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FEB 20 2003

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

MARY ROMAIDIS
CLERK
HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

BEFORE THE HEARING BOARD
OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA

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In the Matter of the Application of)	
)	
TESORO REFINING AND MARKETING)	No. 3421
)	
For a Variance from Regulation 8, Rule 18,)	ORDER DENYING
Sections 303 and 306)	<u>EMERGENCY VARIANCE</u>
_____)	

The above-entitled matter, being an Application for Variance from the provisions of Regulation 8, Rule 18, Sections 303 and 306, having been filed on February 3, 2003 at 4:40 p.m. On February 5, 2003 the Applicant requested that the final compliance date on the Emergency Variance application be amended to February 8, 2003. The Application having been considered by the Hearing Board:

THE HEARING BOARD STATES as the reasons for its decision and FINDS as to those matters in which findings are required:

1. Applicant filed this Application for Variance under the Emergency Variance procedures, Hearing Board Rules, Section 2.5. Pursuant to Health and Safety Code Sections 42359 and 42359.5, the Hearing Board determined that this Application properly could be ruled upon without notice and hearing. Prior to making this determination, and in accordance with Hearing Board Rules Section 2.5.d.2, the Hearing Board requested and received a response to this Application from the Air Pollution Control Officer. That response recommended the Emergency Variance be denied because the Applicant chose to operate a leaking compressor and has not explained the cause of the seal failure. Therefore, the District is unable to verify whether

ARB

1 conditions were beyond Applicant's reasonable control.

2 2. Applicant operates a petroleum refinery facility located at 150 Solano Way,
3 Martinez, CA 94553.

4 3. On January 29, 2003, the M-1 compressor failed due to a seal leak, and it was
5 shut down on January 31, 2003. On February 1, 2003, the M-2 compressor, which operates the
6 Vapor Recovery System, also failed. As a result, the M-1 compressor with the leak had to be
7 restarted because the Applicant cannot operate the Vapor Recovery System without a compressor
8 on-line. Applicant is unable to comply with the applicable regulations and is requesting an
9 Emergency Variance for an unexpected seal leak of the M-1 compressor. In addition, with the
10 M-2 compressor failure, Applicant exceeds the one percent non-repairable equipment failure
11 allowed by Regulation 8, Rule 18, Section 306. The exact causes of the failures are still under
12 investigation, and the Applicant is expediting repairs to the M-2 compressor. Once the M-2
13 compressor repairs are completed, the M-1 compressor can be shut down for repairs.

14 4. The Applicant estimates the final compliance date to be February 8, 2003.

15 5. Each compressor is subject to ongoing maintenance, and is within normal
16 maintenance schedules.

17 6. Information provided to the Hearing Board is insufficient to justify granting a
18 Variance without a hearing.

19 7. In accordance with Section 2.5.e of the Hearing Board Rules, Applicant may
20 submit a written Application for Variance by February 13, 2003.

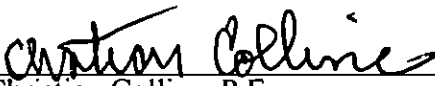
21 THEREFORE, THE HEARING BOARD ORDERS:

22 A Variance from Regulation 8, Rule 18, Sections 303 and 306, be and is hereby
23 denied.

24 DATED: February 6, 2003

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 2/20/03
Christian Colline, P.E.