

FILED
JUL 09 2018
HEARING BOARD
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)
)
Chevron Products Company) No. 3709
)
For Emergency Variance from Regulation 8,) ORDER DENYING
Rule 5, Section 322) EMERGENCY VARIANCE
)
)
)

The above-entitled matter, being an Application for Emergency Variance (EV) from the provisions of Regulation 8, Rule 5, Section 322, was filed on July 02, 2018 by Chevron Products Company after initial contact by telephone by voicemail at 4:59 PM. on June 29, 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.

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B. Applicant operates storage tank 104 (Source # S-4), an internal floating roof tank storing denatured alcohol, located at 611 Solano Way in Martinez, California.

C. Applicant is investigating the cause of the tear in the secondary seal on the floating roof from Source # S-4 which was noticed during a semiannual visual inspection on June 27, 2018. The seal passed inspection in January 2018. Repairs are scheduled to occur in July 2018.

D. Applicant requested a variance period of June 28, 2018 to July 28, 2018 (30 days).

E. Applicant's request does not meet the good cause standard for an EV, as non-compliance was not unforeseeable and the violation was not beyond Applicant's reasonable control.

THEREFORE, THE HEARING BOARD ORDERS:

The Application for EV from Regulation 8, Rule 5, Section 322 is denied, as the request does not meet the good cause standard for issuance of an EV.

DATE: 7-9-2018



Ryan Janoch, PE
Hearing Board Member

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)
)
For Emergency Variance from Regulation 8,)
Rule 5, Section 322)
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No. 3709
CERTIFICATION OF SERVICE



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

I, Aloha de Guzman, 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 July 10, 2018; and on

Brian Bungler, 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 July 10, 2018.

7/10/2018
Date


Aloha de Guzman, Acting Clerk of the Boards