

FILED

AUG 08 2016

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

SHELL OIL PRODUCTS US

For Emergency Variance from Regulation 8,
Rule 5, Section 322.

) Docket No.: 3691

) ORDER GRANTING EMERGENCY
) VARIANCE

The above-entitled matter, being an Application for Emergency Variance (EV) from the provisions of Regulation 8, Rule 5, Section 322, was filed on May 11, 2016 after initial contact by telephone at 4:18 p.m. on May 10, 2016, 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 an application 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 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 Executive Officer/Air Pollution Control Officer for the Bay Area Air Quality Management District (Air District). The Air District staff response recommended the Application for EV be granted.

B. Applicant operates storage tank 260 (Source # S-4), an internal floating roof tank storing ethanol used for bulk storage and loading of petroleum products, located at 2165 O'Toole Ave, San Jose CA 95131.

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1 C. Applicant is investigating the cause of the tears in the secondary seal on the
2 floating roof from Source # S-4 which were noticed upon quarterly inspection on May 10, 2016.
3 The seals passed inspection on February 24, 2016. Repairs are scheduled to begin on May 11,
4 2016.

5
6 D. Applicant requested a variance period of May 11, 2016, at 1:00 p.m., to June 10,
7 2016, at 1:00 p.m. (30 days). LEL measurements during tank inspection showed 0% LEL;
8 excess emissions are considered negligible.

9 E. Compliance is beyond Applicant's reasonable control.

10 F. The tank cannot immediately be taken out of service as it would have to be
11 emptied into tanker trucks and degassed.

12 G. The Applicant does meet the good cause standard for issuance of an EV.

13 THEREFORE, THE HEARING BOARD ORDERS:

14 An Emergency Variance from Regulation 8, Rule 5, Section 322, be and is hereby
15 granted from May 12, 2016, at 4:15 p.m., to June 10, 2016

16 Applicant shall conduct primary seal gap inspection during secondary seal repairs;
17 provide 60-day report per Reg. 8-5-119.3; and provide District Inspector with total excess
18 emission calculation and repair completion date/time and inspection results (Condition 1) within
19 30 days of Emergency Variance expiration date.
20
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22

23 

24 Valerie Armento, Esq.
25 Vice-Chairperson, Hearing Board

23 

24 Date

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

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AUG 10 2016

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

In the Matter of the Application of

SHELL OIL PRODUCTS US

For Emergency Variance from Regulation 8,
Rule 5, Section 322.

NO. 3691

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA

City and County of San Francisco

ss.

I, Marcy Hiratzka, 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 Granting Emergency Variance on:

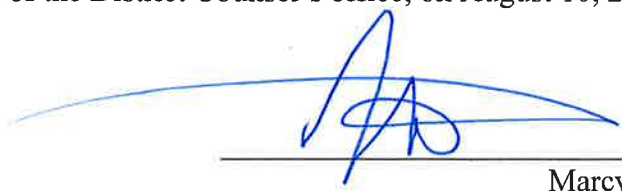
Theresa Geijer
Shell Oil Products US
2555 13th Avenue SW
Seattle, WA 98134

by email and by depositing same in the United States first class mail on August 10, 2016; and on

Brian C. Bunger
District Counsel
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

by hand-delivery deposit of same in the in-box of the District Counsel's office, on August 10, 2016.

DATED: August 10, 2016



Marcy Hiratzka
Clerk of the Boards

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