



1 Stipulation) and the South Coast AQMD Declaration of Christian Aviles (filed concurrently as  
2 Exhibit 2 to this Stipulation) are submitted to the Hearing Board in support of Petitioner's request  
3 for Regular variance relief.

4 5. On April 10, 2024, the Hearing Board granted Petitioner's application for an Interim  
5 Variance seeking a variance until the Hearing Board could consider Petitioner's request for a regular  
6 variance. A copy of the Hearing Board's order and findings granting the Interim Variance is filed  
7 concurrently as Exhibit 3.

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

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

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

14 9. Based on all the evidence in this case, the District does not oppose consideration of  
15 the variance on the Consent Calendar for May 14, 2024, or as soon thereafter as the matter may be  
16 heard.

17 SO STIPULATED

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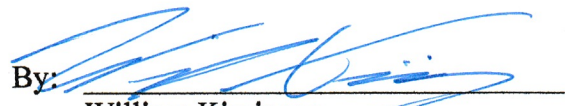
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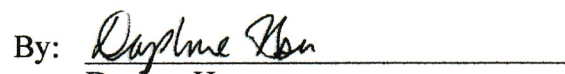
Dated: May 3, 2024

FOR PETITIONER

By:   
William Kissinger  
MORGAN, LEWIS & BOCKIUS  
Counsel to Sentinel Energy Center

Dated: May 2, 2024

FOR RESPONDENT  
**SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT**

By:   
Daphne Hsu  
Principal Deputy District Counsel  
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 REGULAR VARIANCE PETITION;  
FILED IN SUPPORT OF CONSENT  
CALENDAR**  
  
Hearing Date: May 14, 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.

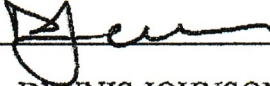
19          8.     The team at Sentinel, including myself, have worked diligently to determine the  
20 appropriate course of action in light of these facts. It is my understanding that counsel for  
21 Sentinel has been in touch with district legal counsel to discuss this issue starting the first week 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 ~~4<sup>th</sup>~~<sup>3<sup>rd</sup></sup> day of May \_\_, 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 REGULAR VARIANCE  
PETITION; FILED IN SUPPORT OF  
CONSENT CALENDAR**  
  
Hearing Date: May 14, 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 9<sup>th</sup>.

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 1st day of May 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
<b>Process 1: INTERNAL COMBUSTION</b>					
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
<b>Process 1: INTERNAL COMBUSTION</b>					
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<sub>x</sub>, VOC and PM<sub>10</sub>.

The test shall be conducted to determine the concentration and report mass emission rate in pounds per hour for NO<sub>x</sub>, SO<sub>x</sub>, ROG, CO, Total PM, Total PM<sub>10</sub> 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<sub>x</sub> concentrations at the outlet of the SCR shall be no more than 2.5 ppmv, averaged over 60 minutes and corrected to 15 percent O<sub>2</sub> 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 O<sub>2</sub> 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]





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## FACILITY PERMIT TO OPERATE SENTINEL ENERGY CENTER LLC

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### 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<sub>x</sub> 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 NH<sub>3</sub> 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**

**MINUTE ORDER**

SENTINEL ENERGY CENTER LLC  
15775 Melissa Lane Road  
North Palm Springs, CA 92258

Case No: 6141-2  
Facility ID: 152707

Hearing Date: 4/10/24  
Next Hearing Date: 5/14/24

Hearing Type: Interim

Consent Calendar:

**HEARING BOARD ACTION**

Action: Granted

Starting Date: 4/10/24

Ending Date: 5/14/24\*

**COMMENTS**

\*The interim variance shall continue for 90 days or until the regular variance hearing currently scheduled for May 14, 2024, whichever occurs first.

**RULES**

203(b) {from Section D, Condition No. D29.5 of Title V Facility P/O No. 152707}  
2004(f)(1) {from Section D, Condition No. D29.5 of Title V Facility P/O No. 152707}  
3002(c) {from Section D, Condition No. D29.5 of Title V Facility P/O No. 152707}

**EQUIPMENT DESCRIPTION**

**DEVICE/APPLICATION/PERMIT**

CO Catalyst

C15

**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](mailto:pramirez@aqmd.gov)) and Air Quality Engineer Christian Aviles ([caviles@aqmd.gov](mailto:caviles@aqmd.gov)).
3. Petitioner shall notify the South Coast AQMD by sending emails to Air Quality Inspector Patricia Ramirez ([pramirez@aqmd.gov](mailto:pramirez@aqmd.gov)) and Air Quality Engineer Christian Aviles ([caviles@aqmd.gov](mailto: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](mailto:pramirez@aqmd.gov)) and Air Quality Engineer Christian Aviles ([caviles@aqmd.gov](mailto: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](mailto:sourcetesting@aqmd.gov)), Air Quality Inspector Patricia Ramirez ([pramirez@aqmd.gov](mailto:pramirez@aqmd.gov)), and to Air Quality Engineer Christian Aviles ([caviles@aqmd.gov](mailto: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 at [clerkofboard@aqmd.gov](mailto:clerkofboard@aqmd.gov) when final compliance is achieved.
9. Petitioner shall pay all applicable fees, including excess emissions fees, if applicable, to the Clerk of the Board within fifteen days of notification in writing that the fees are due or the variance shall be invalidated pursuant to Rule 303 – Hearing Board Fees, subsection (k).

**EXCESS EMISSIONS**

None

**Present:** Cynthia Verdugo-Peralta, Chair  
Robert Pearman, Esq., Vice Chair  
Jerry P. Abraham, MD MPH CMQ  
Micah Ali  
Mohan Balagopalan

**Representing the Petitioner:** No Appearance

**Representing the Respondent:** No Appearance

**Petitioner's Exhibits:** \*#1 – Stipulation to Place Matter on Consent Calendar  
\*#2 – Declaration of Dennis Johnson  
\*#3 – Proposed Findings and Decision

**Respondent's Exhibit:** \*A – Declaration of Christian Aviles

**Hearing Board's Exhibit:** \*#HB-1 – Email Thread Re: Board Members' Questions and Parties' Responses

\*Entered into Evidence

**Good Cause:**

The good cause finding is set forth on Page 4 of the attached Findings and Decision of the Hearing Board.

**Motions:**

- |    |            |                     |     |
|----|------------|---------------------|-----|
| 1) | Good Cause | Balagopalan/Ali     | 5-0 |
| 2) | Variance   | Verdugo-Peralta/Ali | 5-0 |

**Board  
Review/Approval**

  
Cynthia Verdugo-Peralta, Chair

**Dated**

04/24/24

Prepared by Rosalinda Diaz  
Attachment: Findings and Decision of the Hearing Board

**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, and none did. 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 3<sup>rd</sup> 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, unreasonable and unavoidable 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.

**g. Good cause exists to justify the holding of a hearing on the interim variance petition in the absence of notice to the public.**

1. As detailed in section a above, Petitioner is or will be in violation of District Rules 203(b), 2004(f)(1) and 3002(c).

2. For the reasons detailed in item b(1) above, the circumstances leading to the violation could not reasonably have been avoided by Petitioner nor anticipated in sufficient time to provide the public notice of the variance hearing in light of differing views between the District and Petitioner of when the 90-day testing requirement commenced and when that difference was fully understood by Petitioner following receipt of the new Title V permit it received in February and subsequent discussions with District Counsel.

3. Petitioner exercised diligence in petitioning for the interim variance because once the new Title V permit was received, Sentinel contacted District Counsel and, following those discussions, filed the instant variance petition as soon as feasible thereafter.

4. As detailed above in sections b(2), denial of the interim variance will result in an unreasonable and unavoidable adverse impact on Sentinel.

**h. Petitioner has also petitioned for a regular variance.**

## 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) {from Section D, 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 for 90 days or until the regular variance hearing scheduled for May 14, 2024, whichever comes first.

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](mailto:pramirez@aqmd.gov)) and Air Quality Engineer Christian Aviles ([caviles@aqmd.gov](mailto:caviles@aqmd.gov)).

3. Petitioner shall notify the South Coast AQMD by sending emails to Air Quality Inspector Patricia Ramirez ([pramirez@aqmd.gov](mailto:pramirez@aqmd.gov)) and Air Quality Engineer Christian Aviles ([caviles@aqmd.gov](mailto: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 Nos. 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](mailto:pramirez@aqmd.gov)) and Air Quality Engineer Christian Aviles ([caviles@aqmd.gov](mailto: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](mailto:sourcetesting@aqmd.gov)), Air Quality Inspector Patricia Ramirez

[pramirez@aqmd.gov](mailto:pramirez@aqmd.gov)), and to Air Quality Engineer Christian Aviles ([caviles@aqmd.gov](mailto: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 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 at ([clerkofboard@aqmd.gov](mailto:clerkofboard@aqmd.gov)) when final compliance is achieved.

9. Petitioner shall pay all applicable fees, including excess emissions fees, if applicable, to the Clerk of the Board within fifteen days of notification in writing that the fees are due or the variance shall be invalidated pursuant to Rule 303 – Hearing Board Fees, subsection (k).

FOR THE BOARD:   
Cynthia Verdugo-Peralta, Chair

DATED: 04/24/24

## **EXHIBIT 4**

**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  
VARIANCE**

Hearing Date: May 14, 2024

**FINDINGS AND DECISION OF THE HEARING BOARD**

On April 10, 2024, the Hearing Board heard Petitioner's application for interim variance on the consent calendar 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 and was granted by the Hearing Board, effective through May 14, 2024, the date of this hearing on Petitioner's request for a regular variance.

Petitioner's application for variance was placed on the consent calendar 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 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 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 3<sup>rd</sup> 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, unreasonable and unavoidable 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 a 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 May 14, 2024 and continuing through December 31, 2024.

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 Avelino Revilla ([arevilla@aqmd.gov](mailto:arevilla@aqmd.gov)) and Air Quality Engineer Christian Aviles ([caviles@aqmd.gov](mailto:caviles@aqmd.gov)).

3. Petitioner shall notify the South Coast AQMD by sending emails to Air Quality Inspector Avelino Revilla ([arevilla@aqmd.gov](mailto:arevilla@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 Avelino Revilla (arevilla@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 Avelino Revilla (arevilla@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. NO<sub>x</sub> 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, including excess emissions fees, if applicable, to the Clerk of the Hearing Board within fifteen days of notification in writing that the fees are due or the variance shall be invalidated pursuant to Rule 303 – Hearing Board Fees, subsection (k).

FOR THE BOARD: \_\_\_\_\_

DATED: \_\_\_\_\_