

**BAY AREA AIR DISTRICT**

## Memorandum

To: Chairperson Davina Hurt and Members  
of the Finance and Administration Committee

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

Date: February 18, 2025

Re: Hearing Board Quarterly Report: October – December 2024

**RECOMMENDED ACTION**

No action requested at this time.

**DISCUSSION**

This report covers the fourth calendar quarter (October – December) of 2024.

- Held two hearings;
- Processed three orders: and
- Collected a total of \$40,650.84 in Hearing Board filing and excess emission fees (including one payment made in Q1 2025)

Below is a detail of Hearing Board activity during the same period (*activities for several dockets extend into Q1 2025*):

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**Docket: 3754 – Redwood Landfill, Inc. – Request for Interim and Short Variance**

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

**Regulation(s):** Regulation 2, Rule 1, Section 307 (Permits, General Requirements, Failure to Meet Permit Conditions); and Permit Conditions 25634, Section 5.a and 19867, Sections 16 and 18.c

**Synopsis:** Redwood Landfill and Recycling Center (the “Facility”) is an essential public service Class III landfill that is permitted for and has received non-hazardous municipal solid waste (MSW) since 1958. The Facility covers 420 acres, with 222.5 acres dedicated to waste disposal. Relevant to this variance request, the Facility includes two flares (A-51 and A-60), two landfill gas treatment systems (S-71 and A-80) and two internal combustion (IC) engines (S-64 and S-65) operated at the onsite landfill gas-to-energy plant (the “energy plant”). The Facility operates under an Air District Permit to Operate (PTO) which sets forth conditions for landfill operations, including operation of a landfill gas collection and control system (GCCS). LFG collected in the Facility’s GCCS is routed through one of two treatment systems (S-71 or A-80) to control total reduced sulfur (TRS) before the LFG is either routed to the energy plant engines S-64 and S-65,

which supply power to the PG&E electrical grid, or to one of the Facility's two enclosed flares (A-51 and A-60).

From Petitioner:

*On August 22, 2024, the Facility initiated two-day scheduled source tests for engines S-64 and S-65. During the source test for S-64, the engine generator malfunctioned and could not maintain operation long enough to complete testing. Petitioner determined that bearings in the engine's generator had failed, causing significant damage to the rotating shaft inside the generator. These issues resulted in the engine shutting down in the middle of the test. The S-64 generator has been removed and sent to the East Coast for repairs. Consequently, S-64 will be offline for several weeks.*

*During the testing for S-65, there was a power outage, requiring the test to be cancelled. It was also discovered that there were issues with the urea injection system used for NOx control on the engine.*

*On August 27, 2024, it was determined that the S-65 NOx control system was compromised to the point that the engine had to be shut down to avoid non-compliance with engine-related permit conditions.*

*With both energy plant engines offline, it was necessary to partially open the valve upstream of Flare A-60 (the "east side valve"), which is normally kept closed during routine operations. Opening the valve was necessary to maintain a vacuum on the east side of the GCCS and to prevent fugitive LFG from being emitted. The east side valve is only opened during unforeseen circumstances that threaten proper operation of the GCCS—such as this situation. The result of partially opening this valve is that both treated gas from the west side of the GCCS and untreated gas from the east side are being routed to control device A-60, causing flare inlet H2S concentrations to increase to approximately 500 ppmv and potentially contributing to exceedances of the 350 ppmv annual average limit for TRS compounds (calculated as H2S) in collected LFG as stated in PTO Condition 19867, Section 18.c. Further, the routing of untreated LFG to the flare violates the requirement in PTO Condition 25634, Section 5.a. to route all flared gas through A-80. See id. at p. 40 (providing that "[w]hen the owner/operator uses A-80 to absorb H2S for SO2 control, the owner/operator shall route all of the [LFG] that goes to the flare through A-80").*

*On September 10, 2024, Petitioner had a technician from its NOx emission control system vendor, Johnson Matthey, onsite to evaluate S-65. It was determined that the engine's NOx emission control system could not be repaired immediately. Petitioner is awaiting a replacement catalyst and other components needed for full repair. S-65 is thus expected to be out of service for the next few weeks. Because there is no immediate way for Petitioner to operate the GCCS in compliance with the permit terms stated herein, variance coverage is requested.*

*As the exigent circumstances described could not have been anticipated in sufficient time to issue public notice, good cause exists for an interim variance to be granted. See Cal. Health & Safety Code § 42351(b) (providing that the Hearing Board may grant an interim variance for good cause stated in the order granting such a variance).*

*Separately, for operational and emission control flexibility, Petitioner has initiated a project to increase the treatment capacity of A-80 and to re-configure the GCCS so that gas from both east and west sides of the system can be routed through A-80 for treatment (the “A-80 upgrade project”). The A-80 upgrade project entails the addition of four (4) 10,000-lb. treatment vessels containing activated carbon, resulting in a significant increase of the system’s treatment capacity. It also requires upgrades and reconfiguration of GCCS piping. To allow additional operational flexibility and gas treatment options in the event of future engine breakdowns, Petitioner further plans to re-establish a preexisting line to serve as a connection point between the S-71 treatment system and the east side of the GCCS. Once re-established, this line will allow Petitioner to move LFG from the east side of the GCCS through the carbon vessels at S-71 before flaring at control device A-60, in case the A-80 treatment system is temporarily unavailable for maintenance or other reasons in the future.*

**Requested Period of Variance:** September 13, 2024 to December 12, 2024, or upon approval and commissioning of the A-80 upgrade project, whichever is sooner.

**Estimated Excess Emissions:** Although initially there was an estimate of excess emissions, prior to the variance hearing it was determined there were no excess emissions. As a result, the charge of a violation of Permit Condition 19867 Section 18.c was dropped.

**Fees collected this Quarter:** None for 2024 Q4 (over \$11K was collected in 2024 Q3.)

**Status:** Application for Interim and Short Variance filed by Petitioner on September 13, 2024; Notice of Hearing for Interim Variance only (September 24, 2024), with Short Variance hearing to be held on a future date, filed and issued September 13, 2024; joint request for 14-day continuance of Hearing for Interim Variance only submitted by both parties on September 18, 2024 (approved by Hearing Board Chair); joint request for both the Interim and Short Variance hearings to be heard on October 8, 2024 submitted by both parties on September 27, 2024 (approved by Hearing Board Chair); Notice of Continued Hearings for both Interim and Short Variances (October 8, 2024) filed and issued on September 27, 2024; Interim and Short Variance hearings held October 8, 2024; Order Granting Interim and Short Variance filed and issued on October 21, 2024.

THE HEARING BOARD ORDERED:

*The Petitioner is granted both an Interim and a Short Variance from Regulation 2, Rule 1, Sections 307 and from Permit Conditions 25634, Section 5.a and 19867, Section 16. Combined, the Variances cover the period from September 13, 2024 through December 12, 2024, or upon approval and commissioning of the A-80 upgrade project, whichever is earlier.*

*The Short Variance granted is subject to the following conditions set forth in modified Joint Exhibit 1 and replicated here:*

1. *Redwood shall provide three analyses of sulfur compounds in the landfill gas.*
  - a. *The first two analyses shall be of the landfill gas before it is abated by either S-71 or A-80 (“pre-abated landfill gas”). Two pre-abated landfill gas samples shall be drawn from locations upstream of both S-71 and A-80.*
  - b. *The third analysis shall be of the landfill gas post-abatement. The post-abatement landfill gas to be analyzed shall be drawn from the sample point*

- upstream from primary flare, A-60.*
- c. All samples shall be drawn on the same calendar day and shall be drawn within seven (7) calendar days from the date the Variance Order is issued, while the S-64 and S-65 engines are offline and during the A-80 upgrade project while landfill gas is abated only by the existing 6,000-lb vessels in the A-80 treatment system and the existing vessels in the S-71 system.*
  - d. The samples shall be analyzed by laboratory testing and the test results shall be reported to the District within three (3) calendar days from the date that lab results are received.*
- 2. Redwood shall send the District weekly updates regarding the repair and operational status of S-64 and S-65. Redwood shall submit the first update within seven (7) calendar days from the date the Variance Order is issued and on a weekly basis thereafter or as requested by the District.*
  - 3. Redwood shall notify the District within 24 hours of S-64 and S-65 each returning to full operation.*
  - 4. Redwood shall record the position (e.g., “open” or “closed”) of the East side valve and the S-71 valve whenever the position of the valves change, including the date and time of the change. Redwood shall begin recording the positions of the East side valve and S-71 valve – including dates and times of changes – within 24-hours of the issuance of the Variance Order. Redwood shall make these records available upon request by the District.*
  - 5. Redwood shall submit the requested information to the District via email to the following email addresses: lgriswold@baaqmd.gov, rmurray@baaqmd.gov, compliance@baaqmd.gov, and mnishiki@baaqmd.gov.*

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**Docket: 3755 – Quality Investment Properties Santa Clara, LLC – Request for Short Variance**

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

**Regulation(s):** Permit Condition #100073

**Synopsis:** Petitioner is a data center facility authorized to operate emergency generators.

From Petitioner:

*Three emergency generators (S2, S3, and S4) require a replacement of their control panels and Programmable Logic Control (PLC) Systems. For each emergency generator, their existing control panels and PLC systems have reached the end of their usable life and their components are no longer available from the manufacturer. Therefore, it is necessary to upgrade to avoid component failure. An additional 7 hours per emergency generator for maintenance and testing is requested to perform the controller and PLC unit replacement. The project is estimated to take place between 10/28/2024-11/22/2024. A temporary generator will be brought onsite to support the building in place of S2, S3, and S4 as each generator is taken out of service for the maintenance to be performed. The temporary generator will be a Portable Equipment Registration Program (PERP) certified unit and operated in accordance with BAAQMD 2-1-105 and CARB Rule 2453(m)(4)(E)(2). The temporary generator will run for approximately 3 hours (1 hour per*

generator) to confirm operational ability but will only run beyond that for power outages should they occur during the project timeline.

**Requested Period of Variance:** October 28, 2024 to November 22, 2024.

**Estimated Excess Emissions:** (From Petitioner) QTS estimates approximately 7 hours of run time per generator. The schedule for testing has not yet been established, therefore it was conservatively estimated that one generator would undergo all 7 hours of testing in one day. The chart below provides the emissions of one generator per day, and the facility total emissions (each generator operating 7 hours per day, for one day during the project duration). Based on the short duration of the project, additional mitigation efforts outside of minimizing run time for testing have not been pursued.

<b>Pollutant</b>	<b>Individual Generator Excess Emissions (lb/day)</b>	<b>Project Total Excess Emissions (lb)</b>
NOX	199.800	599.40
CO	45.788	137.36
VOC	5.828	17.48
PM2.5/PM10	5.869	17.61
SO2	5.869	17.62
Benzene	0.101	0.303
Toluene	0.043	0.129
Xylenes	0.016	0.047
Formaldehyde	0.011	0.032
Acetaldehyde	0.004	0.013
Acrolein	0.001	0.004
Naphthalene	0.000	0.001
Total HAP	0.007	0.022

**Fees collected this Quarter:** \$6,391.00 in filing fees and \$6,580.84 in excess emissions fees.

**Status:** Application for Short Variance filed by Petitioner on October 11, 2024; Notice of Hearing (October 29, 2024) filed and issued October 21, 2024; proposed conditions submitted by both parties on October 25, and then on October 29, 2024, prior to the hearing (approved by Hearing Board Chair); hearing held on October 29, 2024; Order Granting Short Variance filed and issued on October 31, 2024.

THE HEARING BOARD ORDERED:

*The Petitioner is granted a Short Variance from Permit Condition # 100073. The variance covers the period from October 28, 2024, through November 22, 2024. The Short Variance granted is subject to the following conditions, proposed by the Respondent and agreed to by the Petitioner:*

1. QTS shall submit revised emissions calculation which include runtime estimates for the generator that are updated to reflect a revised total of 10 hours of operation per generator, replacing the previous estimate of 7 hours.

2. QTS shall calculate the excess emissions fees associated with the generators, in accordance with Section 3-301 of the District's Regulations, and shall revise their petition to include the anticipated amount in fees.

3. QTS shall submit estimated excess emissions calculations as a part of the variance application for the PERP Engine that will be used to support continuous operation at the Facility in the event of emergency conditions while S-2, S-3 and S-4 are under maintenance.

4. QTS shall submit calculations of emissions fees, in accordance with Section 3-301 of the District's Regulation, for the PERP Engine that will be used to support continuous operation at the Facility in the event of emergency conditions while S-2, S-3 and S-4 are under maintenance.

5. Within 30 days of the completion of activities authorized by this variance, QTS shall pay to the District via check the excess emission fees for all actual excess emissions that result from the requested variance, in accordance with Section 3-301 of the District's Regulations. This includes excess emissions associated with the generators and the PERP Engine.

6. QTS shall complete all actions subject to this variance by November 22, 2024. QTS shall provide to the District the following measurements by December 3, 2024

a. Amount of excess emissions produced per generator of each pollutant listed below:

Pollutant	Individual Generator Excess Emissions (lb/day)	Project Total Excess Emissions (lb)
NO <sub>x</sub> (nitrogen oxides)		
CO (carbon monoxide)		
VOC (volatile organic compounds)		
PM <sub>2.5</sub> /PM <sub>10</sub> (particulate matter)		
SO <sub>2</sub> (sulfur dioxide)		
Diesel PM		

7. QTS shall maintain a daily log of the hours of operation for each source. The maximum achieved operating load must be included for each hour of operation, at minimum. QTS must ensure that each generator under the scope of this variance is equipped with a non-resettable hour meter that records the actual hours of operation.

8. QTS shall submit the requested information listed in Sections 1 through 7 above to the District via email to the following email addresses: [hdegenova@baaqmd.gov](mailto:hdegenova@baaqmd.gov), [lhalvorson@baaqmd.gov](mailto:lhalvorson@baaqmd.gov), [cfee@baaqmd.gov](mailto:cfee@baaqmd.gov), and [JMarvin@baaqmd.gov](mailto:JMarvin@baaqmd.gov)

**Docket: 3756 – Ameresco Keller Canyon RNG LLC – Request for Regular Variance (1 of 2)**

**Location:** Contra Costa County; City of Pittsburg

**Regulation(s):** Regulation 8, Rule 34, Section 412 (Organic Compounds, Solida Waste Disposal Sites, Compliance Demonstration Test); Regulation 2, Rule 1, Section 307 (Permits, General

Requirements, Failure to Meet Permit Conditions); and Permit Conditions #27707.12 and #27708.12

**Synopsis:** *(From Petitioner) In April 2024, Ameresco Keller Canyon RNG LLC (Ameresco) began commissioning of a renewable natural gas (RNG) facility (Facility) that was built to receive landfill gas (LFG) from the Keller Canyon Landfill (Facility #A4618) (Landfill) and process the LFG into RNG for injection into a nearby PG&E pipeline (process S-1). Ameresco began pipeline injections in September 2024. Ameresco takes a waste that would otherwise be unused (that is, LFG) and processes it into a valuable commodity (RNG), reducing the need for the production and use of conventional natural gas, and thereby eliminating criteria pollutant and greenhouse gas emissions that would otherwise occur. The Facility is permitted, owned, and operated separately from the Landfill. The Facility utilizes one Thermal Oxidizer (A-1) and one Enclosed Flare (A-2) to control waste gas emissions from the RNG processing operations.*

*The Facility's ATC requires that an initial source test be conducted on the Thermal Oxidizer and Flare within 1,920 operating hours, not to exceed 120 days from the start of operation. On September 24, 2024, the Hearing Board granted Ameresco a short variance (Docket No. 3753), which allowed Ameresco to extend the initial source testing deadline until November 20, 2024. The Hearing Board's Order Granting Short Variance explained that before Ameresco could conduct an accurate source test of the Thermal Oxidizer and Flare, Ameresco was required to satisfy specific PG&E pre-injection testing requirements. The Order also explains that following the start of injection into the commercial pipeline, Ameresco will require several weeks to tune the plant so that it can process higher flows of LFG. At the time of the Order, Ameresco expected that ramp-up could be completed and source testing could be accomplished prior to November 20, 2024. However, as Facility start-up is ongoing and due to limited LFG availability from the Landfill, the Facility has not been able to operate at or near its permitted capacity. While at times the Facility has been able to operate at approximately 50% of its permitted capacity (as measured by plant inlet flows), typical operations currently average around 35% of the Facility's permitted capacity (that is, current average plant inlet flows are approximately 1700 SCFM, and permitted capacity is 4700 SCFM).*

*Even though the Facility has not been able to operate at its maximum permitted capacity, Ameresco conducted source testing of the Thermal Oxidizer on November 5, 2024. However, Ameresco was unable to complete testing of the Flare, which had been scheduled for November 7, 2024, due to a utility power outage and subsequent difficulty restarting the Facility. Upon completing the source testing of the Thermal Oxidizer, Ameresco contacted District Principal Air Quality Engineer - Source Test Section, Marco Hernandez to ask whether completing the Thermal Oxidizer source testing while the Thermal Oxidizer was operating around 30% of its permitted capacity was compliant with the initial source testing requirement (Condition 27707.12) in Ameresco's ATC, consistent with USEPA's national source testing guidance, which states that if a facility contacts the relevant agency before the test deadline has passed and requests additional time to conduct an initial stack test because it is unable to reach its maximum production rate within the start-up period, it may be appropriate to postpone the test because the information obtained during the test would not be meaningful in determining compliance with the underlying emissions requirements. Mr. Hernandez directed Ameresco to District permitting staff. Ameresco reached out to permitting staff but has not received a definitive response. Ameresco does not believe a variance is needed for the initial source testing requirement for the Thermal Oxidizer, but Ameresco is still working on confirming this point with District staff.*

*Thus, Ameresco is requesting an extension of the November 20, 2024, source testing deadline for the Flare to allow sufficient time to reschedule and complete the postponed test. Ameresco requests an additional 40 days, until December 30, 2024, to complete the initial source testing for the Flare, which is required by Condition 27708.12.*

*In addition, if Ameresco is required by the District to source test the Thermal Oxidizer at higher fuel flow rates than those occurring during the November 2024 source test to comply with Condition 27707.12, Ameresco respectfully requests additional time to comply with Condition 27707.12 because Ameresco has not been able to receive enough LFG to operate the Facility at or near full capacity. (Ameresco believes that its November 2024 source test suffices to comply with Condition 27707.12 but includes this condition in the variance petition out of an abundance of caution, in case the District determines that testing at higher fuel flow rates is required.) While difficult to predict accurately, Ameresco anticipates that there will be sufficient LFG supply to operate the Thermal Oxidizer at or near its full permitted capacity prior to the end of 2025. Thus, if additional source testing is required for the Thermal Oxidizer, Ameresco requests until November 15, 2025 to complete the initial source testing required by Condition 27707.12.*

**Requested Period of Variance:** Request to begin variance on November 20, 2024. Request to end variance on December 30, 2024 for Condition #27708.12 and, if needed, on November 15, 2025 for Condition #27707.12, but only if additional source testing is required for the Thermal Oxidizer.

**Estimated Excess Emissions:** None.

**Fees collected this quarter:** \$10,644.00 in filing fees.

**Status:** Application for Regular Variance filed by Petitioner on November 20, 2024; Notice of Hearings for both Docket Nos. 3756 & 3757 (January 21, 2025) filed and issued on November 27, 2024; on January 14, 2025, parties submitted joint continuance request to move the matter to February 18, 2025 (Hearing Board Chair approved); on January 17, 2025, Clerk filed and issued Notice of Continued Hearing (February 18, 2025); on February 6, 2025 parties submitted joint continuance request to move the matter to the Consent Calendar on the Hearing Board's March 4, 2025 meeting agenda (Hearing Board Chair approved.)

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**Docket: 3757 – Ameresco Keller Canyon RNG LLC – Request for Regular Variance (2 of 2)**

**Location:** Contra Costa County; City of Pittsburg

**Regulation(s):** Permit Conditions #27705.3; #27707.9.c; #27708.9.c; #27707(9)(a); #27708(9)(a); and #27707(9)(d)(iii)

**Synopsis:** (From Petitioner)

*This new regular variance application addresses certain sulfur limits at Ameresco's Keller RNG facility in Pittsburg and is regarding a different issue than last week's variance petition (Docket No. 3756) for this facility, but is related to the same equipment. Ameresco has been working with Air District staff for over a year on related permit modifications, but those modifications are still*



*pending, so Ameresco is filing this second regular variance petition to request variance relief until the permit modifications are finalized.*

*Ameresco respectfully requests this variance due to erroneous partially processed RNG (PPRNG) total reduced sulfur (TRS) concentration and Thermal Oxidizer and Enclosed Flare post-combustion SO<sub>2</sub> mass emissions limits in its ATC. Ameresco seeks a variance for increased limits while the District processes Ameresco's pending permit application seeking the same.*

*Ameresco treats all LFG received from the Landfill in the Facility's H<sub>2</sub>S treatment system, which removes nearly all hydrogen sulfide (H<sub>2</sub>S) from the LFG. However, non-H<sub>2</sub>S species of sulfur cannot reasonably be removed from the LFG.*

*During initial permitting, Ameresco and District engineering staff correctly identified low levels of H<sub>2</sub>S in gas that is treated by the H<sub>2</sub>S scrubber. However, it was not recognized at the time that non-H<sub>2</sub>S sulfur species would be present in the gas treated by the H<sub>2</sub>S treatment system (known as PPRNG following treatment). As a result, Ameresco's ATC includes PPRNG TRS and SO<sub>2</sub> emissions limits that are too low - and unintentionally fail to allow Ameresco to fully utilize Facility capacity to process LFG (that would otherwise be flared directly to the atmosphere) into RNG.*

*Upon realizing that the permit's TRS and SO<sub>2</sub> limits were too low, Ameresco notified District engineering staff, and Ameresco has been working with the District since November 2023 to modify the TRS concentration and SO<sub>2</sub> emissions limits in its permit. (Please see Ameresco ATC Modification Application, dated November 16, 2023.)*

*As of the date of this variance petition, Ameresco is continuing to work with District staff to amend the permit to increase the fuel sulfur concentration and sulfur mass emissions limits. However, an updated permit has not yet been issued, and Ameresco desires to process increased quantities of LFG now that commissioning is complete and injection to the PG&E pipeline has commenced. Absent variance coverage, the Facility is expected to exceed the fuel sulfur concentration and SO<sub>2</sub> mass emissions limits in its permit applicable to the Thermal Oxidizer and Enclosed Flare controlling waste gas from RNG processing operations.*

*The Facility's ATC includes Thermal Oxidizer and Enclosed Flare mass emissions limits that do not account for the levels of non-H<sub>2</sub>S sulfur that cannot be removed and may pass through the H<sub>2</sub>S treatment system. As such, when the Facility operates at its full permitted capacity, the non-H<sub>2</sub>S in the treated LFG stream is expected to cause the SO<sub>2</sub> emissions from the Thermal Oxidizer to exceed the 7.23 pounds per day emissions limit and could cause the SO<sub>2</sub> emissions from the enclosed Flare to exceed the 6.40 pounds per day emissions limit. However, because the Facility has not yet operated at full capacity (and because the Facility does not yet have source testing results to verify compliance with the Thermal Oxidizer and Enclosed Flare SO<sub>2</sub> emissions limits), the Facility has not confirmed any exceedances of the Thermal Oxidizer or Enclosed Flare SO<sub>2</sub> emissions limit. That said, now that the Facility is moving beyond its initial start-up and troubleshooting phase of operations, the Facility will need to increase production and operate at higher capacity. When Ameresco operates the Facility at its full permitted capacity, it anticipates that it will not be able to operate in compliance with the Thermal Oxidizer and Enclosed Flare mass SO<sub>2</sub> emissions limits.*

Further, the Facility’s ATC permit provides for Ameresco to conduct monthly portable analyzer measurements of the PPRNG H2S concentration and use a multiplier of 1.2 to estimate the PPRNG TRS concentration. Although Facility analyzer testing to date yields results that, when multiplied by 1.2, are less than 10 ppmv, Ameresco believes that the 1.2 multiplier may be underestimating the actual TRS concentration, and laboratory testing conducted in November 2024 may show noncompliance with the PPRNG TRS limit. As a result, Ameresco proactively requests variance coverage for this PPRNG TRS concentration limit as well.

Ameresco respectfully requests this variance to allow it to operate the Facility notwithstanding the mistakes in the permitting process, which are likely to result in exceedances of the permit’s PPRNG TRS concentration and SO2 emissions limits. While Ameresco is actively working with District staff to revise its ATC to accurately reflect the TRS concentration of PPRNG entering the Thermal Oxidizer and Enclosed Flare, and the potential SO2 emissions from those devices, such revisions have not been finalized and, as a result, Ameresco requires this second variance to continue to operate the Facility.

**Requested Period of Variance:** April 1, 2024 to March 31, 2025 (or as soon as the Air District issues a revised permit).

**Estimated Excess Emissions:** (From Petitioner) Excess emissions are calculated based on a worst-case scenario of 50 ppm TRS in the PPRNG, which is the concentration Ameresco understands the District is currently considering with respect to Ameresco’s pending permit application. Assuming all sulfur is sent to the Thermal Oxidizer via PPRNG and waste gas for worst-case emissions estimation purposes, the maximum daily SO2 exceedance for the Thermal Oxidizer is 49.97 lbs/day. Assuming all sulfur is sent to the Enclosed Flare via PPRNG and waste gas for worst-case emissions estimation purposes, the maximum daily SO2 exceedance for the Enclosed Flare is 50.80 lbs/day.

<i>Pollutant</i>	<i>Total Estimated Excess Emissions (lbs /day)</i>	<i>Reduction due to Mitigation (lbs/day)</i>	<i>Net Emissions after Mitigation (lbs/day)</i>
SO <sub>2</sub>	50.80	0	0

**Fees collected this quarter:** \$10,644.00 in filing fees.

**Status:** Application for Regular Variance filed by Petitioner on November 26, 2024; Notice of Hearings for both Docket Nos. 3756 & 3757 (January 21, 2025) filed and issued on November 27, 2024; Petitioner requested to withdraw Docket No. 3757 regular variance application on January 14, 2025 (Hearing Board Chair agreed); Order for Dismissal of Docket No. 3757 filed and issued on January 17, 2025.

**Docket: 3758 – Caliber Holdings LLC, doing business as Caliber Collision Centers – Request for Short Variance**

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

**Regulation(s):** Regulation, 2, Rule 1, Section 307 (Permits, General Requirements, Failure to Meet Permit Conditions); and Permit Condition #100002

**Synopsis:** *(From Petitioner) The Petitioner is requesting a short-term variance to permit the use of a larger volume of Clean Up Solvent than authorized under the current permit. The solvent is an integral product in the collision repair process and is used for cleaning surfaces in preparation for painting and cleaning the spray guns in enclosed gun washers. We have been working with our local operations team, environmental consultant, waste company, and paint supplier to evaluate the feasibility of reducing cleaning solvent usage in the short term while we wait for the amended permit to be processed. Despite our best efforts, we have been unable to identify any feasible way to reduce net cleaning solvent usage to below 300 gallons on a rolling 12-month basis. Given that the cleaning solvent has already been used, there is no way to adjust current usage to fall below the rolling 12-month threshold. Therefore, the only possible way to fall below the current 300-gallon limitation would be to close the center and totally suspend all operations for several months.*

**Requested Period of Variance:** November 18, 2024 to February 1, 2025 (pending issuance of permit modification from Air District.)

**Estimated Excess Emissions:** None.

**Fees collected this quarter:** \$6,391.00 in filing fees.

**Status:** Application for Short Variance filed by Petitioner on December 26, 2024; Notice of Hearing (January 28, 2025) filed and issued January 8, 2025; Petitioner submitted request to continue the hearing to unspecified date on January 21, 2025; Notice of Continued Hearing (March 4, 2025) filed and issued on January 23, 2025.

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**Docket: 3747 – APCO vs. Berkeley Landfill – Accusation of Violation of Regulation 8-34-301.1 and Request for Order of Abatement**

**Location:** Alameda County; City of Berkeley

**Regulation(s):** Regulation 8, Rule 34, Section 301.1 & 113.2 (Organic Compounds, Solid Waste Disposal Sites, Landfill Gas Collection and Emission Control System Requirements)

**Synopsis:** The Berkeley Landfill, which has been closed since 1983, and developed as a City park known as Cesar Chavez Park, is undergoing post-closure monitoring and maintenance through various programs administered by CalRecycle, San Francisco Bay Regional Water Quality Control Board, and the Air District. The City of Berkeley (Applicant) owns and operates Berkeley Landfill.

In February 2024, the Hearing Board issued an Order of Abatement with numerous conditions and with Hearing Board jurisdiction extending to February 5, 2025. In January 2025 both parties filed a stipulated motion to extend the Hearing Board’s jurisdiction until all conditions are met.

**Fees collected this quarter:** N/A

**Status:** Accusation filed by Complainant on November 14, 2023; Notice of Hearing (December 5, 2023) filed and issued on November 27, 2023; request for continuance submitted by Facility on November 28, 2023; Complainant filed Response to the Applicant’s Notice of Defense on

November 29, 2023; Notice of Continued Hearing (January 23, 2024) filed and issued on November 30, 2023; Complainant submitted [Proposed] Findings and Decision for an Order of Abatement on January 19, 2024 (rejected by Hearing Board); first day of hearing held on January 23, 2024; Notice of Continued Hearing (additional date of February 6, 2024) filed and issued on January 25, 2024; second (and final) day of hearing held February 6, 2024; Findings and Decision for Conditional Order of Abatement filed February 16, 2024; on January 16, 2025, Complainant filed Stipulated Motion to Amend Order of Abatement to extend the Hearing Board's jurisdiction over this matter (which was set to end February 5, 2025) and requested the matter be placed on the Consent Calendar of the Hearing Board's January 18, 2025 meeting agenda; due to a variety of other calendar changes, the Hearing Board Chair continued this matter to February 18, 2025 and Clerk filed and issued Notice of Hearing (February 18, 2025) and Complainant filed revised Stipulated Motion to Amend Order of Abatement to reflect new hearing date.

THE HEARING BOARD ORDERED:

*Respondent to immediately cease and desist from operating Respondent's closed Landfill in a manner that violates Air District Reg. 8-34-301. 1 or that violates the Landfill's P/C 1826, which require both the continuous operation of its landfill gas (LFG) collection system, consisting of 42 vertical wells, 2 horizontal collectors, 14 trench collectors, and the proper maintenance of and continuous operation of Flare A-4 combusting the collected LFG at a temperature of at least 1,400 degrees Fahrenheit, unless and until the Air District determines compliance action conditions and increments of progress as set forth in 11 conditions have been met. [\(Detailed order language can be found here.\)](#)*

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Respectfully submitted,

*/s/ Valerie J. Armento*

Valerie J. Armento, Esq.  
Chair, Hearing Board

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson