

FILED

MAR 27 2018

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

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
)	
For Emergency Variance from Regulation 8,)	ORDER DENYING
Rule 5, Section 305 (Requirements for)	EMERGENCY VARIANCE
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.

APB ✓

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- 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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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA

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HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

In the Matter of the Application of)
)
CHEVRON PRODUCTS COMPANY) No. 3704
)
For Emergency Variance from Regulation 8,) CERTIFICATION OF SERVICE
Rule 5, Section 305 (Requirements for Internal)
Floating Roof Tanks))
)
)

STATE OF CALIFORNIA)
)) ss.
City and County of San Francisco)

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.

3/27/18
Date



Marcy Hiratzka, Clerk of the Boards