

INSTRUCTIONS FOR PETITION FOR VARIANCE

1. Assistance in filing out this form is available by contacting the Bay Area Air Quality Management District Compliance Office at 415-749-4999.
2. Please type or print legibly.
3. Refer to the BAAQMD Regulations to determine all applicable rules and regulations that apply to your variance petition.
4. Refer to the Hearing Board Rules for information on the different types of variances; what types of evidence may be presented to the Hearing Board; and how the hearing will be conducted.
5. The filing fee for variances can be found on [Schedule A: Hearing Board Fees](#). Once the Clerk has assigned the Applicant a docket number, online credit card payments may be made at <https://allpaid.com/plc/a005wq>; or checks made out to "Bay Area Air Quality Management District" may be mailed to:

Clerk of the Boards
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA, 94105

6. Petition must be signed by the petitioner (applicant) or authorized agent. When the person signing is not the petitioner, petitioner should include a letter or notation indicating authority to sign.
7. Incomplete or unsigned petitions will not be accepted.

TYPES OF VARIANCES

For all legal requirements for the granting of variances, please refer to California Health & Safety Code, Article 2, Sections 42350 *et seq.*

SHORT: If compliance with District rule(s) can be achieved in **90 days or less**, request a short variance. (Hearing will be held after required 10-day posting notice.)

REGULAR: If compliance with District rule(s) will take **more than 90 days**, request a regular variance. If the variance request will extend beyond one year, you **must** include a specific detailed schedule of increments of progress which will lead to final compliance. (Hearing will be held after required 30-day public notice.)

EMERGENCY: If non-compliance is the result of an unforeseen emergency, such as a sudden equipment breakdown, power failure, or accidental fire, you may request an emergency variance. You may request an *ex parte* emergency variance in addition to an emergency variance. An emergency variance cannot be granted for more than **30 days**. Petitioner must present facts in its Petition and/or at the hearing

to support a determination by the Hearing Board that **good cause** exists to hear a variance without notifying the public about the variance and providing the public with an opportunity to present evidence concerning the variance. (Hearing will be held as soon as possible during normal business hours after filing.)

INTERIM: If you require immediate relief (other than for emergencies) to cover the time until a short or regular variance hearing can be held, request an interim variance. An interim variance cannot extend beyond **90 days**. If you request an interim variance, you must also request a short or regular variance on the same Petition. Petitioner must present facts, in its Petition and/or at the hearing, to support a determination by the Hearing Board that **good cause** exists to hear a variance without notifying the public about the variance and providing the public with an opportunity to present evidence concerning the variance. (Hearing will be held as soon as possible after filing based on the Hearing Board's calendar.)

GROUP: If there are multiple petitioners who are seeking variances based on common issues of law and fact, they may file for a group variance. The Bay Area AQMD General Counsel's Office should be consulted prior to filing for a group variance. The Petition must be accompanied by written declarations, signed under penalty of perjury, from each member of the group setting forth sufficient evidence to support the findings for a variance. No person will be included in the group without the submission of the declaration. Counsel for the APCO must stipulate to the admissibility of each declaration. Emergency relief is not available for a group variance. (Hearing will be held after notice requirements for either a short or regular variance are met, depending on the time requested.)

PRODUCT: If you are a manufacturer whose product does not comply with District regulations, you may request variance coverage for the sale, purchase and use of that particular product. Consult the H&S Code Sections 42365 *et seq.* for additional requirements that attach to a product variance. (Hearing will be held after notice requirements for either a short or regular variance are met, depending on the time requested.)

**PETITION FOR VARIANCE
BEFORE THE HEARING BOARD OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

PETITIONER

Name: Silicon Valley Clean Water

Check One: ___ Sole Proprietor ___ Partnership ___ Corporation
 X Government X Non-Profit (specify)_____

Mailing Address: 1400 Radio Rd., Redwood City, CA 94065

Phone number: 650-832-6243

Email Address: bpaduajr@svcw.org

Name, title, and phone number of person(s) authorized to receive notices (no more than two):

Benjamin Padua Jr., Environmental Services Supervisor, (650) 832-6243

Kim Hackett, Authority Engineer, (650) 832-6217

Briefly describe the type of business or organization/agency activity:

Silicon Valley Clean Water (SVCW) owns and operates a regional wastewater treatment plant within Redwood City.

Are you a Small Business as defined in Health and Safety Code Section 42352.5(b)?

___ Yes X No

Are you a public agency providing an “essential public service” as defined in Health and Safety Code Section 42352?

X Yes ___ No

VARIANCE REQUEST

Type of Variance Requested:

If you are selecting Interim Variance, you must also select a Short or Regular Variance to follow.

Interim Short Regular Emergency Product Group

Good Cause: (Required only for Emergency and Interim Variances Explain why this Petition was not filed in sufficient time to issue the required public notice.)

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

OPERATION

Briefly describe the type of equipment or process that is the subject of this variance petition, and why it is necessary to your operation. Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate for the subject equipment. For Title V facilities, attach only the relevant sections of the Facility Permit showing the equipment or process and conditions that are subject to this Petition. You must bring the entire Facility Permit to the hearing:

SVCW's (Plant 1534) Packed Bed Scrubber odor control system (A-23) serves the Preliminary Treatment System, Receiving Lift Stations, Surge Flow Structure & Headworks (S-111).

REGULATORY REQUIREMENTS

List all District Regulations, rules, and permit conditions that are the subject of this variance request. Identify all applicable subsections:

Plant #1534, Condition #26966, Parts 1, 3, and 5 (See attached PTO)

BAAQMD Reg 2-1-307, Failure to Meet Permit Conditions

BAAQMD Reg 9-2-301, Limitations on Hydrogen Sulfide

INFORMATION FOR VARIANCE FINDINGS

Is there a regular maintenance and/or inspection schedule for this equipment?

Yes No

If yes, how often: Fan - Quarterly maintenance/inspection; Fan Motor - Annual inspection

Date of last maintenance and/or inspection: Fan: Oct 28, 2025; Fan Motor: Sept 30, 2025

Was there any indication of problems with the subject equipment?

Yes No

Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning the equipment or activity that are the subject of this variance request within the past year?

Yes No

If yes, attach a copy of each notice.

Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six months?

Yes No

If yes, be prepared to present detailed testimony about the nature of these complaints at the hearing.

Has this matter been the subject of previous variance requests?

If yes, provide date of hearing, type of variance, and Hearing Board decision:

A prior emergency variance request was submitted regarding blower Fan #1, which experienced a failure similar to the one now reported with Fan #2. See attached Order Granting EV dated October 17, 2023.

Fan #1 was repaired and returned to service in 2024. Both Fan #1 and Fan #2 were modified in 2024 to address vibration problems to prevent a recurrence of a similar event.

Explain why it is beyond your reasonable control to comply with the regulations and permit conditions that will be the subject of this variance:

SVCW cannot curtail wastewater flow into its treatment plant. Emissions from this wastewater flow through the S-111 Preliminary Treatment System are controlled by the A-23 Packed Bed Scrubber. When the A-23 Scrubber is not operating, the vapor flows from the gravity-feed pipeline leading to S-111 and from S-111 itself will reach a positive pressure resulting in excess emissions

If you are seeking a product variance, briefly describe how you attempted to locate, research, or develop a product that is in compliance with District rules and regulations:

When and how did you first become aware that you are not (or will not be) in compliance with the regulations, rules and/or permit conditions?

On Wednesday 2/25/2026 at 0720 hrs, Fan #2 for Scrubber A-23 catastrophically failed and broke through its fiberglass enclosure causing debris to scatter nearby. SVCW personnel immediately discovered the failure.

The system operates with redundant Fans #1 and #2. In November 2025, Fan #1 started making noises that were concerning our maintenance division. At that time, Fan #2 was placed in service, while Fan #1 was taken out of service to be investigated and rebuilt. Since November, the odor control system was running on Fan #2.

Once Fan #2 failed, SVCW was aware of its noncompliance with permit conditions since both fans were out of service. SVCW decided that both fans will remain out of service as a precaution until the underlying root cause is identified and resolved to prevent reoccurrence of equipment failure and for the safety of SVCW personnel and the community nearby.

List the date(s) and action(s) you have taken since that time to achieve compliance:

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

Beginning 2/25/26, the following operation changes were performed to mitigate excess emissions and establish a temporary setup that allows passive airflow through the biofilters and carbon filters of the Packed Bed Scrubber odor control system:

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

On 2/27/26, a portable fan was temporarily placed at one of the carbon filter exhaust stacks to pull air through the A-23 Scrubber odor control system at approximately 1750 SCFM. A new larger fan was ordered to replace the portable fan and increase airflow.

The larger fan was installed on 3/5/26 to pull more air through the system at approximately 5000 SCFM.

What would be the harm to your business, agency or organization if the variance is not granted?

Economic losses: N/A

Number of employees laid off, if any: none

Provide detailed information regarding economic losses, if any (anticipated business closure, breach of contracts, hardship on customers, employees or the public, and/or similar impacts):

All costs would be borne by the residents of our service area via their sewer rates.

Can you curtail or terminate any operations in lieu of seeking a variance?

Yes (provide brief explanation)

No

Will any emissions occurring during the variance period result in odor, dust or smoke?

If yes, identify the type and amount of these emissions; what you can do to monitor and mitigate those emissions; and, the likely impact on the surrounding community.

H2S odors could increase in areas where the gravity feed pipeline exhaust bypasses the A-23 Scrubber; however, SVCW has installed a temporary fan to establish consistent airflow through the odor control system such that no gravity feed pipeline emissions are unabated.

Will any emissions occurring during the variance period result in excess opacity (total opacity above ___%)? (Check on percentage opacity considered "excess")

No

If yes, identify the type and amount of these emissions; the likely duration of the excess opacity during the variance period; and, what you can do to monitor and mitigate those emissions.

Estimate all other excess emissions that will occur on a daily basis during the variance period. Excess emissions are those that exceed rule and permit condition limits.

Excess H2S emissions from the gravity feed pipeline may have occurred prior to installing the portable fan on the A-23 Scrubber exhaust. The table below estimates maximum expected excess H2S emissions during this period.

Fan #1 & #2 Shutdown

Pollutant	acfm	ppm	scf/mol	MW	lb/min	lb/hr	Total Hrs	Total Excess Emissions (lbs)	Net Emissions After Mitigation (lbs/day)
POC	1000	<3.10	385	16			192		
H2S	1000	78.5	385	34	0.007	0.42	192	79.9	2.7

Notes:

- 1) Concentration value (ppm) takes highest SVCW measurement and deducts 1.5 ppm H2S to get excess emissions. No excess POC emissions expected.
- 2) Assume 1000 acfm at pump station when both Fan #1 and Fan #2 are shutoff
- 3) New portable fan installed 3/5/26; approximately 192 hours with Fan #1 and Fan #2 out of service.

Show calculations used to estimate quantities of excess emissions or explain why there will be no excess emissions:

Briefly describe the measures that will be taken to mitigate excess emissions to the maximum extent feasible during the variance period, or explain why mitigation measures are not feasible:

Operational changes include increasing the wastewater influent flowrate into the Headworks, which reduces retention time in the gravity pipe and thereby reduces the buildup and venting of gaseous odors without abatement.

SVCW has temporarily placed a portable fan at one of the carbon filter exhaust stacks to pull air through the A-23 odor control system at approximately 5000 SCFM. Another fan will be placed at the other carbon filter exhaust stack. The inlets and outlets for both Fan #1 and #2 will be opened to route air through both carbon towers simultaneously and increase airflow through the system.

How do you plan to monitor or quantify emissions levels from the equipment or operations during the variance period?

SVCW plans to monitor methane and H2S at the carbon exhaust stacks, which will temporarily sit above the new portable fans.

Will you provide information regarding emissions during the variance period in a manner and frequency as requested by the District?

Yes No

COMPLIANCE

How do you intend to achieve compliance with the regulations and permit conditions that are the subject of the variance? Briefly describe any necessary process changes; equipment to be installed; or modifications to equipment or your facility. Identify whether authority to construct or a permit amendment will be necessary. Include dates by which you estimate actions will be completed and an estimate of total costs.

SVCW is immediately investigating the cause of the fan's failure and will seek other appropriate solutions for mitigating and abating emissions based on results of the investigation. The time schedule for replacement and installation of new fans has yet to be determined, but SVCW is working to expedite the process.

List any operating conditions or increments of progress, if any, that you propose to include in the variance order. If the variance is to extend beyond one year, you must propose increments of progress:

SVCW plans to propose increments of progress at the Interim Variance hearing that address the following tasks:

- Timing for the results of the root cause analysis
- Propose engineering solutions to address fan failure problems
- Filing of an application for Authority to Construct for any changes to the A-23 Scrubber
- Ordering of repair materials
- Beginning construction of fan repairs
- Completion of construction
- Return to compliance

SVCW will also confer with District staff and propose operating conditions at the variance hearing. These operating conditions will implement mitigation measures that will be applicable during the variance period.

State the date you are requesting the variance to begin: 2/27/2026

State the date on which you will achieve final compliance: 8/31/2027

List the names of any District staff with whom you or any of your staff or representatives have had contact concerning this variance petition or any related Notice of Violation or Notice to Comply. Include name, title and phone number:

Abenezzer Shankute, Air Quality Specialist, ashankute@baaqmd.gov

Rochelle Bronson, Permit Engineer, rbronson@baaqmd.gov

Paul Hibser, Supervising Air Quality Specialist, phibser@baaqmd.gov

If this Petition was completed by someone other than the petitioner, provide their name and title:

The following verification must be signed by the owner, manager, director, or other responsible party of the plant, business, factory, agency or organization requesting the variance:

I, the undersigned, hereby declare under penalty of perjury, under the laws of the State of California, that I have read the foregoing Petition, including attachments, and that their contents are true and correct.

Dated: 03/12/2026, at (location) Redwood City, CA (SVCW).

Print name: Kimberly Hackett

Signature:  Kim Hackett (Mar 12, 2026 18:05:40 PDT)

Title: Authority Engineer

SVCW - PETITION FOR INTERIM REGULAR VARIANCE

Final Audit Report

2026-03-13

Created:	2026-03-12
By:	Ben Padua Jr. (BPaduaJr@svcw.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAADa2LDZzhGCF9K4P-JwwtJwZOxOM9hCYx

"SVCW - PETITION FOR INTERIM REGULAR VARIANCE" History

-  Document created by Ben Padua Jr. (BPaduaJr@svcw.org)
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