

FILED

OCT 25 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

SHORE TERMINALS LLC

For Emergency Variance from Regulation 2,
Rule 6, Section 307; and Permit Condition
#6185 parts 1, 14, 20 and 22.

Docket No.: 3716

ORDER GRANTING EMERGENCY
VARIANCE

The above-entitled matter, being an Application for Emergency Variance (EV) from the provisions of Regulation 2, Rule 6, Section 307; and Permit Condition #6185 parts 1, 14, 20 and 22 was filed on October 17, 2019, after initial contact by telephone at 10:53 a.m. on October 16, 2019, 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:

A. Applicant filed an application under the EV procedures, Hearing Board Rules, Section 2.5. Pursuant to Health and Safety Code Sections 42359 and 42359.5, and 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 Hearing Board Rules Section 2.5.d.2, the Hearing Board requested and received a response to this Application from the Executive Officer/Air Pollution Control Officer for the Bay Area Air Quality Management District (Air District). The Air District staff response recommended the Application for EV be granted.

B. Applicant operates Selby Terminal , transportation and storage facility for receiving, storing, and shipping liquid petroleum and biofuel products located at 90 San Pablo

1 Ave, Crockett, CA 94553

2 C. Applicant is investigating the cause of the unexpected fire that occurred at the
3 Facility (the "fire"). The fire caused the collapse of tanks S-39 (T-20107) and S-41 (T-20109)
4 and the loss of vapor controls for tanks S-38 (T-20106), S-40 (T-20108), S-42 (T-20110), S-43
5 (T-20111), S-25 (T-1501), S-6 (T-5002), and S-44 (T-3001) (collectively "tanks").
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7 D. Applicant requested an emergency variance period of October 15, 2019 to
8 November 14, 2019, (30 days).

9 E. Compliance is beyond Applicant's reasonable control.

10 F. The fire damaged the vapor lines connecting tanks S-38 (T-20106), S-40 (T-
11 20108), S-42 (T-20110), S-43 (T-20111), S-25 (T-1501), S-6 (T-5002), and S-44 (T-3001)
12 tanks to the Vapor Recovery Units (A-421 and A-422).

13 G. Because of the fire, the tanks' lines to the Vapor Recovery Units (A-421 and A-
14 422) are inoperable.

15 H. The Applicant does meet the good cause standard for issuance of an EV.

16 **THEREFORE, THE HEARING BOARD ORDERS:**

17 An Emergency Variance from Regulation 2, Rule 6, Section 307; and Permit Condition
18 #6185 parts 1, 14, 20 and 22, be and is hereby granted from October 16, 2019 , at 10:53 am to
19 November 14, 2019.
20

21 Applicant shall make temporary control arrangements to abate all tanks containing
22 regulated product as soon as it is safe (Air District Staff Condition 1); and provide excess
23 emission estimates for the tankage that was required to be controlled but was not (excess
24 emission estimates for the duration of the fire are not required) (Air District Staff Condition 2)
25 within 30 days of Emergency Variance expiration date.
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Barbara Toole O'Neil, QEP
Hearing Board Member
Bay Area Air Quality Management District

Barbara Toole O'Neil

Date 24 October 2019

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

FILED
OCT 25 2019
HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

In the Matter of the Application of)
)
SHORE TERMINALS LLC) No. 3716
)
For Emergency Variance from Regulation 8,) CERTIFICATION OF SERVICE
Rule 5, Section 328; Regulation 8, Rule 6,)
Section 307; and Permit Condition #6185, Parts)
1, 5, 6, 14, 16, 20, 22, 23, and 27.)
)

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 Granting Emergency Variance on:

Julie Cress, Esq.
Hunton Andrews Kurth LLP
50 California Street, Suite 1700
San Francisco, CA 94111

by depositing same in the United States certified mail, return receipt requested, and via email, on October 23, 2019 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 October 23, 2019

10/25/2019
Date


Aloha de Guzman, Acting Clerk of the Boards