

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

3
4 **In the Matter of**

5 WALNUT CREEK ENERGY LLC
6 [Facility ID No. 146536],

7 Petitioner,

8 v.

9 SOUTH COAST AIR QUALITY
10 MANAGEMENT DISTRICT.

11 Respondent.

Case No. 6230-2

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

Hearing Date: May 21, 2024
Time: 9:30 a.m.
Place: South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

12
13 We, the undersigned parties, hereby agree and stipulate as follows:

- 14 1. This matter may be placed on the Hearing Board's Consent Calendar for Tuesday
15 May 21, 2024, pursuant to District Hearing Board Rule 4(a)(4).
- 16 2. The Petitioner seeks a Regular Variance from District Rules 2005, 2004(f)(1),
17 202(b), and 3002(c), and Conditions A195.7 of Facility Permit No. 146536 (Rev. 9) (Permit) as
18 applicable to Device Nos. D1, D7, D13, D19, and D25 to comply with nitrogen oxides (NOx) mass
19 emission limits during startup until the permit condition is amended. The Petitioner no longer
20 seeks relief from NOx emission limits during shutdown, or carbon monoxide (CO) mass emission
21 limits during start-up or shutdown, as operational data indicates that the facility will be in
22 compliance with these limits upon the effective date of these limits per the Facility Permit.
- 23 3. The Petitioner does not anticipate visible emissions during the variance and is not
24 seeking relief from District Rule 401.
- 25 4. The Walnut Creek Energy Declaration of George Piantka (filed concurrently as
26 Exhibit 1 to this Stipulation) and the South Coast AQMD Declaration of Chris Perri (filed
27 concurrently as Exhibit 2 to this Stipulation) are submitted to the Hearing Board in support of
28

1 Petitioner's request for Regular variance relief.

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

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

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

8 8. Based on all the evidence in this case, the District does not oppose consideration of
9 the variance on the Consent Calendar for May 21, 2024, or as soon thereafter as the matter may be
10 heard.

11 SO STIPULATED

12

13 Dated: May 15, 2024

FOR PETITIONER

14

15

By: 

Gregory S. Wolffe
Principal Scientist
Yorke Engineering, LLC
Representing Walnut Creek Energy

16

17

18

19

20

21 Dated: May 15, 2024

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

22

23

24

By: 

Nicholas Dwyer, Esq.
Senior Deputy District Counsel
SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT

25

26

27

28