

**FILED**

SEP 12 2013

HEARING BOARD  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT  
Sean Gallagher  
Clerk of the Boards  
Bay Area Air Quality  
Management District

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

In the Matter of the Application of )  
 )  
CHEVRON PRODUCTS COMPANY ) No. 3653  
 )  
For Emergency Variance from Regulation 2, ) ORDER DENYING  
Rule 1, Section 307 (Failure to Meet Permit ) EMERGENCY VARIANCE  
Conditions) pertaining to Major Facility )  
Review Permit Condition #8869 Part 2. )  
\_\_\_\_\_ )

The above-entitled matter, being an Application for Emergency Variance (EV) filed at 9:34 a.m. on August 15, 2013, by Chevron Products Company (Applicant) from the provisions of Regulation 2, Rule 1, Section 307, which states that a person shall not operate any article, machine, equipment or other contrivance, for which an authority to construct or permit to operate has been issued ("Failure to Meet Permit Conditions"), as pertains to Major Facility Review Permit Condition #8869, Part 2, 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:

A. Applicant filed this Application for Variance under the EV procedures, Hearing Board Rules, Section 2.5, pursuant to Health and Safety Code Sections 42359 and 42359.5, and the Hearing Board determined that this Application properly could be ruled upon without notice

1 and hearing. Prior to making this determination, and in accordance with Hearing Board Rules  
2 Section 2.5.d.2, the Hearing Board requested and received a response to this Application from the  
3 Executive Officer/Air Pollution Control Officer (APCO) for the Bay Area Air Quality  
4 Management District (Air District).

5 B. Applicant operates a Title V fuel production facility at 841 Chevron Way,  
6 Richmond, CA 94801 (Facility).

7 C. Major Facility Review Permit Condition #8869, Part 2, requires Thermal Oxidizer  
8 A-624 (Thermatrix Model ES-60H) be operated at a minimum Volatile Organic Compound  
9 (VOC) destruction efficiency of 95% by weight and at a minimum temperature of 1565 degrees  
10 Fahrenheit (F).

11 D. On Saturday, August 10, 2013, Facility personnel found the temperature of Thermal  
12 Oxidizer A-624 was below 1565 degrees F.

13 E. Applicant expedited arrangements to repair Thermal Oxidizer A-624 and proposed  
14 to direct VOCs to an alternative carbon abatement system during the requested variance period of  
15 August 15, 2013, through August 22, 2013 (8 days). Applicant estimates no excess emissions  
16 during the variance period as a result of using the alternative carbon abatement system.

17 F. Applicant states that Thermal Oxidizer A-624 has operated continuously as the sole  
18 abatement device of 17 Pump Station, S-32103, since it was installed in 1994, and no records of  
19 maintenance on the unit since its installation were found.

20 G. Applicant's request does not meet the good cause standard for an EV since  
21 Applicant failed to conduct preventative maintenance or equipment inspections on Thermal  
22 Oxidizer A-624 as recommended by the manufacturer. Failure of Thermal Oxidizer A-624 could  
23 have very likely been avoided with completion of recommended preventative maintenance.

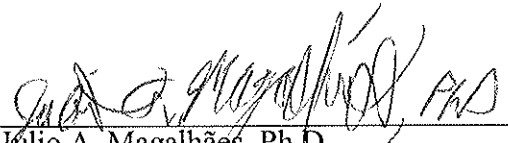
24  
25 THEREFORE, THE HEARING BOARD ORDERS:

26 The Application for EV from Regulation 2, Rule 1, Section 307, pertaining to Major

1 Facility Review Permit Condition #8869, Part 2, is denied since the request does not meet the good  
2 cause standard for issuance of an EV.

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DATED: September 12, 2013

  
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Julio A. Magalhães, Ph.D.  
Hearing Board Member

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

In the Matter of the Application of )

CHEVRON PRODUCTS COMPANY )

For Emergency Variance from Regulation 2, )  
Rule 1, Section 307 and Regulation 2, Rule 1, )  
Section 403 )

NO. 3653

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA )

City and County of San Francisco )

ss.

I, Sean Gallagher, do hereby certify under penalty of perjury as follows:

That I am a citizen of the United States, over the age of eighteen years and not a party to the  
above entitled action; that I served a true copy of the attached Order Denying Emergency Variance on:

**Amy Lincoln**  
**Chevron Corporation**  
**841 Chevron Way**  
**Richmond, CA 94801**

by depositing same in the United States first class mail on September 24, 2013; and on

**Brian C. Bunger**  
**District Counsel**  
**Bay Area Air Quality Management District**  
**939 Ellis Street, 7<sup>th</sup> Floor**  
**San Francisco, CA 94109**

by hand-delivery deposit of same in the in-box of the District Counsel's office, on September 24, 2013.

DATED: September 24, 2013



Sean Gallagher  
Clerk of the Boards