

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members of the Executive Committee
From: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board
Date: January 28, 2013
Re: Hearing Board Quarterly Report – October through December 2012

RECOMMENDED ACTION

None. Informational item, receive and file.

DISCUSSION

During the fourth quarter of 2012 (October through December), the Hearing Board:

- Held three (3) hearings consisting of one (1) Accusation (3638), two (2) Appeals (both in 3624 – one hearing on request for dismissal based on lack of jurisdiction and evidentiary hearing – day 1 of 2) and zero (0) Variances;
- Processed a total of three (3) orders consisting of zero (0) Accusations, one (1) Appeal (3624 –order denying request for dismissal based on lack of jurisdiction), zero (0) Variances, one (1) Emergency Variance (3643) and one (1) Request for Withdrawal/Dismissal (3642); and
- Collected a total of \$5,534.00.

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

Synopsis: Applicant's Title V Permit must be renewed every two years. Applicable regulations were amended in the interim period and the conditions of the Title V Permit were not amended to conform to same.

Status: Evidentiary hearing, Day 1, held on 12-20-2012 and further hearing scheduled for 01-10-2013.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0

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

Synopsis: Respondent is alleged to operate an unsafe facility with no permit to operate in place or accompanying fees paid.

Status: Evidentiary hearing held 12-06-2012 and Conditional Order for Abatement was granted.

Period of Variance: N/A

Estimated Excess Emissions: N/A

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

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

Synopsis: Applicant's Hydrogen Plant includes two carbon dioxide removal systems that include carbon dioxide vents, one of which is believed to have measured excess emissions.

Status: Evidentiary hearing postponed to 01-31-2013 from 11-08-2012, upon the stipulated request of the parties.

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: \$0

Location: Contra Costa County; City of Concord

Docket: 3641 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. ALL STAR SERVICE, INC., D/B/A ALL STAR GASOLINE AND KELLY ENGINEER, INDIVIDUALLY AND D/B/A ALL STAR GASOLINE – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to own and/or operate a gas dispensing facility without a permit to operate since January 1, 2011.

Status: Notice of Withdrawal filed 12-27-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

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

Location: Santa Clara County; City of San Jose

Docket: 3642 CHEVRON PRODUCTS COMPANY – *Application for Short Variance*

Regulation(s): 8- 33-301.1, 304.2, 307.2 and 309.1; 2-1-307; and Permit A0049, Condition 17038 subsections (2), (4) and (8)

Synopsis: Applicant's San Jose Marketing Terminal is a bulk petroleum loading and distribution terminal used to load trucks to transport fuels to the region's stations and the truck loading racks are subject to vapor control, the systems for which require essential maintenance that will either disrupt operations or will require alternative control methods.

Status: Request for Withdrawal filed 10-29-2012; Order for Dismissal filed 12-06-2012.

Period of Variance: Requested 14 days

Estimated Excess Emissions: Nitrogen oxides 74 lb/day and carbon monoxide 295 lb/day

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

Location: Santa Clara County; City of San Jose

Docket: 3643 EQUILON ENTERPRISES LLC D/B/A SHELL OIL PRODUCTS US SAN JOSE TERMINAL – *Application for Emergency Variance*

Regulation(s): 8-5-322

Synopsis: Applicant's bulk storage and loading terminal for petroleum products includes a storage tank, an inspection of which revealed damage to the secondary seal on the floating roof in two locations, and repairs were scheduled to begin 10-31-2012.

Status: Order Denying Emergency Variance filed 12-11-2012.

Period of Variance: Requested 15 days

Estimated Excess Emissions: Volatile organic compounds 1.8 lb/day

Fees collected this quarter: \$747.00 (filing fee)

Location: Solano County; City of Suisun City

Docket: 3644 POTRERO HILLS ENERGY PRODUCERS, LLC, AND DTE BIOMASS ENERGY – *Appeal from Conditions of Authority to Construct Requiring Selective Catalytic Reduction as Best Available Control Technology for the Landfill Gas to Energy Project*

Regulation(s): Conditions of Authority to Construct Requiring Selective Catalytic Reduction as Best Available Control Technology for the Landfill Gas to Energy Project

Synopsis: Appellant requested review of the conditions imposed by the Air District requiring Selective Catalytic Reduction as Best Available Control Technology in issuing an Authority to Construct.

Status: Pro forma hearing on 12-13-2012 was waived and evidentiary hearing scheduled for 02-07-2013, upon the stipulated request of the parties.

Period of Variance: N/A

Estimated Excess Emissions: N/A

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

Location: San Mateo County; City of La Honda

Docket: 3645 COSTA LOMA LIMITED CORPORATION – *Application for Regular Variance*

Regulation(s): 8-5-301

Synopsis: Applicant seeks temporary relief for the facility that is the subject of Docket 3638 APCO v. Costa Loma Limited Corporation (see above).

Status: Notice of Withdrawal filed 12-31-2012.

Period of Variance: Requested 235 days

Estimated Excess Emissions: None

Fees collected this quarter: \$0 (Hardship waiver filed)

Respectfully submitted,

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

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval