

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and
Members of the Executive Committee

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

Date: January 31, 2014

Re: Hearing Board Quarterly Report – October through December 2013

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the fourth quarter of 2013 (October through December), the Hearing Board:

- Held two hearings consisting of two Accusations (3638 and 3655), no Appeals and no Variances;
- Processed a total of three orders consisting of two Accusations (3638 and 3655), no Appeals, no Variances, no Emergency Variances and one Request for Withdrawal/Dismissal (3654); and
- Collected a total of \$5,706.00 in filing fees.

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

Location: San Mateo County; City of La Honda

Docket: 3638 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. COSTA LOMA LIMITED CORPORATION, A CALIFORNIA CORPORATION and JAMES A. WILKINSON, A/K/A HIM WILKINSON, INDIVIDUALLY AND D/B/A COSTA LOMA LTD. CORPORATION – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to operate an unsafe facility with no permit to operate in place or accompanying fees paid. The parties jointly requested modification of the Conditional Order for Abatement, filed January 10, 2013, to allow Respondent additional time to bring the facility into compliance.

Status: Modified Conditional Order for Abatement filed December 19, 2013.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0.00

Location: Contra Costa County; Town of Moraga

Docket: 3654 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. HALEH AMIRI; STARS HOLDING CO. LLC; AZAD AMIRI; AMERI MGMT COMPANY, INC. – *Accusation*

Regulation(s): 2-1-307; 8-7-204, 205, 302 and 307

Synopsis: Respondents are alleged to own and operate a gas dispensing facility with an underground stationary storage tank lacking an enhanced vapor recovery system and the requisite authority to construct.

Status: Order for Dismissal filed October 24, 2013, upon the request of Complainant.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0.00

Location: Sonoma County; City of Santa Rosa

Docket: 3655 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. MICHAEL FASANO; COMPLETE COLLISION CENTER LLC – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondents are alleged to own and operate an auto body and paint shop without a permit to operate.

Status: Stipulated Conditional Order for Abatement filed December 4, 2013.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0.00

Location: Alameda County; City of Hayward

Docket: 3656 RUSSELL CITY ENERGY COMPANY, LLC – *Application for Emergency Variance*

Regulation(s): 2-1-307; Authority to Construct and Prevention of Significant Deterioration permit Condition 23763, Parts 44 and 45

Synopsis: Applicant is the owner and/or operator of a combined cycle power generation facility equipped with a nine-cell cooling tower with high-efficiency mist eliminators testing in excess of the required drift rate.

Status: Application withdrawn December 24, 2013.

Period of Variance: Requested December 20, 2013, through January 19, 2014.

Estimated Excess Emissions: Fine (PM₁₀) and ultrafine particulate matter (PM_{2.5}) in amounts to be determined.

Fees collected this quarter: \$814.00

Location: Alameda County; City of Hayward

Docket: 3657 RUSSELL CITY ENERGY COMPANY, LLC – *Application for Interim and Regular Variances*

Regulation(s): 2-1-307; Authority to Construct and Prevention of Significant Deterioration permit Condition 23763, Parts 44 and 45

Synopsis: Applicant is the owner and/or operator of a combined cycle power generation facility equipped with a nine-cell cooling tower with high-efficiency mist eliminators testing in excess of the required drift rate.

Status: Hearing on interim variance scheduled for January 30, 2014; hearing on regular variance scheduled for February 13, 2014.

Period of Variance: Requested December 20, 2013, through September 30, 2014

Estimated Excess Emissions: PM_{2.5} and PM₁₀ in amounts to be determined.

Fees collected this quarter: \$4,892.00

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders