

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Eric Mar and Members
of the Executive Committee

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

Date: May 4, 2016

Re: Hearing Board Quarterly Report – January through March 2016

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the first quarter of 2016 (January through March), the Hearing Board:

- Held one hearing on an Accusation (3683). Held one hearing on a Variance (3684);
- Processed a total of five Orders, including three Orders for Dismissal (3682, 3683, 3684) and two Emergency Variances (3681, 3685); and
- Collected a total of \$967.00 in filing fees.

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

Location: Santa Clara County; City of Santa Clara

Docket: 3681 APCO v. APPLIED MATERIALS, INC – *Application for Emergency Variance*

Regulation(s): Regulation 2, Rule 1 – Section 301 and Regulation 9, Rule 8 – Section 330

Synopsis: Applicant operates a semi-conductor research and development facility and seeks a variance for two temporary backup generators which caused a power failure to the entire building.

Status: Order for Dismissal filed on January 21, 2016.

Period of Variance: October 11, 2015 – November 11, 2015

Estimated Excess Emissions: unknown at time of filing

Fees collected this quarter: n/a

Location: Santa Clara County; City of Gilroy

Docket: 3682 APCO v. HARVEY FLORES – *Accusation*

Regulation(s): Regulation 2, Rule 1 and Request for Conditional Order for Abatement

Synopsis: Applicant operates an auto body painting operation without maintaining a BAAQMD P/O; this facility has operated at least six years in violation of the above regulation. Notice of Violation (NOV) # A46599 was issued to the facility on January 28, 2014 for failure to renew its P/O.

Status: Conditional Order for Abatement filed January 5, 2016.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Sonoma County; City of Santa Rosa

Docket: 3683 APCO v. BRETT GAYNOR – *Accusation*

Regulation(s): Regulation 2, Rule 1 and Request for Conditional Order for Abatement

Synopsis: Applicant operates an auto body painting operation without maintaining an Air District P/O. Facility is currently operating without a valid P/O, and has been operating without a P/O since 2014. Notice of Violation (NOV) # A52304 was issued to the facility on July 27, 2015. Mr. Brett Gaynor, owner of American Truck Collision, continually states that he plans to relocate his business “soon” and therefore does not want to apply for an Air District P/O for the Todd Road, Santa Rosa location, as Air District permits are not transferrable to a new location.

Status: Stipulated Conditional Order of Abatement filed February 6, 2016

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Alameda County; City of Newark

Docket: 3684 CARGILL SALT – *Application for Interim and Regular Variance*

Regulation(s): Regulation 2, Rule 1, Section 307

Synopsis: Cargill Salt (Cargill) operates a facility in Newark refining brine from bay water into salt. As part of the facility operations, Cargill operates a natural gas-fired Fluid Bed Salt Drier (Source 60) to dry the salt. Source testing conducted on October 27-29, 2015 indicated that the petitioner violated the S-60 CO emission limit. The test results showed that the exhaust emitted from S-60 averaged 113.1 ppm CO at 3% oxygen dry, which is more than twice the permit limit.

Status: Order for Dismissal filed March 1, 2016

Period of Variance: December 18, 2015 through October 1, 2016

Estimated Excess Emissions: 18.6 lbs. per day

Fees collected this quarter: n/a

Location: Contra Costa County; City of Martinez

Docket: 3685 TESORO REFINERY – *Application for Emergency Variance*

Regulation(s): Regulation 9, Rule 9, Section 301.1 and 301.2 / Condition No. 19528, Part 21 / Regulation 2, Rule 1, Section 307 / Regulation 2, Rule 6, Section 307

Synopsis: Operators received a low temperature alert for the GFT steam supply. Steam below 425 deg. F cannot safely be injected into the GFT because the risk of the steam condensing within the GFT increases. Introducing liquid water into the rapidly rotating GFT would cause severe damage to the GFT and could possibly result in mechanical integrity failure of the GFT. To increase steam temperature to the GFT, operators attempted to return the letdown station to service. Operators were not able to return the letdown station to service because a block valve dropped its gate and could not be re-opened. At approximately 3:04 AM on February 11, 2016, the steam temperature to the GFT dropped below 425 deg. F, triggering an automatic safety shutdown of the steam injection system.

Status: Order Denying Emergency Variance filed February 25, 2016

Period of Variance: February 11, 2016 through March 11, 2016

Estimated Excess Emissions: 266 lbs. of NOx per day

Fees collected this quarter: \$967.00

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Maricela Martinez