

FILED

MAY 04, 2010

HEARING BOARD  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT  
Lisa Harcer  
Clerk, Hearing Board  
Bay Area Air Quality  
Management District

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

In the Matter of the Application of	)	
	)	
<b>ASHLAND, INC.</b>	)	No. 3574
	)	
For a Variance from Regulation 8, Rule	)	ORDER DENYING
18, Section 301 insofar as it requires	)	<u>EMERGENCY VARIANCE</u>
compliance with Permit Condition No.	)	
14829, Part 11.	)	
_____	)	

The above-entitled matter, being an Application for Variance from the provisions of Regulation 8, Rule 18, Section 301, insofar as it requires compliance with Permit Condition No. 14829, Part 11, for bladder accumulator and A-4 afterburner: Emissions shall not be vented into the bladder accumulator if any of the bladder accumulator tanks has a leak. A leak is defined as a detectable reading of organics at the sample port, having been filed at 3:15 p.m. on April 27, 2010, and 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

1 this Application from the Air Pollution Control Officer. That response recommended the  
2 Emergency Variance be denied.

3 2. Applicant operates an organic solvent and plastic pellets distribution company at  
4 2461 Crocker Circle, Fairfield, CA 94533. The facility consists of chemical storage tanks, and  
5 truck and railcar transfer operations.

6 3. On Monday, April 26, 2010, Ashland conducted the weekly monitoring of the  
7 sample ports on a bladder accumulator tank, and observed a "measurable" reading. The port was  
8 monitored again on Tuesday, April 27, 2010, and a reading of 36 ppm VOC was observed.

9 4. Facility Permit Condition 14829, #11 states: "For bladder accumulator and A-4  
10 afterburner: Emissions shall not be vented into the bladder accumulator if any of the bladder  
11 accumulator tanks has a leak. *A leak is defined as a detectable reading of organics at the sample*  
12 *port...*" Ashland read this language to mean that *any* detectable reading of organics from the  
13 sample port would be a violation, but this is not so.

14 5. Organic leaks at the facility are regulated by District Regulation 8, Rule 18, Organic  
15 Equipment Leaks, Section 301, which states (in part): "...a person shall not use any equipment  
16 that leaks total organic compounds in excess of 100 ppm..."

17 6. The District Inspector visited the site on Thursday, April 29, 2010, and observed  
18 that the facility had shut-down the bladder tank in order to make repairs, and the Inspector's  
19 measurement of the same sample port registered 0 ppm.

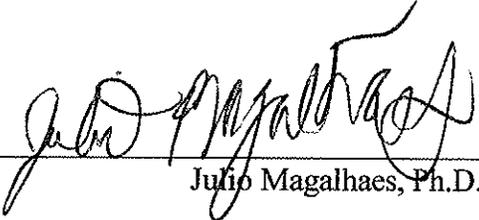
20 7. This Variance did not cause injury, detriment, nuisance, or annoyance to any  
21 considerable number of persons or to the public, or endanger the comfort, repose, health or  
22 safety of any such persons or the public, or cause or have a natural tendency to cause injury or  
23  
24  
25  
26

1 damage to business or property. To date applicant is not in violation of any District Rules or  
2 Regulations; therefore, Emergency Variance relief is not applicable to the facility.

3 THEREFORE, THE HEARING BOARD ORDERS:

4 A Variance from Regulation 8, Rule 18, Section 301, insofar as it requires compliance with  
5 Permit Condition No. 14829, Part 11, be and is hereby denied.  
6

7  
8 DATED: May 4, 2010

9  
10   
11 \_\_\_\_\_  
12 Julio Magalhaes, Ph.D.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26