

FILED

MAR 26 2009

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

Lisa Harper
Clerk, Hearing Board
Bay Area Air Quality
Management District

BEFORE THE HEARING BOARD
OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA

In the Matter of the Application of)
)
WASTE MANAGEMENT OF)
ALAMEDA COUNTY)
)
For an Emergency Variance from)
Regulation 8, Rule 34, Section 113.2,)
insofar as they require compliance with)
Condition No. 19235, Part 2(a) of the Major)
Facility Review Permit)
_____)

Docket No. 3566

ORDER GRANTING
EMERGENCY VARIANCE

The above-entitled matter is an Application for an Emergency Variance from the provisions of Regulation 8, Rule 34, Section 113.2, insofar as they require compliance with Condition No. 19235, Part 2(a) of the Major Facility Review Permit. The Applicant originally filed a Variance application on March 13, 2009. The Variance application could not be processed, as it was later determined that an Emergency Variance application was required. The applicant was notified and an Emergency Variance was thereafter filed on March 17, 2009, and having been considered by the Hearing Board:

THE HEARING BOARD STATES as the reasons for its decision and FINDS as to those matters in which findings are required:

1. Applicant filed this Application for Variance under the Emergency Variance procedures, Hearing Board Rules, Section 2.5. Pursuant to Health and Safety Code Sections 42359 and 42359.5, the Hearing Board determined that this Application properly could be ruled upon without notice and hearing. Prior to making this determination, and in accordance with Hearing Board Rules Section 2.5.d.2, the Hearing Board requested and received a response to this Application from the Air Pollution Control Officer. That response recommended the Emergency Variance be granted.

1 2. On March 10, 2009, Pacific Gas and Electric Company (PG&E) began
2 performing maintenance on power lines that provide power to the Altamont Landfill (Plant
3 #A2066 – e.g.; Applicant). The forced utility outage was scheduled to last from Tuesday, March
4 10, 2009 through Thursday, March 13, 2009 with power being restored each evening when phases
5 of the work had been completed.

6 3. On the evenings of March 10 and 11, 2009 PG&E restored power to the site at
7 approximately 18:00 hours, allowing both turbines to be operated overnight and thus allowing the
8 twenty-four (24) hour rolling average Target Gas Flow Rate (TGFR) to remain above the 71.47
9 MMBtu/hour permit limit.

10 4. On Thursday, March 12, 2009, PG&E notified the Applicant that they were
11 missing a crucial component needed to complete repairs and would be unable to restore power
12 until the part had been delivered and installed. The extension of the forced utility outage was
13 estimated to last through March 20, 2009 but resolved on March 16, 2009. Although the A-15 flare
14 was operating with a backup generator to control gas collection and control system emissions, the
15 inability to operate the other control devices (turbines) resulted in failure to meet the TGFR of
16 71.47 MMBtu/hour.

17 5. Attempts were made to bring the turbine online after power was disconnected;
18 however, the turbine could not be operated within permitted temperature limits. This extended
19 utility outage resulted in a deviation in Altamont Landfill's Title V Permit Condition 19235 Part
20 2(a)¹ requiring a TGFR of 71.47 MMBtu/hour.

21 6. Staff's site visit to document the emergency variance provisions occurred after
22 the outage had been resolved on 3/16/09 at which time the Applicant had come back into
23 compliance with their Title V Permit conditions and targeted flow rates to the landfill gas
24 collection and control system were restored.

25 7. District staff estimates POC emissions could be between 0 to 235 pounds/day.

26 8. This Variance will not cause injury, detriment, nuisance, or annoyance to any
considerable number of persons or to the public, or endanger the comfort, repose, health or safety
of any such persons or the public, or cause or have a natural tendency to cause injury or damage to
business or property.

THEREFORE, THE HEARING BOARD ORDERS:

1 A Variance from the provisions of Regulation 8, Rule 34, Section 113.2, insofar as
2 they require compliance with Condition No. 19235, Part 2(a) of the Major Facility Review Permit, be
3 and is hereby granted from March 13, 2009 to and including March 16, 2009, based on the following
4 conditions:

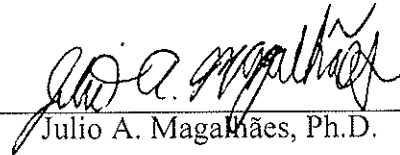
5 1. Applicant has demonstrated good cause for issuance of an Emergency Variance for the
6 following reasons:

7 a. Electricity supply from PG&E was disrupted due to an unexpected failure of a
8 breaker switch during repairs by PG&E. This failure was beyond the reasonable control of
9 Applicant.

10 b. Turbines which form one component of the gas collection and control system at the
11 landfill could not be operated within permitted temperature limits during the electrical outage.

12 c. Applicant curtailed emissions by using a backup generator to power flare A-15
13 which forms part of the gas collection and control system at the landfill.

14 DATED: March 26, 2009

15 
16 _____
17 Julio A. Magalhães, Ph.D.