FILED
OCT 02 2023
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 For Emergency Variance from Air District Permit Conditions #7A, 7A4, 7A5; Regulation 2, Rule 1, Section 307; and Regulation 2, Rule 6, Section 307	Docket No.: 3744 ORDER DENYING EMERGENCY VARIANCE

The above-entitled matter, being an Application for Emergency Variance (EV) from the provisions of Air District Permit Conditions #7A, 7A4, 7A5; Regulation 2, Rule 1, Section 307; and Regulation 2, Rule 6, Section 307, was filed on September 21, 2023, after initial contact by telephone at September 20, 2023, 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 the Richmond Refinery (the "Facility") located in Richmond, California. The Facility is an oil refinery, processing crude oils and other feedstocks into

petroleum products, primary transportation fuels.

C. On September 20, 2023, the Facility's Fluid Catalytic Cracking Unit ("FCCU") stopped processing feed because of an unexpected and sudden reduction in feed from the upstream TKC plant. This precipitated a subsequent surge in the feed from the TKC plant, which caused the Distributed Control System ("DCS") to automatically cut all feed to the FCCU and automatically deenergized the electrostatic precipitator (ESP). The Applicant is seeking relief from Air District Permit Conditions and Regulations prohibiting the operation of the FCCU without abatement by the ESP.

D. Applicant requested an emergency variance period of September 20, 2023 to September 27, 2023. Excess emissions were estimated by the Applicant.

E. The Applicant is currently unable to provide the cause of the reduction and surge in the feed rate of gas oil from the TKC Plant to the FCCU. Therefore, Air District staff is unable to validate if this event was foreseeable.

F. The Applicant does not meet the good cause standard for an issuance of an EV. There was no clear evidence that non-compliance was unforeseeable and no clear evidence that the violation was beyond the Applicant's reasonable control.

THEREFORE, THE HEARING BOARD ORDERS:

The Application for Emergency Variance from Air District Permit Conditions #7A, 7A4, 7A5; Regulation 2, Rule 1, Section 307; and Regulation 2, Rule 6, Section 307 is hereby denied.

Peter Y. Chiu, MD, PE
Hearing Board Member
Bay Area Air Quality Management District

October 2, 2023
Date

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 Air District Permit Conditions #7A, 7A4, 7A5; Regulation 2, Rule 1, Section 307; and Regulation 2, Rule 6, Section 307	Docket No.: 3744 CERTIFICATE OF SERVICE

FILED
OCT 02 2023
HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

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; that I served a true copy of the attached **Order Denying Emergency Variance** on:

Danny Barbour Chevron Products Company DBarbour@chevron.com	Kevin Poloncarz, Esq. Chevron Products Company KPoloncarz@cov.com

by depositing same via email on October 2, 2023 and on:

Alexandra Kamel, Esq., Senior Assistant Counsel
Bay Area Air Quality Management District
akamel@baaqmd.gov

via email on October 2, 2023

DATED: October 2, 2023

Marcy Hiratzka
Clerk of the Boards