

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: September 10, 2015
Re: Hearing Board Quarterly Report – April through June 2015

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the second quarter of 2015 (April through June), the Hearing Board:

- Held six hearings, including one pre-hearing conference on an Accusation (3672) and five days of hearing on an Appeal (3667). There were no hearings relative to Variances;
- Processed a total of five orders, consisting of a denial of an emergency variance (3673) and four Orders for Dismissal (3669, 3670, 3671 and 3672); and
- Collected a total of \$887.00 in filing fees.

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

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: Hearings held on April 30, May 7, May 14, May 28 and June 7, 2015; the Appeal was denied.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: \$0.00

Location: Santa Clara County; City of San Jose

Docket: 3669 APCO v. MARIO ROJAS; MARIA ROJAS; and MARCOS ALVAREZ – *Accusation*

Regulation(s): Regulation 2, Rule 1

Synopsis: Respondents operate an auto body painting facility which has operated since August 15, 2012 without a District Permit to Operate (P/O) in violation of the above regulation. Respondents were issued a Notice of Violation in 2013 for no P/O. The APCO seeks a Conditional Order for Abatement that requires Respondents to cease violating Regulation 2-1-302 by: (i) immediately ceasing operation of the facility, or (ii) by complying with District permit requirements.

Status: Order for Dismissal filed May 14, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Sonoma County; City of Santa Rosa

Docket: 3670 SONOMA COUNTY MEAT CO – *Application for Variance*

Regulation(s): Regulation 6, Rule 1, Section 301

Synopsis: Applicant operates a meat smoking facility and was issued a Notice of Violation for excessive emissions.

Status: Order for Dismissal filed April 15, 2015.

Period of Variance: February 24, 2015 through February 24, 2016

Estimated Excess Emissions: 0.24 lb/day particulate matter

Fees collected this quarter: (\$887.00)

Location: Contra Costa County; City of Concord

Docket: 3671 APCO v. FATHI AHMED and AMIR SHAH – *Accusation*

Regulation(s): Regulation 2, Rule 1, Section 302

Synopsis: Respondent is a retail gasoline station equipped with underground gasoline storage tanks and eight triple-product nozzles. A Notice of Violation was issued to Respondent in July 2012 for operating without a valid P/O. Respondent has not had a valid P/O since March 2012. The APCO sought an Order for Abatement requiring Respondent to cease violating operating without a current P/O by (i) immediately ceasing operation of the facility, or (ii) by paying the permit fees.

Status: Order for Dismissal filed May 20, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Alameda County; City of San Leandro

Docket: 3672 APCO v. A. THURAIRATNAM – *Accusation*

Regulation(s): Regulation 2, Rule 1, Section 302

Synopsis: Respondent owns or operates a gasoline dispensing facility equipped with underground gasoline storage tanks and four multi-grade gasoline product nozzles. Two Notice of Violations were issued to Respondent between September 2012 and March 2014 for operating without a valid P/O. Respondent has not had a valid P/O since August 2011. The APCO sought an Order for Abatement requiring Respondent to cease violating operating without a current P/O by (i) immediately ceasing operation of the facility, or (ii) come into compliance with the applicable regulation.

Status: Order for Dismissal filed May 20, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: San Mateo County; City of Burlingame

Docket: 3673 MILLS-PENINSULA MEDICAL CENTER – *Application for Emergency Variance*

Regulation(s): Permit Condition # 24229

Synopsis: Applicant operates an acute care inpatient hospital and seeks a variance for three code-required emergency standby generators whose particulate filters do not get hot enough to catalyze the particulate matter, causing them to fail.

Status: Order Denying Emergency Variance filed June 26, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: \$887.00

Location: Solano County; City of Vallejo

Docket: 3674 APCO v. JESUS NARANJO BAUTISTA – *Accusation*

Regulation(s): Regulation 2, Rule 1, Section 302

Synopsis: Respondent is the owner, operator and billing contact for a motor vehicle refinishing operations facility. A Notice of Violation was issued to Respondent in September 2011 for operating without a valid P/O. Respondent has not had a valid P/O since April 2007. The APCO sought an Order for Abatement requiring Respondent to cease violating operating without a current P/O by (i) immediately ceasing operation of the facility, or (ii) by paying the permit fees.

Status: Request for dismissal filed by Complainant on June 29, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Solano County; City of Suisun City

Docket: 3675 CREED ENERGY CENTER, LLC – *Application for Emergency Variance*

Regulation(s): Regulation 2, Rule 1, Section 307; Regulation 2, Rule 6, Section 307; and Permit Condition # 20136, Parts 198.2. and 23.b.

Synopsis: Applicant operates a natural gas-fired power plant and seeks a variance because a source test indicated excess ammonia emissions from the primary engine turbine. Applicant suspects the test results were caused by ammonia stratification and will re-test and, if necessary,

evaluate whether the selective catalytic reduction abatement device is the cause and work to remedy it.

Status: Awaiting a response from Air District staff for Hearing Board deliberations.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: \$887.00

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

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