

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Rod Sinks and Members  
of the Executive Committee

From: Chairperson Valerie J. Armento, Esq., and  
Members of the Hearing Board

Date: March 10, 2020

Re: Hearing Board Quarterly Report: October 2019 - December 2019

---

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

This report covers the fourth calendar quarter (October - December) of 2019.

- Held one hearing;
- Processed a total of four orders; and
- Collected a total of \$17,959.00 in filing fees.

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

---

**Location:** Contra Costa County; Crockett

**Docket:** 3716 – Shore Terminals LLC – Request for Emergency Variance

**Regulation(s):** Regulation 2, Rule 6, Section 307 (Permits, Major Facility Review, Non-Compliance); and Permit Condition #6185, parts 1, 14, 20, and 22.

**Synopsis:** Applicant operates Selby Terminal, a transportation and storage facility for receiving, storing, and shipping liquid petroleum and biofuel products. On October 15, 2019, a fire unexpectedly occurred at the facility and caused the collapse of two tanks and the loss of vapor controls for several other tanks. The tanks stored liquid petroleum and ethanol products. Because of the fire, the tanks' lines to the facility's Vapor Recovery Units were inoperable. Applicant sought variance relief from the Air District's Permit's requirements that the tanks continuously vent to the Vapor Recovery Units. The Applicant maintains that there were no prior indications of issues that would lead to this type of incident.

**Status:** Application filed on October 16, 2019; Air District Compliance & Enforcement Division and Hearing Board responses submitted to the Clerk on October 18, 2019, both recommending that the emergency variance be granted; Order Granting Emergency Variance filed on October 25, 2019.

**Requested Period of Variance:** October 15, 2019 to November 14, 2019.

**Estimated Excess Emissions:** Unknown at the time the application was submitted; Applicant submitted the following calculations on December 13, 2019:

VOC: 1,558 lbs (total for entire variance period)

Benzene: 0.4 lbs

Ethyl Benzene: 2 lbs

Toluene: 10 lbs

Xylenes (mixed): 3 lbs

**Fees collected this quarter:** \$1,519.00.

---

**Location:** Santa Clara County; City of Morgan Hill

**Docket:** 3717 – Waste Management of California, Inc. (Kirby Canyon Recycling and Disposal Facility) – Request for Emergency Variance

**Regulation(s):** Regulation 8, Rule 34, Section 301.1 (Organic Compounds, Solid Waste Disposal Sites, Landfill Gas Collection and Emission Control System Requirements); and Permit Condition #1437, Item 7.

**Synopsis:** Applicant operates a solid waste landfill. The facility has a landfill Gas Collection and Control System (GCCS) to process the continuously generated landfill gas. Because of a Public Safety Power Shutoff executed by Pacific Gas & Electric, an unpreventable power outage at the Kirby Canyon Landfill resulted in a shutdown of the GCCS for approximately 44 hours. Air District Rule 8-34-301.1 and associated Permit Condition #1437.7 require the landfill to operate the GCCS continuously, so the shutdown put the facility in violation of its permit condition. No public nuisance was created, and no public complaints were received.

**Status:** Application filed on October 29, 2019; Air District Compliance & Enforcement Division and Hearing Board responses submitted to the Clerk on November 6, 2019, both recommending that the emergency variance be granted; Order Granting Emergency Variance filed on November 12, 2019.

**Requested Period of Variance:** October 28, 2019 to November 27, 2019.

**Estimated Excess Emissions:** None.

**Fees collected this quarter:** \$1,519.00.

---

**Location:** Marin County; City of Novato

**Docket:** 3718 – Waste Management of California, Inc. (Redwood Landfill, Inc.) – Request for Emergency Variance

**Regulation(s):** Regulation 8, Rule 34, Section 301.1 (Organic Compounds, Solid Waste Disposal Sites, Landfill Gas Collection and Emission Control System Requirements); and Permit Condition #19867, Item 17.

**Synopsis:** Applicant operates a landfill GCCS to process the continuously generated landfill gas. Because of a Public Safety Power Shutoff executed by Pacific Gas & Electric, an unpreventable power outage at the Redwood Landfill resulted in a shutdown of the GCCS for approximately 52 hours. Air District Rule 8-34-301.1 and associated Permit Condition #19867 require the landfill to operate the GCCS continuously, so the shutdown put the facility in violation of its permit condition.

**Status:** Application filed on October 29, 2019; Air District Compliance & Enforcement Division and Hearing Board responses submitted to the Clerk on November 5, 2019, both recommending that the emergency variance be granted; Order Granting Emergency Variance filed on November 12, 2019.

**Requested Period of Variance:** October 28, 2019 to November 27, 2019.

**Estimated Excess Emissions:** None.

**Fees collected this quarter:** \$1,519.00.

---

**Location:** Contra Costa County; Crockett

**Docket:** 3719 – Shore Terminals LLC – Request for Interim and Short-Term Variances

**Regulation(s):** Regulation 2, Rule 6, Section 307 (Permits, Major Facility Review, Non-Compliance); Regulation 8, Rule 5, Section 306 (Organic Compounds, Storage of Organic Liquids, Requirements for Approved Emission Control Systems); and Permit Condition #6185, parts 1, 14, 20, and 22.

**Synopsis:** Applicant operates Selby Terminal, a transportation and storage facility for receiving, storing, and shipping liquid petroleum and biofuel products. On October 15, 2019, a fire unexpectedly occurred at the facility and caused the collapse of two tanks and the loss of vapor controls for several other tanks. The tanks store liquid petroleum and ethanol products. Because of the fire, the tanks' lines to the facility's Vapor Recovery Units were inoperable. Applicant maintains that there were no prior indications of issues that would lead to this type of incident. Applicant sought, and was granted, emergency variance relief from the Air District's Permit's requirements that the tanks continuously vent to the Vapor Recovery Units (Docket N0. 3716) from October 16, 2019 to November 14, 2019. On November 8, 2019, Applicant called Clerk of the Hearing Board to indicate the Applicant's intent to apply for an interim/short-term variance

application, as the Applicant felt they needed to seek relief **beyond** the time period requested (and granted) in their emergency variance application several weeks prior.

**Status:** Application filed on November 14, 2019; interim variance and short-term variance hearings both originally scheduled for December 3, 2019; on November 26, 2019, Applicant requested to change both hearing dates to December 10, 2019 (which the Hearing Board approved); at the hearing held on December 10, 2019, both parties agreed to accept consideration of *solely* a Short-Term Variance, as they differed on the legal interpretation of the interim variance, and the Hearing Board proceeded to review the request for a short-term variance; Order Granting Short-Term Variance filed on December 30, 2019.

**Requested Period of Variance:** (Originally) November 14, 2019 to February 12, 2020; (Amended Request at the December 10, 2019 hearing) November 14, 2019 to November 23, 2019.

**Estimated Excess Emissions:** 1 lb. of VOC (gasoline and ethanol) per day.

**Fees collected this quarter:** \$6,701.00.

---

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

**Docket:** 3720 – City of Santa Clara doing business as Silicon Valley Power – Request for Interim and Short-Term Variances

**Regulation(s):** Regulation 2, Rule 1, Section 307 (Permits, General Requirements, Failure to Meet Permit Conditions); Regulation 2, Rule 6, Section 307 (Permits, Major Facility Review, Non-Compliance); and Permit Condition #24252, Parts 20, 21, 22.

**Synopsis:** Applicant operates a 2x1 combined-cycle natural gas power plant, supplying electricity to customers in the City of Santa Clara.

Plant #84991 was offline for annual maintenance, distributive control system (DCS) replacement, and removal of the CEMS/DAHS system and replacement with a new CEMS/DAHS system. It is standard power plant practice to upgrade the DCS and to test and tune the new DCS subsequent to replacement. Plant #84991 takes two (2) outages a year for maintenance (April and November). Testing and validating the new DCS, specifically for optimization of tuning for emissions control, is required. Because tuning and testing of the new DCS is a requirement, it is not possible to curtail or terminate operations.

Gas turbine #1 and #2, along with their abatement devices, need to be run in simple cycle mode (no steam production) for testing and tuning. Testing and tuning entail numerous startups and shutdowns, as well as operations at various load points to verify the operational status of the new DCS. The need for numerous startups and shutdowns, and operating at low loads, can lead to instantaneous exceedances of CO and NOx (exceedances of emissions limits in the permit); however; hourly or 3-hour averages or mass emissions permit limits are not expected to be exceeded. All air pollution control abatement devices, i.e., water injection, SCR, and oxidation catalyst, operate during the tuning and testing period of the new DCS.

**Status:** Application filed on November 27, 2019; interim variance and short-term variance hearings both scheduled for January 28, 2020; Applicant requested to withdraw application on January 24, 2020, and the Hearing Board withdrew the matter on the same day.

**Requested Period of Variance:** December 3, 2019 to January 31, 2020.

**Estimated Excess Emissions:** None.

**Fees collected this quarter:** \$6,701.00.

---

Respectfully submitted,

Valerie J. Armento, Esq.  
Chair, Hearing Board

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson