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**BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

In the Matter of

SENTINEL ENERGY CENTER LLC
[Facility ID No. 152707],

Petitioner,

v.

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT.

Respondent.

Case No. 6141-2

**STIPULATION TO PLACE PETITION
FOR INTERIM VARIANCE ON
CONSENT CALENDAR**

Hearing Date: April 10, 2024
Time: 9:30 a.m.
Place: South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

We, the undersigned parties, hereby agree and stipulate as follows:

1. This matter may be placed on the Hearing Board’s Consent Calendar for Wednesday April 10, 2024, pursuant to District Hearing Board Rule 4(a)(4).
2. The Petitioner seeks an Interim variance and a Regular variance from District Rules 3002(c) and 2004(f), and Condition D29.5 of Facility Permit No. 152707 (Rev. 7) (“Permit”) as applicable to Device C15 associated with D13, to perform a required source test after maintenance is completed and D13 is operational again.
3. The Petitioner does not anticipate visible emissions during the short variance and is not seeking relief from District Rule 401.
4. The Sentinel Declaration of Dennis Johnson (filed concurrently as Exhibit 1 to this Stipulation) and the South Coast AQMD Declaration of Christian Aviles (filed concurrently as

1 Exhibit 2 to this Stipulation) are submitted to the Hearing Board in support of Petitioner's request
2 for Interim and Regular variance relief.

3 5. The parties have agreed on a (Proposed) Findings and Decision and (Proposed) Order
4 (filed concurrently as Exhibit 3 with this Stipulation).

5 6. The parties hereby request that the Hearing Board decide the matter based on this
6 Stipulation, Declarations, and other documents submitted by the parties.

7 7. Operation under the proposed Order is not expected to result in a violation of Health
8 and Safety Code Section 41700 (nuisance).

9 8. Based on all the evidence in this case, the District does not oppose consideration of
10 the Interim variance on the Consent Calendar for April 10, 2024, and does not oppose consideration
11 of the Regular variance on the Consent Calendar for April 30, 2024, or as soon thereafter as the
12 matter may be heard.

13 SO STIPULATED

14
15 Dated: April 4, 2024


FOR PETITIONER

16
17 By: 

18 William Kissinger
19 MORGAN, LEWIS & BOCKIUS
20 Counsel to Sentinel Energy Center

21
22 Dated: April 4, 2024

FOR RESPONDENT
23 SOUTH COAST AIR QUALITY
24 MANAGEMENT DISTRICT

25 By: 

26 Daphne Hsu
27 Principal Deputy District Counsel
28 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT

EXHIBIT 1

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BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In the Matter of

SENTINEL ENERGY CENTER LLC
[Facility ID No. 152707],

Petitioner,

v.

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT.

Respondent.

Case No. 6141-2

**DECLARATION OF DENNIS JOHNSON
RE INTERIM AND REGULAR
VARIANCE PETITION; FILED IN
SUPPORT OF CONSENT CALENDAR**

Hearing Date: April 10, 2024
Time: 9:30 a.m.
Place: South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

I, Dennis Johnson, declare:

1. I am the Plant Manger for the Sentinel Energy Center (“Sentinel” or “Facility”). If called as a witness, I could testify to the following based on personal knowledge.
2. I am familiar with and have reviewed the petition filed in Case no 6141-2, and I am familiar with the issues presented in the petition related to the source testing requirements of the Facility’s permit, including Permit Condition D29.5 on Facility Permit No. 152707 (Revision no. 7) (the revised “Title V Permit”).
3. For the past 7 years I have served as the Plant Manager of Sentinel, an 850 MW gas fired power plant powered by 8 GE LMS100 simple cycle gas turbines. Last December, in consultations with the Air District, the CO Catalyst associated with Gas Turbine Unit 3 was replaced. Operations of Gas Turbine 3 were initiated on December 9, 2023, with the new catalyst.

1 4. Five days later, Gas Turbine Unit 3 experienced a mechanical breakdown that required
2 it to be taken out of service, *i.e.*, it went into "outage." The unit was sent to the GE Depot repair
3 facility in Bakersfield, California for diagnostics.

4 5. GE subsequently notified Sentinel in February that the turbine would require additional
5 testing and shipment to the Houston Depot for repairs, which is where Gas Turbine Unit 3 is
6 currently. I have been advised by GE that the turbine cannot be repaired and returned to Sentinel
7 until sometime this summer.

8 6. Sentinel replaced the CO catalyst on December 6, 2023. It is my understanding the
9 District believes that a 90-day deadline to do source testing started once Gas Turbine Unit 3 was
10 placed back in operation on December 9, 2023. Sentinel did not understand that to be the
11 requirement and instead thought that the deadline began to run, if at all, on February 15, 2024,
12 when the District issued the revised Title V permit and included new permit condition D29.5,
13 which calls for source testing after replacement of catalyst in CO Catalyst devices, including
14 Device C15.

15 7. Whenever the 90-day period began to run, whether in December or February, Sentinel
16 will require this variance because the current Gas Turbine Unit 3 outage makes it impossible to
17 perform the source test until GE ships the gas turbine back to Sentinel, and it can be placed back
18 in operation. That will not happen until sometime this summer at the earliest.

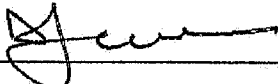
19 8. The team at Sentinel, including myself, have worked diligently to determine the
20 appropriate course of action in light of these facts. It is my understanding that counsel for
21 Sentinel has been in touch with district legal counsel to discuss this issue starting the first week of
22 March.

23 9. Because Unit 3 will be in outage during most of the variance period and will be
24 operated in accordance with the limits of the permit once restarted, there will be no excess
25 emissions. Moreover, Sentinel will provide CEMS data for the operational period, so there should
26 be no risk of unidentified emissions or risks to the environment while Sentinel arranges for the
27 source testing within the 90-day period after operations resume.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 4th day of April 2024 at Palm Springs, California.



DENNIS JOHNSON

EXHIBIT 2

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BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In the Matter of
SENTINEL ENERGY CENTER LLC
[Facility ID No. 152707],

Petitioner,

v.

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT.

Respondent.

Case No. 6141-2

**DECLARATION OF CHRISTIAN
AVILES RE INTERIM AND REGULAR
VARIANCE PETITION; FILED IN
SUPPORT OF CONSENT CALENDAR**

Hearing Date: April 10, 2024
Time: 9:30 a.m.
Place: South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

I, Christian Aviles, declare:

1. I am an Air Quality Engineer II employed by the South Coast Air Quality Management District (“District”). If called as a witness, I could testify to the following based on personal knowledge.
2. I am familiar with and have reviewed the petition filed in Case no 6141-2 and I am familiar with the issue presented in the petition related to new Permit Condition D29.5 on Facility Permit No. 152707 (Revision no. 7) (the revised “Title V Permit”).
3. I am the permitting engineer assigned to process applications submitted by the facility, including the CO Catalyst applications, A/Ns 643294-643302.
4. During the Fall of 2023 (primarily in the months of September and October), I was communicating with the facility’s consultants (Yorke Engineering) about pending applications. The facility indicated that prioritizing the CO Catalyst applications (A/Ns 643294-643302) was

1 appropriate in light of the catalyst replacement schedule as proposed by the facility, which
2 included replacing the CO catalyst for Unit 3 during the week of December 9th.

3 5. On October 6, 2023, after consulting with my management, I confirmed via email that
4 a CO catalyst change could be conducted under the then current permit provided the appropriate
5 equivalency forms, 400-E-5-CR, were submitted.

6 6. On October 11, 2023, Sentinel's consultants submitted the equivalency forms (400-E-
7 5-CR) and confirmed that the facility wanted to proceed with the application to modify its permit
8 to include testing requirements specific to the CO catalyst changeouts, consistent with my October
9 6, 2023, email.

10 7. Attached as Exhibit A are the relevant permit pages dated November 16, 2023.

11 8. On or about February 15, 2024, the District issued the facility a revised Title V Permit
12 that included a new permit condition (D29.5), which provides for specific testing of CO Catalyst
13 devices, including C15. New permit condition D29.5 provides for the streamlined installation of
14 new CO catalyst pursuant to the District's catalyst equivalency policy.

15 9. New condition D29.5 on the revised Title V Permit includes a similar requirement as
16 the prior permit, condition D29.4, both of which require testing to be completed within 90-days of
17 initiation of operations after CO catalyst installation.

18 10. The facility initiated the CO catalyst change out of Device C15 associated with Unit 3
19 on December 9, 2023, while still subject to the prior permit, and operated Unit 3 until its outage
20 on December 14, 2023, so the 90-day clock for testing CO catalyst started on December 9, 2023.

21 11. The District does not oppose the requested variance relief because the CO catalyst
22 cannot be tested until Unit 3 is repaired and operational again.

23
24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct. Executed this 4th day of April 2024 at Anaheim, California.

26
27 *Christian Aviles*

28
CHRISTIAN AVILES

Exhibit A



**FACILITY PERMIT TO OPERATE
SENTINEL ENERGY CENTER LLC**

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

| Equipment | ID No. | Connected To | RECLAIM Source Type/ Monitoring Unit | Emissions* And Requirements | Conditions |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Process 1: INTERNAL COMBUSTION | | | | | |
| GAS TURBINE, GTG 3, NATURAL GAS, GENERAL ELECTRIC, MODEL LMS100PA, SIMPLE CYCLE, 891.7 MMBTU/HR AT 72 DEGREES F, WITH WATER INJECTION WITH A/N: 634497 | D13 | C15 | NOX: MAJOR SOURCE** | CO: 4 PPMV NATURAL GAS (4) [RULE 1703(a)(2) - PSD-BACT, 10-7-1988]; CO: 2000 PPMV NATURAL GAS (5) [RULE 407, 4-2-1982]; NOX: 2.5 PPMV NATURAL GAS (4) [RULE 1703(a)(2) - PSD-BACT, 10-7-1988; RULE 2005, 12-4-2015]; NOX: 15 PPMV NATURAL GAS (8) [40CFR 60 Subpart KKKK, 3-20-2009]; PM10: 0.01 GRAINS/SCF NATURAL GAS (5A) [RULE 475, 10-8-1976; RULE 475, 8-7-1978]; PM10: 0.1 GRAINS/SCF NATURAL GAS (5) [RULE 409, 8-7-1981]; PM10: 11 LBS/HR NATURAL GAS (5B) [RULE 475, 8-7-1978]; SO2: (8) [40CFR 72 - Acid Rain Provisions, 11-24-1997]; SOX: 0.06 LBS/MMSCF NATURAL GAS (8) [40CFR 60 Subpart KKKK, 3-20-2009]; VOC: 2 PPMV NATURAL GAS (4) [RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002] | A63.1, A63.2, A99.3, A99.9, A99.10, A195.1, A195.2, A195.3, A327.1, A433.1, A433.2, A433.3, A433.4, B61.1, C1.1, C1.6, D12.1, D29.2, D29.3, D82.1, D82.2, E71.1, E193.1, H23.1, I298.4, K40.1, K48.1, K67.1 |
| GENERATOR, 103 MW | | | | | |
| CO OXIDATION CATALYST, NO. 3, BASF, WITH 150-CUBIC FEET OF TOTAL CATALYST VOLUME. A/N: 624277 | C15 | D13 C16 | | | |

* (1) (1A) (1B) Denotes RECLAIM emission factor (2) (2A) (2B) Denotes RECLAIM emission rate
 (3) Denotes RECLAIM concentration limit (4) Denotes BACT emission limit
 (5) (5A) (5B) Denotes command and control emission limit (6) Denotes air toxic control rule limit
 (7) Denotes NSR applicability limit (8) (8A) (8B) Denotes 40 CFR limit (e.g. NSPS, NESHAPS, etc.)
 (9) See App B for Emission Limits (10) See section J for NESHAP/MACT requirements

** Refer to section F and G of this permit to determine the monitoring, recordkeeping and reporting requirements for this device.



FACILITY PERMIT TO OPERATE SENTINEL ENERGY CENTER LLC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

| Equipment | ID No. | Connected To | RECLAIM Source Type/ Monitoring Unit | Emissions* And Requirements | Conditions |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Process 1: INTERNAL COMBUSTION | | | | | |
| SELECTIVE CATALYTIC REDUCTION, NO.3, CORMETECH CM21ST, OR APPROVED EQUIVALENT CATALYST, WITH 12 MODULES, 107 CU.FT.; WIDTH: 9 FT 7.75 IN; HEIGHT: 6 FT 3.38 IN; LENGTH: 1 FT 9.25 IN WITH A/N: 624277 AMMONIA INJECTION, GRID | C16 | C15 S18 | | NH3: 5 PPMV NATURAL GAS (4) [RULE 1135, 11-2-2018; RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002] | A195.4, D12.2, D12.3, D12.4, D29.4, E179.1, E179.2, E193.1, E519.1 |
| STACK, NO. 3, HEIGHT: 90 FT ; DIAMETER: 13 FT 6 IN A/N: 634497 | S18 | C16 | | | |

* (1) (1A) (1B) Denotes RECLAIM emission factor (2) (2A) (2B) Denotes RECLAIM emission rate
 (3) Denotes RECLAIM concentration limit (4) Denotes BACT emission limit
 (5) (5A) (5B) Denotes command and control emission limit (6) Denotes air toxic control rule limit
 (7) Denotes NSR applicability limit (8) (8A) (8B) Denotes 40 CFR limit (e.g. NSPS, NESHAPS, etc.)
 (9) See App B for Emission Limits (10) See section J for NESHAP/MACT requirements

** Refer to section F and G of this permit to determine the monitoring, recordkeeping and reporting requirements for this device.



**FACILITY PERMIT TO OPERATE
SENTINEL ENERGY CENTER LLC**

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

analysis is not to be below 70 F.

The use of this alternative method for VOC compliance determination does not mean that it is more accurate than unmodified AQMD Method 25.3, nor does it mean that it may be used in lieu of AQMD Method 25.3 without prior approval, except for the determination of compliance with the BACT level of 2.0 ppmv VOC calculated as carbon set by CARB for natural gas fired turbines

For the purposes of this condition, alternative test method may be allowed for each of the above pollutants upon concurrence of SCAQMD, EPA, and CARB.

[RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002; RULE 1303(b)(2)-Offset, 5-10-1996; RULE 1303(b)(2)-Offset, 12-6-2002; RULE 1703(a)(2) - PSD-BACT, 10-7-1988]

[Devices subject to this condition : D1, D7, D13, D19, D25, D31, D37, D43]

D29.4 The operator shall conduct source test(s) for the pollutant(s) identified below.

| Pollutant(s) to be tested | Required Test Method(s) | Averaging Time | Test Location |
|---------------------------|-------------------------------|----------------------------------|------------------------------------------|
| NOX emissions | District method 100.1 | 1 hour | Outlet of the SCR serving this equipment |
| SOX emissions | District method 100.1 | 1 hour | Outlet of the SCR serving this equipment |
| VOC emissions | District Method 25.1 or 25.3 | 1 hour | Outlet of the SCR serving this equipment |
| CO emissions | District Method 100.1 or 10.1 | 1 hour | Outlet of the SCR serving this equipment |
| PM emissions | Approved District method | District-approved averaging time | Outlet of the SCR serving this equipment |



FACILITY PERMIT TO OPERATE SENTINEL ENERGY CENTER LLC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

| | | | |
|----------------|------------------------------|----------------------------------|------------------------------------------|
| PM10 emissions | District Method 25.1 or 25.3 | District-approved averaging time | Outlet of the SCR serving this equipment |
| Benzene | CARB Method 410A or 410B | District-approved averaging time | Outlet of the SCR serving this equipment |
| Acetaldehyde | CARB method 430 | District-approved averaging time | Outlet of the SCR serving this equipment |
| Formaldehyde | CARB method 430 | District-approved averaging time | Outlet of the SCR serving this equipment |
| Toluene | CARB Method 410A or 410B | District-approved averaging time | Outlet of the SCR serving this equipment |
| Ethyl benzene | CARB Method 410A or 410B | District-approved averaging time | Outlet of the SCR serving this equipment |
| Xylene | CARB Method 410A or 410B | District-approved averaging time | Outlet of the SCR serving this equipment |



FACILITY PERMIT TO OPERATE SENTINEL ENERGY CENTER LLC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

The test shall be conducted within 90 days of the installation and operation of a new catalyst.

The test shall be conducted when the respective turbine is operating at 80 percent or greater of its design capacity. Alternatively, the test may be conducted as prescribed under the then active condition D29.3 for periodic monitoring of SO_x, VOC and PM₁₀.

The test shall be conducted to determine the concentration and report mass emission rate in pounds per hour for NO_x, SO_x, ROG, CO, Total PM, Total PM₁₀ and the following compounds: Benzene, Acetaldehyde, Formaldehyde, Toluene, Ethyl Benzene, and Xylene.

The test shall be conducted to determine the oxygen concentration, fuel flow rate (CFH) and the electricity generation of the turbine in MW.

The test shall be conducted to demonstrate equivalency of the replacement catalyst to the catalyst as permitted for the SCR serving the respective turbines. At a minimum, the proposed replacement catalyst shall meet all of the following requirements:

- a. NO_x concentrations at the outlet of the SCR shall be no more than 2.5 ppmv, averaged over 60 minutes and corrected to 15 percent O₂ dry.
- b. Ammonia concentration at the outlet of the SCR shall be no more than 5 ppmv, averaged over 60 minutes and corrected to 15 percent O₂ dry.

The test shall be conducted and test report submitted to the South Coast AQMD in accordance with Section E of the Facility Permit.

The South Coast AQMD shall be notified of the date and time of the test at least 10 days prior to the test.

[RULE 1135, 7-19-1991; RULE 1135, 11-2-2018; RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002]



FACILITY PERMIT TO OPERATE SENTINEL ENERGY CENTER LLC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

[Devices subject to this condition : C4, C10, C16, C22, C28, C34, C40, C46]

D82.1 The operator shall install and maintain a CEMS to measure the following parameters:



**FACILITY PERMIT TO OPERATE
SENTINEL ENERGY CENTER LLC**

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

[Devices subject to this condition : D1, C4, D7, C10, D13, C16, D19, C22, D25, C28, D31, C34, D37, C40, D43, C46, D49, D52, D53]

E519.1 The operator shall only install in this equipment SCR catalyst that matches the permit description unless prior written approval has been received from the Executive Officer or designee. To request written approval for the replacement catalyst, the operator shall submit a completed 400-E-5-CR form used for collecting data to establish equivalency for replacement catalyst.

Once the approved replacement catalyst is installed and used, the operator shall not install a different catalyst other than the most recently approved catalyst unless prior written approval has been received from the Executive Officer or designee.

The permit will be updated to reflect the new catalyst and performance criteria as an administrative revision in the next upcoming Title V permit revision or renewal after the completion of satisfactory testing and verification of performance criteria.

Source test(s) shall be conducted in accordance with performance test(s) as defined in condition(s) D29.2 and D29.4 within 90 days of the completion of installation of an approved catalyst. For the purposes of demonstrating equivalency only, source test results shall be used to verify that the replacement catalyst can, at a minimum, meet the following performance criteria:

The NO_x emissions at the outlet of this device shall be no more than 2.5 PPMV, averaged over 60 minutes and corrected to 15 percent oxygen.

The NH₃ emissions at the outlet of this device shall be no more than 5 PPMV, averaged over 60 minutes and corrected to 15 percent oxygen.

No increase in toxic air contaminant emissions that will cause any increases in health risk higher than the level the existing catalyst could have caused.



**FACILITY PERMIT TO OPERATE
SENTINEL ENERGY CENTER LLC**

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

[RULE 1135, 7-19-1991; RULE 1135, 11-2-2018; RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002]

[Devices subject to this condition : C4, C10, C16, C22, C28, C34, C40, C46]

H. Applicable Rules

H23.1 This equipment is subject to the applicable requirements of the following rules or regulations:

| Contaminant | Rule | Rule/Subpart |
|-------------|------------------|--------------|
| NOX | 40CFR60, SUBPART | KKKK |
| SOX | 40CFR60, SUBPART | KKKK |

[40CFR 60 Subpart KKKK, 3-20-2009]

[Devices subject to this condition : D1, D7, D13, D19, D25, D31, D37, D43]

I. Administrative

EXHIBIT 3

**BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

In the Matter of

SENTINEL ENERGY CENTER LLC,

[Facility I.D. No. 152707]

Section 42350 of the California Health and
Safety Code

Case No. 6141-2

**ORDER GRANTING AN INTERIM
VARIANCE**

Hearing Date: April 10, 2024

FINDINGS AND DECISION OF THE HEARING BOARD

This petition for an interim variance was heard on the consent calendar on April 10, 2024, pursuant to notice and in accordance with the provisions of California Health and Safety Code Section 40826 and District Rule 510. The matter was placed on the Consent Calendar pursuant to the Stipulation to Place Petition for Interim Variance on Consent Calendar. The following members of the Hearing Board were present: Cynthia Verdugo-Peralta, Chair; Robert Pearman, Esq., Vice Chair; Jerry P. Abraham, MD, MPH, CMQ; Micah Ali; and Mohan Balagopalan. Petitioner Sentinel Energy Center LLC (hereinafter "Petitioner" or "Sentinel") represented by Rick R. Rothman and William Kissinger, of the law firm of Morgan Lewis LLP, did not appear. Respondent, Executive Officer, represented by Daphne Hsu, Principal Deputy District Counsel, did not appear. The public was given the opportunity to testify. The Declaration of Dennis Johnson was received as evidence from Petitioner and the declaration of Christian Aviles was received as evidence from Respondent and the Proposed Findings and Decision of the Hearing Board was received as an exhibit, and the case submitted. The Hearing Board finds and decides as follows:

Nature of Business and Location of Facility

The Sentinel facility is located at 15775 Melissa Lane Rd, North Palm Springs, California, is a nominally rated 850-megawatt natural gas-fired, simple-cycle electricity generation facility consisting of eight General Electric LMS100 combustion turbine generators and associated equipment.

Equipment and Permit to Construct/Operate

The equipment that is the subject of this petition is the CO Catalyst device (Device No. C15) associated with turbine Unit 3 at the facility. The equipment is operated pursuant to Facility Permit to Operate (P/O) No. 152707.

SUMMARY

Petitioner will be violation of District Rules 203(b), 2004(f)(1) and 3002(c) and intends to achieve compliance by conducting a source test within 90 days of restarting turbine Unit 3.

FINDINGS OF FACT

Following are the facts and conclusions supporting the findings set forth in Health and Safety Code Section 42352 necessary to grant the variance. The Executive Officer did not oppose the granting of the variance.

a. The petitioner for a variance is, or will be, in violation of Section 41701 or of any rule regulation or order of the District.

1. Petitioner will be in violation of District Rules 203(b), 2004(f)(1) and 3002(c), which requires compliance with permit conditions, as petitioner will be out of compliance with Permit Condition D29.5 until Gas Turbine Unit 3 (Device No. D13) is restarted and the source testing of the CO Catalyst (Device No. C15) pursuant to the condition can be conducted.

b(1). Non-compliance with District Rule(s) is due to conditions beyond the reasonable control of the petitioner.

1. Petitioner cannot perform the source testing contemplated by permit condition D29.5 until Gas Turbine Unit 3 is back up and running. Turbine Unit 3 has been out of service since December 14, 2023. Gas Turbine Unit 3 was sent off-site for repairs and is not expected to be repaired and back in operation until the 3rd Quarter of 2024. Gas Turbine Unit 3 must be operating in order to perform the required source testing on the associated CO Catalyst. Therefore, it is beyond Petitioner's reasonable control to comply with District rules and permit conditions.

b(2). Requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.

1. Denial of the variance would cause significant harm to Petitioner in that Petitioner may be unable to operate Gas Turbine Unit 3 once it is repaired, which could have impacts on California's electricity grid and could result in significant lost revenues to Petitioner.

c. The closing or taking would be without a corresponding benefit in reducing air contaminants.

1. Once the repairs are completed and Gas Turbine Unit 3 is restarted, it will be operating in compliance with permitted emissions requirements so there are no anticipated excess emissions associated with this variance.

d. The applicant for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance.

1. Petitioner considered curtailment. However, since Gas Turbine Unit 3 is not operating, curtailment would not obviate the need for a variance. Curtailment does not address the inability to perform the source testing of the associated CO Catalyst contemplated by permit condition D29.5.

e. During the period the variance is in effect, the applicant will reduce excess emissions to the maximum extent feasible.

1. There are no excess emissions associated with this variance.

f. During the period the variance is in effect, the applicant will monitor or otherwise quantify emission levels from the source, if requested to do so by the district, and report these emission levels to the district pursuant to a schedule established by the district.

1. Petitioner will monitor emissions during the variance period using Gas Turbine Unit 3's CEMS once the turbine is restarted. Petitioner will also operate the CEMS for the duration of the variance period where the Gas Turbine Unit 3 is not operating or alternatively may choose

to comply with the requirements in Rule 2012(c)(2)(D) and 2012(c)(2)(E), as amended November 3, 2022.

CONCLUSION AND ORDER

THEREFORE, good cause appearing, the Hearing Board orders as follows:

A. Petitioner is granted an interim variance from South Coast AQMD Rules 203(b), 2004(f)(1) and 3002(c) {Condition D29.5 of Title V Facility P/O No. 152707 for the CO Catalyst (Device C15)} for the period commencing April 10, 2024 and continuing through May __, 2024 or such other date as when a Regular Variance can be heard.

B. The variance granted herein is subject to the following conditions:

1. The variance applies only to the portion of condition D29.5 stating the “test shall be conducted within 90 days of the installation and operation of a new CO oxidation catalyst.” All other requirements in this condition shall remain in effect.

2. Petitioner shall complete the repair of Gas Turbine, Unit 3 (Device No. D13) and return the unit to service. Additionally, the Petitioner shall send monthly updates of repair progress by the first Tuesday of each month to South Coast AQMD by sending emails to Air Quality Inspector Patricia Ramirez (pramirez@aqmd.gov) and Air Quality Engineer Christian Aviles (caviles@aqmd.gov).

3. Petitioner shall notify the South Coast AQMD by sending emails to Air Quality Inspector Patricia Ramirez (pramirez@aqmd.gov) and Air Quality Engineer Christian Aviles (caviles@aqmd.gov), within 7 days after Gas Turbine, Unit 3 (Device No. D13) is returned to service, with the actual date and time when the unit was returned to service.

4. Once the gas turbine and associated air pollution control devices (Device No. D13 & C15) have returned to service, Petitioner shall complete the source test as required by condition D29.5 within 90 calendar days.

5. Petitioner shall notify South Coast AQMD by sending an email to Air Quality Inspector Patricia Ramirez (pramirez@aqmd.gov) and Air Quality Engineer Christian Aviles (caviles@aqmd.gov) at least 24 hours prior to starting the required source test.

6. Petitioner shall submit the complete source test report to South Coast AQMD Source Testing (sourcetesting@aqmd.gov), Air Quality Inspector Patricia Ramirez (pramirez@aqmd.gov), and to Air Quality Engineer Christian Aviles (caviles@aqmd.gov) within 45 calendar days after the test date.

7. Petitioner shall operate the Continuous Emissions Monitoring System (CEMS) to continuously monitor the exhaust from the gas turbine (Device No. D13) and record all required parameters (i.e. NOx concentration, oxygen content, and fuel flow) pursuant to Rule 2012, Appendix A, Chapter 2 for the duration of the variance period including showing valid zeros for all parameters when the turbine is not operating. In lieu of the of the abovementioned requirement, the Petitioner may choose to comply with the requirements in Rule 2012(c)(2)(D) and 2012(c)(2)(E), as amended on November 3, 2022.

8. Petitioner shall notify the Clerk of the Board in writing when final compliance is achieved.

9. Petitioner shall pay all applicable fees to the Clerk of the Hearing Board on or before fifteen days from the date the variance is granted or the variance shall be invalidated pursuant to Rule 303 – Hearing Board Fees, subsection (k).

FOR THE BOARD: _____

DATED: _____