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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 I.D. No. 152707]
Section 42350 of the California Health and Safety
Code

Case No. 6141-3

**ORDER GRANTING AN INTERIM
AND SHORT VARIANCE**

Hearing Date: October 2, 2024

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[PROPOSED] FINDINGS AND DECISION OF THE HEARING BOARD

This petition for an interim variance was heard on the consent calendar on October 2, 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: Micah Ali, Chair; Robert Pearman, Esq., Vice Chair; Jerry P. Abraham, MD, MPH, CMQ; Cynthia Verdugo-Peralta; and Mohan Balagopalan. Petitioner Sentinel Energy Center LLC (hereinafter "Petitioner" or "Sentinel") represented by Rick R. Rothman of the law firm of Morgan, Lewis & Bockius, did not appear. Respondent, Executive Officer, represented by John L. Jones II, Senior Deputy District Counsel, did not appear. The public was given the opportunity to testify. The Declaration of Dennis Johnson and the (Proposed) Findings and Decision and Order of the Hearing Board were received as evidence, and the matter was submitted on consent. The public was given an opportunity to testify.

The Hearing Board finds and decides as follows:

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Nature of Business and Location of Facility

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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 (GE) LMS100 combustion turbine generators and associated equipment.

1 Equipment and Permit to Construct/Operate

2 The equipment that is the subject of this petition are the GE LMS100 combustion turbine
3 generators (Devices D1, D7, D13, D19, D25, D31, D37, D43). The equipment is operated pursuant
4 to Facility Permit to Operate (P/O) No. 152707.

5 **SUMMARY**

6 Petitioner will be violation of District Rules 218(b) and 3002(c) and intends to achieve
7 compliance by resuming the operation of CEMS monitoring equipment and communication for
8 Units 1-8 by October 19, 2024.

9 **FINDINGS OF FACT**

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

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

15 1. Petitioner will be in violation of District Rules 218(b) and 3002(c), which requires
16 compliance with permit conditions, as petitioner will be out of compliance with Permit Condition
17 D82.1 until Gas Turbine Units 1-8 (Devices D1, D7, D13, D19, D25, D31, D37, D43) are powered
18 back on and associated Continuous Emissions Monitoring System (CEMS) monitoring equipment
19 and communication are operating.

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

22 1. Petitioner cannot operate the CEMS monitoring equipment and communication for
23 Units 1-8 required by permit condition D82.1 until the units are back up and running. Units 1-4
24 (Devices D1, D7, D13, D19) and associated CEMS equipment will not be operational from October
25 1-11, 2024, and Units 5-8 (Devices (D25, D31, D37, D43) and associated CEMS equipment will
26 not be operational from October 9-16, 2024. The units must be powered down while required
27 construction occurs at the facility, during which the Petitioner deemed unsafe to operate the units
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1 and CEMS equipment. Therefore, it is beyond Petitioner's reasonable control to comply with
2 District rules and permit conditions.

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

5 1. Denial of the variance would cause significant harm to Petitioner in that Petitioner
6 may be unable to operate Gas Turbine Units 1-8 after the variance, which could have impacts on
7 California's electricity grid and could result in significant lost revenues to Petitioner.

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

10 1. There will be no excess emissions during the variance period since Units 1-8 will
11 not be operational during the variance period.

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

14 1. Petitioner considered curtailment. However, since Units 1-8 are not operating,
15 curtailment would not obviate the need for a variance. Curtailment does not address the inability
16 to operate the CEMS monitoring equipment as contemplated by permit condition D82.1. The
17 Petitioner must complete required construction to complete battery installation in order to provide
18 so-called "black start" services to the grid as required by Cal-ISO.

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

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

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

25 1. Petitioner shall provide fuel records and documentation of fuel line lock-out/tag-out
26 (LOTO), which locks the fuel supply valve, to the District to confirm zero gas usage during the
27 variance period, demonstrating that Units 1-4 (Devices D1, D7, D13, D19) will not be operational
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1 from October 1-11, 2024, and Units 5-8 (Devices (D25, D31, D37, D43) will not be operational
2 from October 9-16, 2024.

3 **CONCLUSION AND ORDER**

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

5 A. Petitioner is granted an interim and short variance from South Coast AQMD Rules
6 218(b), and 3002(c) {Condition D82.1 of Title V Facility P/O No. 152707} for the Units 1-8
7 (Devices D1, D7, D13, D19, D25, D31, D37, D43) for the period commencing October 1, 2024
8 and continuing through October 19, 2024.

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

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11 1. Petitioner shall restore the Continuous Emissions Monitoring System
12 (CEMS) monitoring equipment and communication for Gas Turbine Units 1-8 (Devices D1,
13 D7, D13, D19, D25, D31, D37, D43) by October 19, 2024, unless the outage is extended
14 due to unforeseen delays in re-energizing the plant, in which case the petitioner will notify
15 Senior Deputy District Counsel John L. Jones II at JJones@aqmd.gov of the expected
16 restoration schedule and the reasons for the delay.

17 2. On or before November 23, 2024, Petitioner shall provide fuel records and
18 documentation of fuel line lock-out/tag-out (LOTO), which locks the fuel supply valve, to
19 the District to confirm zero gas usage during the variance period, demonstrating that Units
20 1–4 (Devices D1, D7, D13, D19) will not be operational from October 1–11, 2024, and
21 Units 5–8 (Devices (D25, D31, D37, D43) will not be operational from October 9–16, 2024.

22 3. Petitioner shall disconnect the fuel line to Units 1 – 8 (D1, D7, D13, D19,
23 D25, D31, D37, D43) and place blind flanges to prevent fuel flow.

24 4. Petitioner shall record zero emissions for a minimum of 4 hours after the unit
25 shutdown on CEMS connected to Units 1 – 8 (D1, D7, D13, D19, D25, D31, D37, D43).

26 5. Petitioner shall notify the South Coast AQMD, at least 96 hours prior to the
27 scheduled CEMS shutdown, specifying the scheduled date and time for unit non-operation
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1 and CEMS shutdown by sending emails to Osiris Torres at OTorres@aqmd.gov, Jennifer
2 Wang at JWang@aqmd.gov, and Thomas Lee at TLee2@aqmd.gov.

3 6. Petitioner shall provide a written report to the South Coast AQMD, within
4 24 hours of CEMS shutdown that the unit is non-operational and there are no emissions
5 during the period of unit shutdown by sending emails to Osiris Torres at
6 OTorres@aqmd.gov, Jennifer Wang at JWang@aqmd.gov, and Thomas Lee at
7 TLee2@aqmd.gov.

8 7. Petitioner shall make a final notification to the South Coast AQMD, at least
9 8 hours prior to the scheduled CEMS restart, specifying the scheduled time for the CEMS
10 restart and unit restart by sending emails to Osiris Torres at OTorres@aqmd.gov, Jennifer
11 Wang at JWang@aqmd.gov, and Thomas Lee at TLee2@aqmd.gov.

12 8. Petitioner shall resume CEMS operation for a minimum of 4 hours before
13 Units 1 – 8 (D1, D7, D13, D19, D25, D31, D37, D43) resumes operation or at which time
14 any emissions are generated.

15 9. Petitioner shall conduct a calibration error test for each CEMS analyzer
16 connected to Units 1 – 8 (D1, D7, D13, D19, D25, D31, D37, D43) before any emissions
17 are detected.

18 10. Petitioner shall notify the Clerk of the Board at clerkofboard@aqmd.gov
19 when final compliance is achieved.

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

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26 FOR THE BOARD: _____

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28 DATED: _____

