

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John Gioia and Members of the Executive Committee
From: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board
Date: November 5, 2012
Re: Hearing Board Quarterly Report – July through September 2012

RECOMMENDED ACTION:

None; receive and file.

DISCUSSION:

During the third quarter of 2012 (July through September), the Hearing Board:

- Held two (2) hearings consisting of one (1) Accusation (3637), one (1) Appeal (3624 – pro forma hearing to set briefing and hearing schedule), and zero (0) Variances;
- Processed a total of three (3) orders consisting of one (1) Accusation (3637), zero (0) Appeals, zero (0) Variances, zero (0) Emergency Variances and two (2) Requests for Withdrawal/Dismissal (3636 and 3639); and
- Collected a total of \$4,787.00.

Below is a detail of Hearing Board activity during the same period:

Location: Contra Costa County; City of Martinez

Docket: 3624 – TESORO REFINING AND MARKETING COMPANY, GOLDEN EAGLE REFINERY (B2758) AND AMORCO TERMINAL (B2759) – *Appeal from Final Major Facility Review Permit issued June 28, 2011.*

Regulation(s): Final Major Facility Review Permit

Status: Appeal filed 07-27-2011; pro forma hearing scheduled for 09-22-2011 in conjunction with Docket 3532 Tesoro Refining and Marketing Company, et al; pro forma hearing rescheduled for 10-13-2011 and again for 11-10-2011; pro forma hearing held 11-10-2011 and continued for further pro forma hearing to 01-19-2012; pro forma hearing held 01-19-2012 wherein a briefing schedule was established and continued for further pro forma hearing to 07-12-2012; pro forma hearing held 07-12-2012 where a briefing schedule was set and evidentiary hearing set for 10-11-2012; upon receipt of briefs filed by both parties, the Hearing Board ordered the postponement of evidentiary hearing to a date TBD pending resolution of hearing on Respondent's motion to dismiss for lack of jurisdiction scheduled for 10-11-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0

Location: Napa County; City of American Canyon

Docket: 3636 THE COCA-COLA COMPANY, INC. – *Application for Short-Term Variance*

Regulation(s): 2-1-307; and Permit Condition 25049, Parts 2, 3 and 5

Status: Application filed 06-28-2012; Request for Withdrawal filed 06-13-2012; Order for Dismissal filed 08-03-2012.

Period of Variance: N/A

Estimated Excess Emissions: 0.09 lb/day hydrogen sulfide.

Fees collected this quarter: \$0

Location: Contra Costa County; City of Rodeo

Docket: 3637 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. PINOLE RODEO AUTO WRECKER and JIM TAYLOR, INDIVIDUALLY AND D/B/A PINOLE RODEO AUTO WRECKER – *Accusation*

Regulation(s): 2-1-302

Status: Accusation filed on 06-28-2012; Evidentiary Hearing scheduled for 08-02-2012; Conditional Order for Abatement granted at hearing on 08-02-2012; Conditional Order for Abatement filed 09-11-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the District)

Location: San Mateo County; City of La Honda

Docket: 3638 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. COSTA LOMA LIMITED CORPORATION, A CALIFORNIA CORPORATION and JAMES A. WILKINSON, A/K/A HIM WILKINSON, INDIVIDUALLY AND D/B/A COSTA LOMA LTD. CORPORATION – *Accusation*

Regulation(s): 2-1-302

Status: Accusation filed 06-28-2012; Evidentiary Hearing scheduled for 08-02-2012 and rescheduled to 10-04-2012, at the request of Respondent, and again to 12-06-2012, upon the stipulation of both parties.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the District)

Location: Sonoma County; City of Santa Rosa

Docket: 3639 BODEAN COMPANY, INC. – *Application for Interim and Short Product Variances*

Regulation(s): 6-1-301

Status: Application filed 07-23-2012; Evidentiary hearings for both variances scheduled for 08-16-2012; Request for Withdrawal filed 08-14-2012; Order for Dismissal filed 09-05-2012.

Period of Variance: N/A

Estimated Excess Emissions: Opacity.

Fees collected this quarter: \$1,796.00 (Filing fee)

Location: Contra Costa County; City of Martinez

Docket: 3640 TESORO REFINING AND MARKETING COMPANY – *Application for Regular Variance*

Regulation(s): 8-2-301 regarding compliance with Condition 22070 and Table VII – B.6 of Permit to Operate; 2-6-307; and 2-1-307

Status: Application filed 09-26-2012; Evidentiary hearing scheduled for 11-08-2012.

Period of Variance: N/A

Estimated Excess Emissions: Between 1.34 and 288.9 lb/day carbon over the limit of 15 lb/day.

Fees collected this quarter: \$2,991.00 (Filing fee)

Respectfully submitted,

Thomas M. Dailey, M.D.
Chair, Hearing Board

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval