

FILED

AUG 12 2010

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

Lisa Harper
Clerk, Hearing Board
Bay Area Air Quality
Management District

**BEFORE THE HEARING BOARD OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

AIR POLLUTION CONTROL OFFICER of the
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

DOCKET NO. 3587

Complainant,

STIPULATED CONDITIONAL
ORDER FOR ABATEMENT

vs.

Zareh Samurkashian; Grand Martco, Inc.; and a Gasoline
Dispensing Facility located at 602 El Camino Real,
Redwood City, CA 94063, *also known as* Grand Martco,
El Camino Martco and/or Redwood City Martco, Site
No. C9024,

Respondents.

The above-captioned matter is an "Accusation and Request For Conditional Order For Abatement" filed by Complainant, the Air Pollution Control Officer ("APCO") of the Bay Area Air Quality Management District ("District") against Respondents Zareh Samurkashian; Grand Martco, Inc.; a Gasoline Dispensing Facility located at 602 El Camino Real, Redwood City, CA 94063, *also known as* Redwood City Martco, El Camino Martco and/or Grand Martco, Site No. C9024 ("Respondents"). The APCO filed its Accusation on July 8, 2010, seeking an order from this Hearing Board requiring Respondents to cease and desist transferring gasoline from the underground gasoline storage tanks to motor vehicles at their gasoline dispensing facility, which is located at 602 El Camino Real, Redwood City, California, 94063, Site No. C9024 ("Facility"), thirty days from the date of hearing in this matter until Respondents install enhanced vapor recovery ("EVR") Phase II system

1 equipment certified by the California Air Resources Board (“ARB”) in accordance with the
2 requirements of District Regulation 8, Rule 7, Section 302.1. This Accusation was assigned Docket
3 No. 3587 and a hearing was set for August 12, 2010.

4 On or about August 9, 2010, the APCO and Respondents jointly filed with this Hearing
5 Board a Stipulation for Entry of [Proposed] Conditional Order for Abatement (“Conditional Order”).
6 The Stipulation requested that this Hearing Board enter a Conditional Order for Abatement against
7 Respondents that would require Respondents to cease and desist transferring gasoline from the
8 underground gasoline storage tanks to motor vehicles at the Facility thirty days from August 12, 2010,
9 or by September 11, 2010, until Respondents install Phase II EVR system equipment certified by the
10 ARB in accordance with the requirements of District Regulation 8, Rule 7, Section 302.1.

11
12 **WRITTEN EXPLANATION OF ACTION**

13 Because the Parties have stipulated to the entry of this Conditional Order, the Hearing Board
14 must include a written explanation of its action in this Conditional Order, but it is not required to
15 make any factual findings to support the Conditional Order under Health and Safety Code Section
16 42451(b). To that end, the Hearing Board explains its action as follows.

17 The Parties have agreed to address the problems identified in the Accusation and to provide the
18 relief sought. The Parties have agreed that Respondents own and operate the Facility and that
19 Respondents are in continuing violation of District Regulation 8, Rule 7, Section 302.1 because
20 Respondents have not yet completed the required Phase II EVR upgrade at the Facility. As such, the
21 Parties have agreed that Respondents should be required to cease and desist transferring gasoline from
22 the underground gasoline storage tanks to motor vehicles at their Facility, thirty days from August 12,
2010, or by September 11, 2010, until Respondents install a certified Phase II EVR system.

23 The Hearing Board therefore believes that the Parties’ agreed course of action is in the
24 public interest and that entry of this Conditional Order is appropriate under the circumstances.

1 Conditional Order for Abatement

2 Cause being found therefore, pursuant to Sections 42451(b) and 42452 of the
3 California Health and Safety Code, THE HEARING BOARD of the BAY AREA AIR QUALITY
4 MANAGEMENT DISTRICT hereby ORDERS:

5 1. That the APCO's and Respondents' Request for this Stipulated Conditional Order for
6 Abatement shall be and hereby is GRANTED as follows: Respondents Zareh Samurkashian; Grand
7 Martco, Inc.; a Gasoline Dispensing Facility located at 602 El Camino Real, Redwood City, CA 94063,
8 also known as Redwood City Martco, El Camino Martco and/or Grand Martco, Site No. C9024; and any
9 other gasoline dispensing facility doing business at 602 El Camino Real, Redwood City, CA 94063; and
10 their agents, employees, successors and assigns are hereby ordered to cease gasoline dispensing
11 operations at the Facility thirty (30) days from August 12, 2010, or by September 11, 2010, until:

- 12 a. Respondents come into compliance with Regulation 8, Rule 7, Section 302.1 by
13 installing an ARB-certified EVR Phase II system that complies with the system
14 manufacturer's specifications and with the terms and conditions of the District
15 authority to construct the EVR Phase II system at the Facility; and
16 b. Respondents submit the EVR Phase II upgrade "start-up notification" to
17 Respondents' District permit engineer, as required by the EVR Phase II system's
18 authority to construct, with a copy submitted simultaneously to this Hearing Board
19 and to the District Legal Division, attention Brian C. Bunger, via facsimile or
20 certified mail;

21 2. That this Conditional Order for Abatement shall become effective immediately; and

22 3. That the Hearing Board shall retain jurisdiction over this matter until Respondents come
23 into compliance with the EVR Phase II requirements of Regulation 8, Rule 7, Section 302.1 and submit
24 "start-up notification" in accordance with the requirements set forth in Paragraph 1 of this Conditional
25 Order for Abatement.

26 Moved by: Christian Colline, P.E.

27 Seconded by: Terry A. Trumbull, Esq.

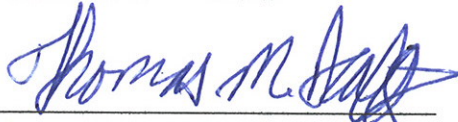
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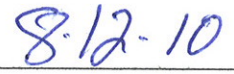
AYES: Valerie Armento, Esq., Christian Colline, P.E., Julio Magalhães, Ph.D., Terry
A. Trumbull, Esq., and Thomas M. Dailey, M.D.

NOES: None

ABSTAINED: None



Thomas M. Dailey, M.D., Chair



Date