

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

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In the Matter of the Application of)
Granite Rock Company (Graniterock)) No. 3713
For Emergency Variance from Regulation 2,) ORDER DENYING
Rule 2, Section 2-2-403, 406, 407, 408) EMERGENCY VARIANCE

The above-entitled matter, being an Application for Emergency Variance (EV) from the provisions of Regulation 2, Rule 2, Section 403, 406, 407, 408, was filed on February 7, 2019 by Granite Rock (Applicant) after initial contact by telephone at 7:30 a.m. on February 6, 2019, 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 baghouse abatement devices (Sources # A60 and A61) located at 355 Blomquist Street, Redwood City, CA 94063.

C. Water intrusion from recent rains has seeped into baghouse abatement A60 and A61 causing failure of the bags by plugging the bag perforations and causing dust and particulates to be emitted from the sides of the device. Water seepage was caused by corrosion and cracks in baghouse housing. The abatement devices are now unusable. The failure of the baghouses

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was not unforeseeable, as District inspection staff determined the facility was aware of corrosion and cracks to the units for some time.

D. The application to replace these baghouses, App#29735, was received by the Air District on January 28, 2019 approximately a week before this EV application was submitted.

E. Applicant requested a variance period of February 7, 2019 to February 27, 2019 (20 days). Applicant is seeking an emergency variance to install new abatement equipment without undergoing New Source Review, specifically the requirements of Regulation 2, Rule 2 section 403, 406, 407, and 408. Excess emissions of particulate matter are considered to be zero by the applicant.

F. Health and Safety Code Section 42350(b)(1) states that a variance may not be granted from the requirement for a permit to build, erect, alter, or replace if a District Board has established a permit system by regulation pursuant to Section 42300.

G. 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 2, Rule 2, Section 403, 406, 407, 408 is denied, as the request does not meet the good cause standard for issuance of an EV.

DATE: February 17, 2019 Peter Y. Chiu

Peter Y, Chiu, ME, PE
Hearing Board Member

FILED

FEB 19 2019

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)
)
Granite Rock Company) No. 3713
)
For Emergency Variance from Regulation 2,) CERTIFICATION OF SERVICE
Rule 2, Sections 403, 406, 407, 408)
)
)
)

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:


Reed Carter
Granite Rock Company
Environmental Project Manager
350 Technology Drive
Watsonville, CA 95076

by depositing same in the United States certified mail, return receipt requested, and via email, on February 19, 2019; 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 February 19, 2019.

2/19/2019
Date


Aloha de Guzman, Acting Clerk of the Boards