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

In the Matter of the Application of

CHEVRON PRODUCTS COMPANY

No. 3704

ORDER DENYING EMERGENCY VARIANCE

For Emergency Variance from Regulation 8,
Rule 5, Section 305 (Requirements for
Internal Floating Roof Tanks.)

The above-entitled matter, being an Application for Emergency Variance (EV) from the
provisions of Regulation 8, Rule 5, Section 305, was filed on March 19, 2018 by Chevron Products
Company (Applicant) after initial contact by telephone at 1:55 p.m. on March 16, 2018, and having
been considered by the Hearing Board,

THE HEARING BOARD STATES as the reasons for its decision and FINDS:

A. Applicant filed this Application for Variance under the EV procedures, and Hearing
Board Rules, Section 2.5, pursuant to Health and Safety Code Sections 42359 and 42359.5, which
provides that this Application properly could be ruled upon without notice and hearing. In
accordance with Hearing Board Rules section 2.5.d.2, upon receipt of the application, the Clerk
promptly requested and timely received a response to this Application from the Executive
Officer/Air Pollution Control Officer (APCO) for the Bay Area Air Quality Management District
(Air District). The response recommended the EV be denied.
B. Applicant operates storage tank T-148 (Source # 8), an internal floating roof tank
storing denatured ethanol located at 1020 Berryessa Rd., San Jose CA 95133.

C. The Facility discovered liquid on the tank roof on February 26, 2018, confirming the
leak on March 7, 2018.

D. The Facility did not apply for the Emergency Variance to seek relief from Reg.8-5-
305.5 until March 19, 2018.

E. Applicant requested a variance period of March 14, 2018 to April 2, 2018 (20 days).

THEREFORE, THE HEARING BOARD ORDERS:

The Application for EV from Regulation 8, Rule 5, Section 305 is denied, as the request was
not filed in a timely manner.

DATE: March 27, 2018

Barbara Toole O’Neil, Ch.E., Q.E.P.
Hearing Board Member
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CHEVRON PRODUCTS COMPANY

No. 3704

For Emergency Variance from Regulation 8, Rule 5, Section 305 (Requirements for Internal Floating Roof Tanks)

CERTIFICATION OF SERVICE

STATE OF CALIFORNIA

City and County of San Francisco ss.

I, Marcy Hiratzka, do hereby certify under penalty of perjury as follows:

That I am a citizen of the United States, over the age of eighteen years and not a party to the above entitled action; and that I served a true and correct copy of the attached Order Denying Emergency Variance on:

Christopher H. Norton, Esq.
Latham & Watkins LLP
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626-1925

by depositing same in the United States certified mail, return receipt requested, and via email, on March 27, 2018; and on

Brian Bunger, District Counsel
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, California 94105

via email and by hand-delivery deposit of same in the in-box of the District Counsel’s office, on March 27, 2018.

\[\text{(Signature)}\]
Marcy Hiratzka, Clerk of the Boards

\[\text{Date}\]

CERTIFICATE OF SERVICE - ORDER DENYING EMERGENCY VARIANCE