

**FILED**

**JUN - 6 2012**

HEARING BOARD  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT  
**Sean Gallagher**  
**Clerk of the Boards**  
**Bay Area Air Quality**  
**Management District**

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

In the Matter of the Application of )  
)  
**REXAM BEVERAGE CAN COMPANY** ) No. 3634  
)  
For a Variance from Permit Condition #391, ) ORDER GRANTING  
Parts 1 through 12 ) EMERGENCY VARIANCE  
\_\_\_\_\_ )

The above-entitled matter, being an Application for Variance from the provisions of Permit Condition #391, Parts 1 through 12, which pertain to volatile organic compound (VOC) emissions and operating requirements for a Regenerative Thermal Oxidizer (A-9) controlling emissions from multiple ovens and spray machine banks associated with the production of aluminum cans, having been filed on May 18, 2012, at 12:44 p.m., 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:

1. Applicant filed this Application for Variance under the Emergency Variance procedures, Hearing Board Rules, Section 2.5. Pursuant to Health and Safety Code Sections 42359 and 42359.5, 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

1 Hearing Board Rules Section 2.5.d.2, the Hearing Board requested and received a response to this  
2 Application from the Air Pollution Control Officer for the Bay Area Air Quality Management  
3 District (Air District). The response recommended the Emergency Variance be granted for Permit  
4 Condition #391, Parts #2 – 12, but relief from Part #1 is not needed since annual VOC and toxic  
5 air contaminant (TAC) emissions by Applicant are well below specified threshold.

6 2. Applicant operates a facility manufacturing 12 ounce-size aluminum cans located at  
7 2433 Crocker Circle, Fairfield, CA 94533.

8 3. On May 17, 2012, at 11 p.m., a thermal oxidizer valve switch failed and led to the  
9 automatic shut down of the production line. The production line remained shut down for nine  
10 hours during which the cause of the failure was assessed. Applicant expedited repair of the  
11 breakdown by quickly evaluating the cause of the problem and contacting manufacturer Megtech.

12 4. The cause of the problem was determined to be a fatigued part and weld failure  
13 which led to the shredding of a position switch as the thermal oxidizer valve was being moved  
14 into position. The thermal oxidizer was repaired by 3 p.m. on May 19, 2012, and was put back  
15 online at 9 p.m. on May 19, 2012, when the unit reach its required operating temperature.

16 5. Applicant was out of compliance for 37 hours [46 hours (time between breakdown  
17 and thermal oxidizer back online) – 9 hours of production line downtime] and excess emissions  
18 during this period were estimated by the Applicant to be 1, 292 pounds of VOCs and 54 pounds  
19 of TACs.

20 6. Date of authority to construct (May 18, 2009) and permit to operate (March 23,  
21 2012) indicates the thermal oxidizer age is about three years, which is far less than the minimum  
22 expected lifetime of such units. Last inspection and maintenance on November 17, 2011, showed  
23 no signs of problems.

24 7. Applicant's quick action to expedite the determination and repair of the breakdown,  
25 the occurrence of the weld failure in a thermal oxidizer well within the expected minimum life of  
26 such a unit, and a lack of any indication of a problem at the time of the last inspection, indicates

1 Applicant meets the good cause standard for issuance of an emergency variance.

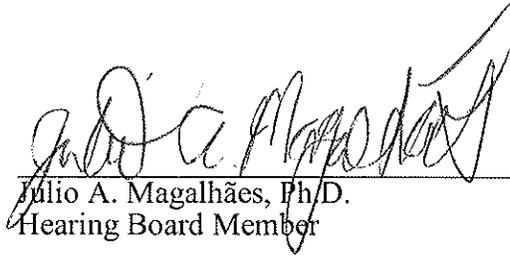
2 8. This Variance will not cause injury, detriment, nuisance, or annoyance to any  
3 considerable number of persons or to the public, or endanger the comfort, repose, health or safety  
4 of any such persons or the public, or cause or have a natural tendency to cause injury or damage  
5 to business or property.

6 THEREFORE, THE HEARING BOARD ORDERS:

7 1. A Variance from Permit Condition #391, Parts 2 through 12, be and is hereby  
8 granted from 8 a.m. on May 18, 2012, to 9 p.m. on May 19, 2012.

9 2. Applicant will pay excess emission fees in accordance with District Regulation 3,  
10 Schedule A, Attachment 1 based on estimated excess emission amounts of VOCs and TACs  
11 presented by Applicant and summarized in item #5 above for the 37 hours in which Applicant was  
12 out of compliance.

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14 DATED: June 6, 2012

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17 Julio A. Magalhães, Ph.D.  
18 Hearing Board Member  
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