

**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: March 9, 2015

Re: Hearing Board Quarterly Report – October through December 2014

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the fourth quarter of 2014 (October through December), the Hearing Board:

- Held no hearings, including Accusations, Appeals and Variances;
- Processed a total of two orders, including one Emergency Variance (3665) and one Order for Dismissal (3666). There were no orders relative to Accusations or Appeals; and
- Collected a total of \$9,772.00 in filing fees.

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

---

**Location:** Santa Clara County; City of San Jose

**Docket:** 3665 LOS ESTEROS CRITICAL ENERGY FACILITY LLC – *Application for Emergency Variance*

**Regulation(s):** Regulation 2, Rule 1, Section 307; Regulation 2, Rule 6, Section 307; and Permit Condition 23688, Parts 19.c. and 22

**Synopsis:** A malfunction led to significant increases in bias factors relative to measurements of ammonia slip through continuous recording of the ratio of ammonia injection rate to the nitrogen oxides (NOx) inlet rate into selective catalytic reduction control system. Preliminary indications were that the oxidation catalysts installed on each gas turbine heat recovery steam generator train were not achieving guaranteed levels of carbon monoxide (CO) performance.

**Status:** Order granting Emergency Variance filed October 27, 2014

**Period of Variance:** October 3, 2014, at 6:17 p.m., to November 2, 2014, at 6:16 p.m.

**Estimated Excess Emissions:** CO at 4.0 ppmvd @ 15% oxygen, or less, thereby reducing emissions of CO to the greatest extent feasible during the variance period. Maintain compliance with both NOx and ammonia (NH3) limits through the continued injection of both water and NH3.

**Fees collected this quarter:** \$887.00

---

**Location:** Santa Clara County; City of San Jose

**Docket:** 3666 LOS ESTEROS CRITICAL ENERGY FACILITY LLC – *Application for Regular and Interim Variances*

**Regulation(s):** Regulation 2, Rule 1, Section 307; Regulation 2, Rule 6, Section 307; and Permit Condition 23688, Parts 19.c. and 22

**Synopsis:** A malfunction led to significant increases in bias factors relative to measurements of ammonia slip through continuous recording of the ratio of ammonia injection rate to the NOx inlet rate into selective catalytic reduction control system. Preliminary indications were that the oxidation catalysts installed on each gas turbine heat recovery steam generator train are not achieving guaranteed levels of CO performance.

**Status:** Order for Dismissal filed December 6, 2014.

**Period of Variance:** N/A

**Estimated Excess Emissions:** 159.2 lbs/day CO

**Fees collected this quarter:** \$5,332.00

---

**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:** Pro Forma Hearing scheduled for January 8, 2015.

**Period of Variance:** N/A

**Estimated Excess Emissions: N/A**

**Fees collected this quarter: \$3,553.00**

---

Respectfully submitted,

Terry Trumbull, Esq.  
Chair, Hearing Board

Prepared by: Sean Gallagher  
Reviewed by: Maricela Martinez