures due to free-flowing water  
18 through the tunnel.
- 19 - Nitrate dosing upstream of the Headworks has been increased to temporarily reduce the  
20 potential for hydrogen sulfide coming out of solution in the gravity feed pipeline.
- 21 - The Headworks odor control ventilation damper valve was partially closed to increase air  
22 flow from the Receiving Lift Station and gravity feed pipeline.
- 23 - To prevent short-circuiting of the A-23 Scrubber inlet air system, the inlet and discharge  
24 valves to Fan #2 were closed and Fan #2's housing has been covered with visqueen.
- 25 - The inlet and discharge valves to Fan #1 have been opened.

1 On February 27, 2026, a portable fan was temporarily placed at one of the carbon filter  
2 exhaust stacks to pull air through the A-23 Scrubber odor control system at approximately 1750  
3 SCFM. A new larger fan was ordered to replace the portable fan and increase airflow. The larger  
4 fan was installed on March 5, 2026 to pull more air through the system at approximately 5000  
5 SCFM.

6 The Petitioner cannot curtail wastewater flow into its treatment plant. Emissions from this  
7 wastewater flow through the S-111 Preliminary Treatment System are controlled by the A-23  
8 Packed Bed Scrubber. When the A-23 Scrubber fan is not operating, the vapor flows from the  
9 gravity-feed pipeline leading to S-111 and from the S-111 Headworks building will eventually  
10 reach a positive pressure resulting in excess emissions.

11 **Findings of Fact and Conclusions**

12 **(1) That the Petitioner for a variance is, or will be, in violation of Health and Safety Code**  
13 **Section 41701 or of any rule, regulation or order of the Air District.**

14 1. Without adequate mitigation the Petitioner will be in violation of District  
15 Regulation 2, Rule 1, Section 307, District Regulation 9, Rule 2, Section 301, & Permit Condition  
16 #26966, Parts 1, 3, & 5.

17 **(2) That, due to conditions beyond the reasonable control of the Petitioner, requiring**  
18 **compliance would result in either (A) an arbitrary or unreasonable taking of property, or**  
19 **(B) the practical closing and elimination of a lawful business.**

20 1. Petitioner is a public agency that provides an essential public service as a  
21 wastewater treatment plant.

22 2. Petitioner experienced a sudden and unforeseen failure of its A-23 Scrubber odor  
23 control system Fan #2.

24 3. Petitioner cannot safely repair or replace it's A-23 Scrubber Fan #2 and bring the  
25 equipment into compliance with existing District regulations and permit conditions.

1           4.       Due to these conditions beyond the reasonable control of the Petitioner, requiring  
2 compliance would impose an unreasonable burden upon an essential public service operated by a  
3 public agency.

4 **(3) That the closing or taking would be without a corresponding benefit in reducing air**  
5 **contaminants.**

6           1.       Requiring compliance would not significantly reduce excess emissions beyond  
7 current mitigated emission levels without threatening the safety of plant personnel.

8 **(4) That the Petitioner for the variance has given consideration to curtailing operations of**  
9 **the source in lieu of obtaining a variance.**

10          1.       Petitioner cannot curtail wastewater flows into the plant over the long term, but  
11 wastewater residence time in the gravity tunnel can and has been temporarily reduced to minimize  
12 H2S emissions.

13 **(5) During the period that the variance is in effect, that the Petitioner will reduce excess**  
14 **emissions to the maximum extent feasible.**

15          1.       Petitioner has implemented mitigation measures, including installing temporary  
16 fans to maintain airflow to the A-23 scrubber as described in their testimony, to reduce excess  
17 emissions to the maximum extent feasible during the variance period. The parties and the hearing  
18 board agreed to the attached interim variance conditions that will mitigate excess emissions to the  
19 maximum extent feasible.

20 **(6) During the period the variance is in effect, the Petitioner will monitor or otherwise**  
21 **quantify emission levels from the source, if requested to do so by the Air District, and report**  
22 **these emissions levels to the Air District, pursuant to a schedule established by the Air**  
23 **District.**

24          1.       Petitioner has agreed to the attached interim variance conditions that require  
25 monitoring of emissions from the source and confirming that odorous emissions do not reach its

1 fenceline, and reporting of this monitoring data to the District.

2 **Order**

3 THEREFORE, good cause appearing, THE HEARING BOARD ORDERS as follows:


4 Petitioner is granted an Interim Variance from Regulation, 2, Rule 1, Section 307;  
5 Regulation 9, Rule 2, Section 301; and Permit Condition #26966, Parts 1, 3, & 5; subject to the  
6 attached conditions. This variance is effective as of the date of the hearing, March 24, 2026, until  
7 June 22, 2026 or the date on which the Hearing Board makes a determination on the regular  
8 variance Petition (anticipated to be May 19, 2026), whichever occurs first.

9  
10 **Motion to Adopt Findings of Fact**

11 Moved by: Peter Y. Chiu, M.D., P.E.  
12 Seconded by: Amelia Timbers  
13 AYES: Barbara Toole O’Neil, MS, QEP, Ch.E., Vice Chair; Rajiv Dabir,  
14 P.E.; Peter Y. Chiu, M.D., P.E.; and Amelia Timbers.  
15 NOES: None.  
16 ABSTAIN: None.  
17 NON-PARTICIPATING: Wayne Farrens.

18  
19 **Motion to Grant Interim Variance**

20 Moved by: Peter Y. Chiu, M.D., P.E.  
21 Seconded by: Rajiv Dabir, P.E.  
22 AYES: Barbara Toole O’Neil, MS, QEP, Ch.E., Vice Chair; Rajiv Dabir,  
23 P.E.; Peter Y. Chiu, M.D., P.E.; and Amelia Timbers.  
24 NOES: None.  
25 ABSTAIN: None.  
NON-PARTICIPATING: Wayne Farrens.

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22 \_\_\_\_\_  
23 Barbara Toole O’Neil, MS, QEP, Ch.E.  
24 Vice Chair

3/30/26

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Date

24 ***Attachment: Interim Variance Conditions***

INTERIM VARIANCE CONDITIONS

Hearing Board Case No. 3679

Silicon Valley Clean Water (ID: 1534)

March 24, 2026

1. Upon issuance of the interim variance, Silicon Valley Clean Water (Petitioner) shall continue its root cause analysis to determine why Fan #1 and Fan #2 for Scrubber A-23 catastrophically failed in order to comply with its permit condition #26966, Parts 1, 3, and 5.
2. Petitioner shall utilize the following temporary measures to mitigate excess emissions for Scrubber A-23 during the period of this variance:
  - a. If one of the two 5,000 scfm fans goes out of service, increase the wastewater influent flowrates into the headworks, reducing retention time in the gravity pipe and reducing buildup and venting of gaseous odors.
  - b. The headworks odor control ventilation damper valve will be partially closed to increase air flow from the receiving lift station;
  - c. The inlet and discharge valves to Fan #2 will be closed and the inlet and discharge valves to Fan #1 will be opened;
  - d. Operate two 5,000 SCFM portable fans at both carbon filter exhaust stacks to pull air through the A-23 odor control system, facilitating airflow through both carbon towers simultaneously, except during fan maintenance not to exceed 12 hours per month; and
  - e. Continue nitrate dosing upstream of the headworks, to the extent necessary, to reduce potential for hydrogen sulfide (H<sub>2</sub>S) to be released in the gravity feed pipeline.
3. Petitioner shall monitor precursor organic compounds (POC) and H<sub>2</sub>S at the carbon exhaust stacks four days per week beginning no later than three (3) days after the interim variance is granted using the methodology described per permit condition # 27217. After four weeks demonstrating levels below the permit limits, monitoring frequency can be reduced to weekly; however, if there are any exceedances of POC or H<sub>2</sub>S permit limits, monitoring will revert to four days per week.
4. Petitioner shall provide the Bay Area Air District with a copy of these monitoring reports measuring POC and H<sub>2</sub>S at least ten (10) days before the hearing on the regular variance at the following e-mail addresses: Abenezzer Shankute ([ashankute@baaqmd.gov](mailto:ashankute@baaqmd.gov)), Paul Hibser ([phibser@baaqmd.gov](mailto:phibser@baaqmd.gov)) and Rochelle Bronson ([rbronson@baaqmd.gov](mailto:rbronson@baaqmd.gov)).

5. Petitioner shall perform a walk of the fenceline of the facility adjacent to the office buildings on Radio Road at least twice daily making qualitative observations of the presence of any foul odors, which shall be recorded in an odor log. The odor log shall be emailed to the Bay Area Air District on a weekly basis at the following e-mail addresses: Abenezer Shankute ([ashankute@baaqmd.gov](mailto:ashankute@baaqmd.gov)), Paul Hibser ([phibser@baaqmd.gov](mailto:phibser@baaqmd.gov)) and Rochelle Bronson ([rbronson@baaqmd.gov](mailto:rbronson@baaqmd.gov)).
  
6. At least ten (10 days) prior to the date set for the hearing on the regular variance, Petitioner shall prepare a written report identifying realistic timeframes for each measure of progress, including:
  - a. a date certain when the root cause analysis will be completed, if not completed by May 9, 2026;
  - b. engineering solutions;
  - c. filing of an application for authority to construct for any changes to the A-23 scrubber;
  - d. procurement of repair materials;
  - e. beginning of construction of fan repairs;
  - f. the completion of construction; and
  - g. return to compliance.
  - h. This written report shall be emailed to: Jamie Jefferson ([jjefferson@baaqmd.gov](mailto:jjefferson@baaqmd.gov)), Abenezer Shankute ([ashankute@baaqmd.gov](mailto:ashankute@baaqmd.gov)), Paul Hibser ([phibser@baaqmd.gov](mailto:phibser@baaqmd.gov)) and Rochelle Bronson ([rbronson@baaqmd.gov](mailto:rbronson@baaqmd.gov)).
  
7. Petitioner shall pay all applicable fees to the Clerk of the Board or the variance shall be invalidated pursuant to Regulation 3-301, except for excess emission fees, which shall be paid within fifteen (15) days of notification in writing that the fees are due, unless otherwise ordered by the Hearing Board. Petitioner shall calculate, record, and report all excess emissions during the variance period, and pay appropriate excess emission fees to the Clerk of the Board.

1 BEFORE THE HEARING BOARD  
2 OF THE  
3 BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
4 STATE OF CALIFORNIA

4 In the Matter of the Application of )  
5 Silicon Valley Clean Water )  
6 For Interim and Short-Term Variances from )  
7 Regulation, 2, Rule 1, Section 307; )  
8 Regulation 9, Rule 2, Section 301; and )  
9 Permit Condition #26966, Parts 1, 3, & 5 )

Docket No.: 3769

CERTIFICATE OF SERVICE



9 STATE OF CALIFORNIA )  
10 City and County of San Francisco ) ss.

11 I, Marcy Hiratzka, do hereby certify under penalty of perjury as follows:  
12 That I am a citizen of the United States, over the age of eighteen years and not a party to the  
13 above-entitled action; that I served a true copy of the attached **Order Granting Interim  
14 Variance** on:

14 Benjamin Padua, Jr., Env. Services Supervisor 15 Silicon Valley Clean Water <a href="mailto:bpaduajr@svcw.org">bpaduajr@svcw.org</a>	14 Kimberly Hackett 15 Silicon Valley Clean Water <a href="mailto:khackett@svcw.org">khackett@svcw.org</a>
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16  
17 by depositing same via email on April 2, 2026 and on:

18 Jamie Jefferson, Esq., Assistant Counsel  
19 Bay Area Air Quality Management District  
20 [jjefferson@baaqmd.gov](mailto:jjefferson@baaqmd.gov)

21 via email April 2, 2026

22 DATED: April 2, 2026

23   
24 \_\_\_\_\_  
25 Marcy Hiratzka  
26 Clerk of the Boards  
27  
28