

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Eric Mar and Members
of the Executive Committee

From: Chairperson Terry Trumbull, Esq., and Members
of the Hearing Board

Date: September 5, 2016

Re: Hearing Board Quarterly Report: April through June 2016

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the second quarter of 2016 (April to June), the Hearing Board:

- Held two hearings on an Accusation (3690 and 3692); and
- Processed a total of two Orders, including one Order for Dismissal (3686) and one Stipulated Conditional Order for Abatement (3690); and
- Collected a total of \$4,180.00 in filing fees, including two Emergency Variances (3687 and 3691) and one Short-Term Variance (3693).

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

Location: Contra Costa County; City of Concord

Docket: 3686 APCO v. ALL STAR SERVICE, INC. – *Accusation*

Regulation(s): Regulation 2, Rule 1 – Section 302

Synopsis: Respondents own or operate a gas station in Concord, California for which they must hold a current and valid District permit to operate gasoline dispensing equipment, pursuant to District Regulation 2, Rule 1. Since January 1, 2016, Respondents have been conducting gasoline dispensing operations continuously at this gas station without a permit in violation of District Regulation 2-1-302. This Accusation follows two previous abatement actions initiated against Respondents in the past four years for this same violation. In 2015, this Hearing Board issued a stipulated order for abatement pursuant to which Respondents paid four years of unpaid permit fees covering January 1, 2013 to January 1, 2016. Prior to that, in 2012, the APCO filed an accusation against Respondents for operating this facility in 2011 and 2012 without a permit. Once again, Complainant seeks an order that Respondents cease gasoline dispensing operations at this facility until they obtain a current, valid District permit to do so.

Status: Order for Dismissal filed on June 16, 2016.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Contra Costa County; City of Richmond

Docket: 3687 CHEVRON PRODUCTS CO. – *Application for Emergency Variance*

Regulation(s): Regulation 8, Rule 5, Sections 304, 321.1, 321.3, 322.1, 322.3, and 322.5

Synopsis: Applicant operates a Title V refinery that refines crude oil and intermediates for gasoline and diesel fuel located at 841 Chevron Way, Richmond, CA 94801. Applicant, on April 6, 2016, discovered a portion of the primary and secondary rim seals on tank T-3197, which contained naphtha, were damaged. There was no indication of rim seal problems at the last inspection of T-3197 and the tank has a regular inspection schedule. Once damage to the seals was discovered, Applicant acted promptly to stop product from entering or leaving the tank, informed the Air District of the problem, and injected construction foam to suppress excess VOC emissions from the damaged section of the tank and will use fire foam to reduce excess VOC emissions during decommissioning.

Status: Proposed Order Granting Emergency Variance sent to applicant for review on August 3, 2016.

Period of Variance: April 8, 2016, at 9:00 a.m., to April 18, 2016 (10 days)

Estimated Excess Emissions: 10 lbs/day of Hydrocarbon.

Fees collected this quarter: \$887

Location: Santa Clara County; City of Milpitas

Docket: 3690 APCO vs. SULAIMAN DOSOUQI, et al – *Accusation*

Regulation(s): Regulation 2, Rule 1 - Section 302

Synopsis: Respondents own or operate a gas station in Milpitas, California for which they must hold a current and valid District permit to operate gasoline dispensing equipment, pursuant to District Regulation 2, Rule 1. Since at least October 2010, one or more of the Respondents have been conducting gasoline dispensing operations continuously at this gas station. Since at least September 1, 2012, they have been operating without a permit to operate, in violation of District

Regulation 2-1-302. Complainant seeks an order that Respondents cease gasoline dispensing operations at this facility until they obtain a current, valid District permit to do so.

Status: Stipulated Conditional Order for Abatement filed June 27, 2016.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Santa Clara County; City of San Jose

Docket: 3691 SHELL OIL PRODUCTS US – *Application for Emergency Variance*

Regulation(s): Regulation 8, Rule 5 - Section 322

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

Status: Order Granting Emergency Variance filed on August 8, 2016.

Period of Variance: May 11, 2016, at 1:00 p.m., to June 10, 2016, at 1:00 p.m. (30 days)

Estimated Excess Emissions: None.

Fees collected this quarter: \$967

Location: Alameda County; City of Union City

Docket: 3692 APCO vs. K&A GAS AND AUTO REPAIR, INC., et al – *Accusation*

Regulation(s): Regulation 2, Rule 1 - Section 302

Synopsis: Respondents own or operate a gas station in Milpitas, California for which they must hold a current and valid District permit to operate gasoline dispensing equipment, pursuant to District Regulation 2, Rule 1. Since at least October 2010, one or more of the Respondents have been conducting gasoline dispensing operations continuously at this gas station. Since at least September 1, 2012, they have been operating without a permit to operate, in violation of District Regulation 2-1-302. Complainant seeks an order that Respondents cease gasoline dispensing operations at this facility until they obtain a current, valid District permit to do so.

Status: First hearing held July 14, 2016; continued hearing scheduled for November 3, 2016.

Period of Variance: n/a

Estimated Excess Emissions: n/a

Fees collected this quarter: n/a

Location: Contra Costa County; City of Martinez

Docket: 3693 SHELL CHEMICALS, LP - *Application for Short-Term Variance*

Regulation(s): Regulation 8, Rule 5 - Section 307; Permit Conditions 19945 and 15124

Synopsis: Abatement devices S-1389 and S-1399 will be out of service for maintenance and natural gas supply piping upgrades during variance period, leaving S-1337, S-1338, S-1339, S-1340, S-1343, S-1400, S-1401 and S-1402 unabated while organic liquids or vapors are present. The facility does not plan to operate processes associated with these sources during the variance period. There should be no change in chemicals in the vessels. Emissions are associated with standing losses from vessels. The facility plans to draw down and if feasible empty these tanks as much as possible and intend to only have product in 8-1400 and 8-1401 during the outage. The RM-17 process will not be in operation so there will be no addition or removal from these tanks during this requested variance. There will be negligible emissions that may occur from standing loss from the tanks that would not be abated by 8-1389 and 8-1399 during this short variance period. Applicant is presently in compliance with the permit conditions but is. Requesting variance relief for planned work. The applicant will return to compliance upon completion of the planned work on the natural gas line.

Status: Order for Dismissal filed on July 14, 2016.

Period of Variance: July 11, 2016 to July 26 2016 (16 days)

Estimated Excess Emissions: 0.56 lbs/day of POCs

Fees collected this quarter: \$2326

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

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