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3 **BEFORE THE HEARING BOARD**
4 **OF THE**
5 **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**
6 **STATE OF CALIFORNIA**

6 In the Matter of the Application of)
7 **ASHLAND, INC.**) No. 3556
8 For a Variance from Regulation 8, Rule 6,) **ORDER GRANTING**
9 Section 302 insofar as it requires) **EMERGENCY VARIANCE**
10 compliance with Permit Condition No.)
11 14829, Part 7.)
_____)

12 The above-entitled matter, being an Application for Variance from the provisions
13 of Regulation 8, Rule 6, Section 302, insofar as it requires compliance with Permit Condition No.
14 14829, Part 7, in order to unload a tank wagon of acetone which was severely damaged in a June
15 4, 2008 fire, having been filed at 2:42 p.m. on June 6, 2008, and having been considered by the
16 Hearing Board:

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

19 1. Applicant filed this Application for Variance under the Emergency Variance
20 procedures, Hearing Board Rules, Section 2.5. Pursuant to Health and Safety Code Sections
21 42359 and 42359.5, the Hearing Board determined that this Application properly could be ruled
22 upon without notice and hearing. Prior to making this determination, and in accordance with
23 Hearing Board Rules Section 2.5.d.2, the Hearing Board requested and received a response to this
24 Application from the Air Pollution Control Officer. That response recommended the Emergency
25 Variance be granted.

26 2. Applicant operates an organic solvent and plastic pellets distribution facility at

1 2461 Crocker Circle, Fairfield, CA 94533.

2 3. On June 4, 2008, an evening fire at the facility damaged a truck tank containing
3 6,000 to 7,000 gallons of acetone. The damaged truck tank was in direct sunlight in temperatures
4 exceeding 80 degrees Fahrenheit. To avoid the potential hazard of another fire or explosion,
5 Applicant found it necessary to quickly transfer the acetone from the damaged truck tank to
6 another truck tank. Since the truck tank was damaged it could not be moved to the site of a vapor
7 control system and hence this transfer could not be connected to a vapor control system as
8 required by Regulation 8, Rule 6, Section 302 and Permit Condition 14829, Part 7. The sequence
9 of events and need to take quick action to avoid the potential for a hazardous explosion and a
10 potential threat to public safety justify the issuance of an emergency variance.

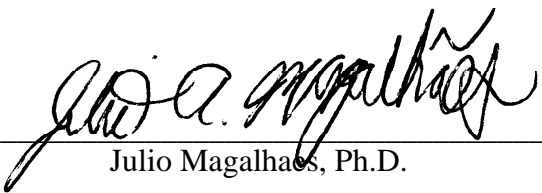
11 4. This Variance will not cause injury, detriment, nuisance, or annoyance to any
12 considerable number of persons or to the public, or endanger the comfort, repose, health or safety
13 of any such persons or the public, or cause or have a natural tendency to cause injury or damage to
14 business or property. In fact, the actions of Applicant were taken to reduce the potential threat to
15 public safety as described above.

16 THEREFORE, THE HEARING BOARD ORDERS:

17 A Variance from Regulation 8, Rule 6, Section 302, insofar as it requires
18 compliance with Permit Condition No. 14829, Part 7, be and is hereby granted from June 5, 2008
19 to and including June 6, 2008.

20 DATED: June 18, 2008

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Julio Magalhaes, Ph.D.