

FILED
DEC 16 2010
HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

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

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

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In the Matter of the Application of)
)
CROCKETT COGENERATION)
)
For an Emergency Variance from)
Regulation 2, Rule 6, Section 307, insofar)
as they require compliance with Permit to)
Operate Conditions and Regulation 2, Rule)
2, Section 301, and from Condition)
#14970, Parts 27 and Part 29 of the)
Facility's Major Facility Review Permit;)
Site # A8664.)
_____)

Docket No. 3606

ORDER GRANTING
EMERGENCY VARIANCE

The above-entitled matter, being an Application for an Emergency Variance from the provisions of Regulation 2, Rule 2, Section 307, insofar as they require compliance with Permit to Operate Conditions, and Regulation 2, Rule 2, Section 301, insofar as they require compliance with Permit to Operate Condition #14970 Part 27 and Part 29, having been of the Facility's Major Facility Review Permit, having been filed at 3:15 p.m. on December 8, 2010, 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

1 Application from the Air Pollution Control Officer. That response recommended the Emergency
2 Variance be granted.

3 2. Applicant called the Air District and requested an Emergency Variance at 2:00 p.m.
4 on December 7, 2010.

5 3. During a routine annual inspection of S-201, damage to the gas turbine unit rotor
6 was discovered and determined insignificant.

7 4. Once the unit is re-installed, it will require initial commission testing in an
8 extended "start-up" mode for up to 14 hours per day, which would exceed the start-up limit in the
9 facility's District Permit to Operate. Due to the anticipated equipment failure, Petitioner will not
10 be able to complete required source tests and RATA testing within the time-frame specified in its
11 Permit to Operate.

12 5. Petitioner anticipates the daily emission limit for NOx in Permit Condition #14970,
13 Part 20 may potentially be temporarily exceeded during the initial firing of the repaired turbine,
14 thus requested an Emergency Variance.

15 6. The Petitioner estimates a maximum of 736.1 lbs. of excess NOx emission may be
16 emitted per day during the commissioning period.

17 7. In consideration of the facts presented, including efforts to perform due diligence
18 and maintain and inspect turbine S-201 on a regular interval, it appears the damage discovered
19 with the turbine unit rotor on October 25, 2010 is an unforeseen emergency, and good cause has
20 been shown to support and grant the requested Emergency Variance.

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

25 THEREFORE, THE HEARING BOARD ORDERS:

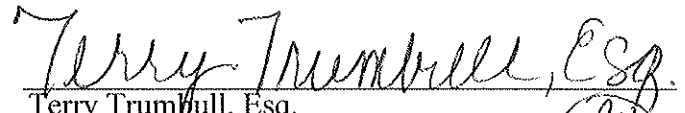
26 A Variance from the provisions of Regulation 2, Rule 6, Section 307, insofar as

1 they require compliance with Permit Conditions and Regulation 2, Rule 2, Section 301, insofar as
2 they require compliance with Permit Condition #14970 Part 27 and Part 29 of the Facility's Major
3 Facility Review Permit, be and is hereby granted from December 18, 2010 to and including
4 January 17, 2011, based on the following conditions:

5 1. Petitioner shall provide their District Inspector with the final root cause
6 determination report by no later than one (1) month following the end of the variance period.

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DATED: December 16, 2010


Terry Trumbull, Esq. 