

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Ash Kalra and Members
of the Executive Committee

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

Date: June 22, 2013

Re: Hearing Board Quarterly Report – April through June 2013

RECOMMENDED ACTION

None. Informational item, receive and file.

DISCUSSION

During the second quarter of 2013 (April through June), the Hearing Board:

- Held two (2) hearings consisting of zero (0) Accusations, one (1) Appeal (3644) and one (1) Variance (3649);
- Processed a total of six (6) orders consisting of one (2) Accusations (both regarding 3644), zero (0) Appeals, one (1) Variance (3649), two (2) Emergency Variances (3647 and 3648) and one (1) Request for Withdrawal/Dismissal (3650); and
- Collected a total of \$6,331.00.

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

Location: Solano County; City of Suisun City

Docket: 3644 POTRERO HILLS ENERGY PRODUCERS, LLC, AND DTE BIOMASS ENERGY – *Appeal from Conditions of Authority to Construct Requiring Selective Catalytic Reduction as Best Available Control Technology for the Landfill Gas to Energy Project*

Regulation(s): Conditions of Authority to Construct Requiring Selective Catalytic Reduction as Best Available Control Technology for the Landfill Gas to Energy Project

Synopsis: Appellant requested review of the conditions imposed by the Air District requiring Selective Catalytic Reduction as Best Available Control Technology in issuing an Authority to Construct.

Status: Order granting Appeal filed April 18, 2013. Hearing on Respondent's Request for Rehearing held on May 16, 2013. Order granting Appeal filed May 30, 2013.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0

Location: Alameda County; City of Hayward

Docket: 3646 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. KELLY ENGINEER, AN INDIVIDUAL – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to operate a gasoline dispensing facility with no permit to operate in place or accompanying fees paid.

Status: Stipulated Conditional Order for Abatement filed April 1, 2013.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the Air District)

Location: Contra Costa County; Census Designated Place of Crockett

Docket: 3647 CROCKETT COGENERATION – *Application for Emergency Variance*

Regulation(s): 2-6-307 and 2-2-301

Synopsis: Request to allow for short term commissioning period of the gas turbine with a refurbished compressor to repair damage to the gas turbine compressor resulting from combustion turbine blade failures.

Status: Order denying Application filed May 13, 2013.

Period of Variance: N/A

Estimated Excess Emissions: 736.1 lbs/day of NOx

Fees collected this quarter: \$0

Location: Santa Clara County; City of San Jose

Docket: 3648 SAN JOSE / SANTA CLARA WATER POLLUTION CONTROL PLANT – *Application for Emergency Variance*

Regulation(s): 9-1-302; Permit Condition 17741 – Digester gas total sulfur content shall not exceed 650 ppm

Synopsis: Ferric chloride dosing tank leak that results in chemical release; must replace the tank after obtaining requisite permits and will be unable to dose during transition.

Status: Order granting Application filed May 22, 2013.

Period of Variance: March 20, 2013, through April 20, 2013

Estimated Excess Emissions: None

Fees collected this quarter: \$0

Location: Contra Costa County; Census Designated Place of Crockett

Docket: 3649 CROCKETT COGENERATION – *Application for Variance (Short)*

Regulation(s): 2-6-307 and 2-2-301

Synopsis: Request to allow for short term commissioning period of the gas turbine with a refurbished compressor to repair damage to the gas turbine compressor resulting from combustion turbine blade failures.

Status: Order granting Application filed June 6, 2013.

Period of Variance: Only April 29, 2013

Estimated Excess Emissions: 736 lbs/day of NOx

Fees collected this quarter: \$0

Location: Santa Clara County; City of San Jose

Docket: 3650 LOS ESTEROS CRITICAL ENERGY FACILITY, LLC – *Application for Emergency Variance*

Regulation(s): 2-6-307; 6-1-301 and 303; and Health & Safety Code Section 41701

Synopsis: A combined cycle power generation facility undergoing activities consisting of commissioning and initial refiring of the combustion engines, part of a construction project

underway since 2011. A visible emissions plume, likely in excess of the opacity limit in Regulation 6, was observed and attributed to construction dust and residual protective coatings.

Status: Order for Dismissal filed June 13, 2013, upon the request of Applicant.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$747.00

Location: Solano County; City of Fairfield

Docket: 3651 REXAM BEVERAGE CAN COMPANY – *Application for Variance (Short)*

Regulation(s): 8-11-302; Permit Condition #391, Items 2 through 11

Synopsis: Aluminum can manufacturing facility with a regenerative thermal oxidizer controlling source emissions whose ceramic heat exchanger media bed is becoming plugged. The oxidizer must be shut down for cleaning/replacement while production lines continue to meet customer demand.

Status: Evidentiary hearing scheduled for July 11, 2013.

Period of Variance: Requested July 16 through 19, 2013.

Estimated Excess Emissions: 791 lbs/day of VOC/HAPS

Fees collected this quarter: \$1,796.00

Location: Sonoma County; City of Petaluma

Docket: 3652 SONOMA COMPOST COMPANY – *Application for Variances (Interim and Regular)*

Regulation(s): 2-1-307

Synopsis: Diesel-powered on site portable wood grinder does not comply with Regulation 9, Rule 8, effective January 1, 2012.

Status: Evidentiary hearings scheduled for July 11, 2013 (regarding Interim) and August 1, 2013 (regarding Regular).

Period of Variance: Requested June 21, 2013, through June 20, 2014

Estimated Excess Emissions: 12.9 lbs/day of NO_x

Fees collected this quarter: \$3,788.00

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders