

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Eric Mar and Members of the Executive Committee
From: Chairperson Terry Trumbull, Esq., and Members of the Hearing Board
Date: February 23, 2016
Re: Hearing Board Quarterly Report – October through December 2015

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the fourth quarter of 2015 (October through December), the Hearing Board:

- Held one hearing on an Accusation (3682). There were no hearings relative to Variances;
- Processed a total of four Orders, including three Orders for Dismissal (3678, 3679, 3680) and one Emergency Variance (3681); and
- Collected a total of \$3,819.00 in filing fees.

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

Location: Contra Costa County; City of Antioch

Docket: 3678 APCO v. BILL BINDAL – *Accusation*

Regulation(s): Regulation 2, Rule 1, Section 302

Synopsis: Applicant operates a gas station for which they must hold a District permit to operate gasoline dispensing equipment. Applicant has conducted gas dispensing operations at this facility since April 2015 without a valid District permit and without a current permit in place since April 2011.

Status: Order for Dismissal issued on October 8, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Alameda County; City of Hayward

Docket: 3679 APCO v. ALBERTO MENDOZA – *Accusation*

Regulation(s): Regulation 2, Rule 1

Synopsis: Applicant operates an auto body painting operation without maintaining a BAAQMD P/O; this facility has operated for three years in violation of the above regulation. It was issued a Notice of Violation in 2015 for failure to renew its P/O.

Status: Order for Dismissal issued on December 14, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Solano County; City of Vallejo

Docket: 3680 APCO v. MANUEL G. SEGURA – *Accusation*

Regulation(s): Regulation 2, Rule 1

Synopsis: Applicant operates a motor vehicle refinishing operation. A Notice of Violation was issued to Respondent in 2015 for failure to renew its P/O. This facility has operated w/o a valid permit since December 2012 in violation of the above regulation.

Status: Order for Dismissal issued on December 14, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Santa Clara County; City of Santa Clara

Docket: 3681 APCO v. APPLIED MATERIALS, INC – *Application for Emergency Variance*

Regulation(s): Regulation 2, Rule 1 – Section 301 and Regulation 9, Rule 8 – Section 330

Synopsis: Applicant operates a semi-conductor research and development facility and seeks a variance for two temporary backup generators which caused a power failure to the entire building.

Status: Request for withdrawal of said Application filed on October 13, 2015.

Period of Variance: October 11, 2015 – November 11, 2015

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Santa Clara County; City of Gilroy

Docket: 3682 APCO v. HARVEY FLORES – *Accusation*

Regulation(s): Regulation 2, Rule 1

Synopsis: Applicant operates an auto body painting operation without maintaining a BAAQMD P/O; this facility has operated at least 6 years in violation of the above regulation. Notice of Violation (NOV) # A46599 was issued to the facility on January 28, 2014 for failure to renew its P/O.

Status: Hearing held on December 17, 2015.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Maricela Martinez