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

In the Matter of the Application of

SFPP L.P. San Jose Terminal

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For Emergency Variance from Regulation 8, Rule 5, Section 305.5 Docket No.: 3730

ORDER DENYING EMERGENCY VARIANCE

MAY 1 2 2021

The above-entitled matter, being an Application for Emergency Variance (EV) from the provisions of Regulation 8, Rule 5, Section 305.5 was filed on May 3, 2021, after initial contact by telephone at 1:52 p.m. on April 29, 2021, 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 denied.

B. Applicant operates bulk petroleum terminal with petroleum product storage and loading, located at 2150 Kruse Drive, San Jose CA 95131.

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C.

Applicant investigated the cause of liquid (product) found on the multi-purpose

ORDER DENYING EMERGENCY VARIANCE Page 1 internal floating roof tank that was discovered during a quarterly visual seal inspection on April 27, 2021. The cause of failure was determined to be a defect on the roof near the ladder well. The operator attempted to conduct a temporary repair within 48 hours, as required by Air District Regulation 8-5-119.2. However, due to the fact that the tank was half full when the defect was identified, and to safety concerns, the operator did not consider it possible to complete the repair within 48 hours.

D. Applicant requested an emergency variance period of April 29, 2021 to May 28, 2021, (30 days). Applicant estimated excess emissions of 13.16 pounds of ethanol, per day.

E. Applicant has not demonstrated that remedying the violation of District Rule 8-5-305.5 within the 48-hour period allowed by Reg 8-5-119.2.3 was beyond its reasonable control.

F. Applicant has not provided sufficient information to explain why there was an initial 22-hour delay after the discovery of the puddled liquid on the Tank SJ-12's internal floating roof before any action was taken.

G. The Applicant does not meet the good cause standard for issuance of an EV. THEREFORE, THE HEARING BOARD ORDERS:

An Emergency Variance from Regulation 8, Rule 5, Section 305.5 be and is hereby denied.

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Dr. Peter Chiu, M.D., P.E. Hearing Board Member Bay Area Air Quality Management District

Way 11, 2021

Date

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2	OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT	
3	STATE OF CALIFORNIA	
4	In the Matter of the Application of	Docket No.: 3730
5	SFPP L.P. San Jose Terminal	CERTIFICATE OF SERVICE
6	Ear Emergency Variance from Desulation 9	
7 8	For Emergency Variance from Regulation 8, Rule 5, Section 305.5	FILED
° 9	l {	MAY 1 2 2021
10		HEARING BOARD
11	STATE OF CALIFORNIA) ss.	BAY AREA AIR QUALITY MANAGEMENT DISTRICT
12	City and County of San Francisco)	
13	I, Marcy Hiratzka, do hereby certify under penalty of perjury as follows:	
14	That I am a citizen of the United States, over the age of eighteen years and not a party to the	
15	above-entitled action; that I served a true copy of the attached Order Denying Emergency Variance on:	
16	Ling Li	
17	Kinder Morgan 1001 Louisiana Street	
18	Houston, TX 77002 Ling_li@kindermorgan.com by depositing same via email and in the United States certified mail, return receipt requested,	
19		
20	on May 12, 2021; and on:	
21	Randi Wallach, Esq.	
23	Bay Area Air Quality Management District 375 Beale Street, 6 th Floor	
24	San Francisco, California 94105 <u>rwallach@baaqmd.gov</u>	
25	by depositing same via email, and in interoffice mail on May 12, 2021	
26	DATED: May 12, 2021	
27	Marcy Hiratzka, Clerk of the Boards	
28		Clerk of the Doards
	Se ex	×
	CERTIFICATE OF SERVICE Page 1	