

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: December 1, 2015
Re: Hearing Board Quarterly Report – July through September 2015

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the third quarter of 2015 (July through September), the Hearing Board:

- Held one pre-hearing conference on an Accusation (3676). There were no hearings relative to Variances;
- Processed a total of four orders, consisting of a granted emergency variance (3675) and three Orders for Dismissal (3674, 3676, and 3677); 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 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: Order for Dismissal issued July 7, 2015

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: \$0.00

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: Order for Granting Emergency Variance issued July 15, 2015.

Period of Variance: June 29, 2015 to July 29, 2015

Estimated Excess Emissions: Ammonia (unknown/if any)

Fees collected this quarter: \$887.00

Location: Solano County; City of Vallejo

Docket: 3676 APCO v. NINO QUALITY MOTORS, INC; and ELIAS GHATTES aka: ELIAS GHATTAS – *Accusation*

Regulation(s): Regulation 2, Rule 1

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 January 2014 for operating without a valid P/O. Respondent has not had a valid P/O since 2005. The APCO sought an Order for Abatement requiring Respondent to cease violating operating without a current P/O by (i) ceasing operation of the facility 15 days after the Order for Abatement effective date, or (ii) by paying the permit fees.

Status: Order for Dismissal issued September 15, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Santa Clara County; City of San Jose

Docket: 3677 APCO v. BP WEST COAST PRODUCTS, LLC; and HIWAY FARM LLC – *Accusation*

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

Synopsis: Applicant operates a gas station for which they must hold a District permit to operate gasoline dispensing equipment. A Notice of Violation was issued to Respondent in December 2014 for operating without a valid P/O. Applicant has conducted gas dispensing operations at this facility since June 2014 without a valid District permit. The APCO sought a conditional order of abatement requiring responded to cease such operations until they obtain a valid P/O.

Status: Order for Dismissal issued September 10, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Contra Costa County; City of Antioch

Docket: 3678 APCO v. BILL BINDAL – *Accusation*

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

Synopsis: Applicant operates a gas station for which they must hold a District permit to operate gasoline dispensing equipment. Applicant has conducted gas dispensing operations at this facility since April 2015 without a valid District permit and without a current permit in place since April 2011.

Status: Notice of Pre-Hearing Conference issued on September 15, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Alameda County; City of Hayward

Docket: 3679 APCO v. ALBERTO MENDOZA – *Accusation*

Regulation(s): Regulation 2, Rule 1

Synopsis: Applicant operates an auto body painting operation. A Notice of Violation was issued to Respondent in 2015 for failure to renew its P/O. This facility has operated for three years in violation of the above regulation.

Status: Request for Pre-Hearing Conference filed by Complainant on September 15, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Maricela Martinez