

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 Memorandum

TO: Chairperson Tom Bates and Members of the Executive Committee
 FROM: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board
 DATE: November 30, 2011
 RE: Hearing Board Quarterly Report – April 2011 to June 2011 and July 2011 to September 2011

RECOMMENDED ACTION:

This report is provided for information only.

DISCUSSION:

Below is Hearing Board activity during the second quarter period, from **April 2011 to June 2011:**

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Contra Costa/Richmond	<u>Docket No. 3613</u> – CHEVRON PRODUCTS COMPANY – <i>Request for a Regular Variance from Regulation 8, Rule 5, Section 321.1 Regulation 8, Rule 5, Section 321.3.1; Regulation 8, Rule 5, Section 321.3.2; Regulation 2, Rule 1, Section 307; Regulation2, Rule 6, Section 307; and Standard Conditions 1.A and 1.B.2 of Applicant’s Major Facility Review Permit.</i>	8-5-321.1 8-5-321.3.1 & 321.3.2 2-1-307 2-6-307 Std Condtns 1.A & 1.B.2	Hearing Scheduled for April 7, 2011; Withdrawn by Applicant; Order for Dismissal Filed April 11, 2011	3/2/11 to 8/31/11	===

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Santa Clara/San Jose	Docket No. 3614 – APPEAL OF ROBERT M. SARVEY ON THE LOS ESTEROS CRITICAL ENERGY FACILITY – <i>Appeal on the Issuance of Authority to Construct for Facility ID #B3289.</i>	ATC	Pro Forma Hearing held April 21st; denied; set evidentiary hearing for May 26th; Request filed on May 9th by Appellant to abandon appeal; Dismissed	===	===
San Mateo/Redwood City	Docket No. 3615 – APCO vs. VINOD CHAND BANSAL: VINOD CHAND BANSAL, INC., Individually, and d/b/a Valero; Valero, a Gasoline Dispensing Facility at 503 Whipple Avenue, Redwood City, CA 94063, Site No. D0363 - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Accusation filed by APCO; Hearing scheduled for July 28, 2011	===	===
San Francisco/San Francisco	Docket No. 3616 – APCO vs. DOUBLE AA CORPORATION d/b/a JUNIPERO SERRA 76; BPG Pacific LLC; a Gasoline Dispensing Facility located at 1101 Junipero Serra Blvd., San Francisco, Site Nos. C9585 and D2129 - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Accusation filed by APCO June 28, 2011; Hearing scheduled for July 28, 2011	===	===
Santa Clara /Mountain View	Docket No. 3617 – California Cleaners - – <i>Request for a Variance from Regulation 11, Rule 16, Section 274 1, emissions of synthetic solvent from dry cleaning operations and related operations.</i>	11-16-274	Variance filed June 28, 2011; Hearing scheduled for August 25, 2011	July 1, 2011 to July 1, 2012	134.9076 lbs.

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Contra Costa/Martinez	<u>Docket No. 3532</u> – TESORO REFINING AND MARKET COMPANY, GOLDEN EAGLE REINERY (B2758) AND AMORCO TERMINAL (B2759) – <i>Appeal from the Major Facility Review Permit issued on December 1, 2003.</i>	Final Major Facility Review Permit	Appellant files new appeal on June 28, 2011; requests status report and further continuance; Hearing scheduled for Sept. 22, rescheduled to October 13 and again to November 10, 2011	===	===
Solano/Vallejo	<u>Docket No 3618</u> – APCO vs. PAL GAS INC., a California corporation, and d/b/a PAL GAS and CITY GAS a Gasoline Dispensing Facility, Site No. C8749; and JIT SINGH, Individually, and d/b/a PAL GAS and GAS CITY; PAL SAHOTA, a/k/a IQBAL SAHOTA, Individually - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Accusation Filed June 29, 2011	===	===
Santa Clara/San Jose	<u>Docket No. 3619</u> – Gas Recovery Systems, Inc. – <i>Request for a Variance from Regulation 9, Rule 8, Section 302.2; limiting emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines.</i>	9-8-302.2	Variance filed June 30, 2011; Hearing scheduled August 11, 2011	January 1, 2012 to December 31, 2012	144.95 lbs. NOx
Solano/Benicia	<u>Docket No. 3531</u> – Valero Refining Company (Benicia Refinery (B2626) – <i>Request to Dismiss Appeal.</i>	Final Major Facility Review Permit	Appellant files request for Dismissal of Appeal; Order for Dismissal Filed June 2, 2011	===	===

Below is Hearing Board activity during the third quarter period, from **July 2011 through September 2011:**

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
San Mateo/Redwood City	<u>Docket No. 3615</u> – APCO vs. VINOD CHAND BANSAL: VINOD CHAND BANSAL, INC., Individually, and d/b/a Valero; Valero, a Gasoline Dispensing Facility at 503 Whipple Avenue, Redwood City, CA 94063, Site No. D0363 - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing held July 28, 2011; Conditional Order for Abatement Issued	===	===
San Francisco/San Francisco	<u>Docket No. 3616</u> – APCO vs. DOUBLE AA CORPORATION d/b/a JUNIPERO SERRA 76; BPG Pacific LLC; a Gasoline Dispensing Facility located at 1101 Junipero Serra Blvd., San Francisco, Site Nos. C9585 and D2129 - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing held July 28, 2011; Conditional order for Abatement Issued	===	===
San Jose/Mountain View	<u>Docket No. 3617</u> – California Cleaners - – <i>Request for a Variance from Regulation 11, Rule 16, Section 274 1, emissions of synthetic solvent from dry cleaning operations and related operations.</i>	11-16-274	Hearing held for August 25, 2011; Order Granting Variance approved	July 1, 2011 to July 1, 2012	134.9076 lbs.
Solano/Vallejo	<u>Docket No 3618</u> – APCO vs. PAL GAS INC., a California corporation, and d/b/a PAL GAS and CITY GAS a Gasoline Dispensing Facility, Site No. C8749; and JIT SINGH, Individually, and d/b/a PAL GAS and GAS CITY; PAL SAHOTA, a/k/a IQBAL SAHOTA, Individually - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	July 28, 2011 Accusation withdrawn by APCO— Respondent found to be in compliance	===	===

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Santa Clara/San Jose	Docket No. 3619 – Gas Recovery Systems, Inc., 1804 Dixon Landing Road Facility – <i>Request for a Variance from Regulation 9, Rule 8, Section 302.2; limiting emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines.</i>	9-8-302.2	July 21 st HB reschedules hearing from August 11 th to September 1, 2011; Applicant filed request for withdrawal of Variance on August 11, 2011; Hearing canceled; Application withdrawn	January 1, 2012 to December 31, 2012	144.95 lbs. NOx
Alameda/San Leandro	Docket No. 3620 – APCO vs. BANSAL ENTERPRISES, INC. a California corporation, and <i>d/b/a PREMIER GASOLINE & SNACKS</i> , a Gasoline Dispensing Facility, Site No. D0060; and MAHESH AGRAWAL, Individually, and <i>d/b/a PREMIER GAS & SNACKS - Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Accusation filed July 15, 2011; Hearing scheduled for August 11 th and rescheduled for August 25 th . On August 22 nd , APCO requests Dismissal due to confirmation of compliance	===	===
San Mateo/Menlo Park	Docket No. 3621 – Gas Recovery Systems, Inc., Menlo Park Facility No. B1668 - <i>Request for a Variance from Regulation 9, Rule 8, Section 302.2; limiting emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines.</i>	9-8-302.2	Variance filed July 20, 2011; Hearing scheduled September 1 st ; August 11 th , applicant requests withdrawal; Hearing canceled; Application withdrawn	January 1, 2012 to December 31, 2017	68.72 lbs. NOx

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Santa Clara/San Jose	<u>Docket No. 3622</u> - Gas Recovery Systems, Inc., Guada Lupe Mines Road, Facility No. B1669 - <i>Request for a Variance from Regulation 9, Rule 8, Section 302.2; limiting emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines.</i>	9-8-302.2	Variance filed July 20, 2011; Hearing scheduled September 1 st ; August 11 th , applicant requests withdrawal; Hearing canceled; Application withdrawn	January 1, 2012 to December 31, 2012	45.68 lbs. NOx
San Mateo/Pacifica	<u>Docket No. 3623</u> – APCO vs. PINAKIN PATEL <i>a/k/a</i> PETER PATEL, individually and <i>d/b/a</i> PACIFICA CHEVRON, a Gasoline Dispensing Facility, Site No. C0013; located at 100 Milagra Drive, Pacifica, CA - - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Accusation filed July 22, 2011; Hearing scheduled & Held August 18 th ; Conditional Order for Abatement approved Sept. 1, 2011	===	===
Contra Costa/Martinez	<u>Docket No. 3624</u> – TESORO REFINING AND MARKETING COMPANY; GOLDEN EAGLE REFINERY (B2758) AND AMORCO TERMINAL (B2759) – <i>Appeal from Major Facility Review Permit, issued June 28, 2011.</i>	MFRP	Appeal Filed July 27, 2011; Pro Forma Hearing scheduled and rescheduled for September 22, October 13 and November 10, 2011	===	===

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Santa Clara/Milpitas	<u>Docket No. 3625</u> – DKYH ENTERPRISES d/b/a FORD CLEANERS – <i>Request for a Short Term Variance from Regulation 11, Rule 16, Section 304.15; limiting emissions of synthetic solvent from dry cleaning operations and related operations.</i>	11-16-304.15	Application filed July 11 th ; Hearing scheduled for September 1 st ; August 30 th applicant requests dismissal; installing new machine; Hearing canceled & application dismissed by Chair	===	===
Napa/Napa	<u>Docket No. 3626</u> – APCO vs. KAPV INC. a California corporation, also <i>d/b/a</i> NAPA GAS, NAPA GAS U-HAUL, and IMOLA GAS U-HAUL, a Gasoline Dispensing Facility, Site No. C8262; MOJTABA KARIMABADI, an individual also <i>d/b/a</i> NAPA GAS and, NAPA GAS U-HAUL; J. GOLPAD, <i>a/k/a</i> JASON GOLPAD, an individual, <i>d/b/a</i> NAPA GAS; MELVIN K. LOUIE, Successor Trustee - <i>Accusation and Request for Order for Abatement; limiting emissions of synthetic solvent from dry cleaning operations and related operations.</i>	11-16-304.15	Accusation filed August 31, 2011; hearing scheduled for October 6, 2011.	===	===
San Francisco/San Francisco	<u>Docket No. 3627</u> – CHEVRON PRODUCTS COMPANY – <i>Request for a Short Term Variance; applicant's Major Facility Review Permit (Plant A0010, Source S-0679).</i>	8-5-304.2, 304.3, 321.3.2, and 322.5 2-6-307, Standard Conditions 1.A. and 1.B.2 of MFRP	Application filed September 6, 2011; Hearing scheduled for October 6, 2011; Applicant files Request for Dismissal on September 28 th ; Order for Dismissal	October 10, 2011 to November 8, 2011	===

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Contra Costa/Richmond	Docket No. 3524 – CHEVRON U.S.A., INC. – <i>Request for Dismissal of Appeal from Major Facility Review Permit.</i>	Final Major Facility Review Permit	Appellant Requests Dismissal of Appeal on September 8, 2011; Order for Dismissal	===	===
Contra Costa/Rodeo	Docket No. 3628 – CONOCOPHILLIPS COMPANY, SAN FRANCISCO REFINERY – <i>Appeal from Issuance of Final Major Facility Review Permit for Facility No. A0016, issued September 1, 2011.</i>	Final Major Facility Review Permit	Appeal filed September 29, 2011; Scheduled Pro Forma hearing for October 27, 2011	===	===
Contra Costa/Brentwood	Docket No. 3585 - PRECISION CABINETS & TRIM (B2676) - <i>Status report and update hearing regarding conditions of Order Granting a Product Variance, dated September 2, 1010; emissions of volatile organic compounds from the application of coatings; (B2676).</i>	8-32-303	Hearing held September 22, 2011 regarding compliance of conditions; Order regarding Compliance with Conditions of Variance filed Oct. 6, 2011	July 1, 2010 through April 1, 2011	Non-compliance POC emissions- 201.63 lbs. VOC emissions: 113.1 lbs. POC emissions- 88.53 lbs. Total excess emission fee: \$204.50

SECOND QUARTER NOTES (April-June 2011):

- During the second quarter of 2011 (April to June), the Hearing Board held 1 hearing and processed a total of 11 applications; 3 of which were Accusations, 2 were Appeals, 3 Variances, and 3 Requests for Withdrawals or Dismissals. The Clerk processed a total of 2 Final Orders.
- The Hearing Board officially approved its New Hearing Board Rules on June 2, 2011, which had been outdated since December 2002.

- The Hearing Board collected a total of \$2,817.00 during the second quarter of 2011.

THIRD QUARTER NOTES (July-September 2011):

- During the third quarter of 2011 (July to September), the Hearing Board held 5 hearings and processed a total of 19 applications, 3 of which were Accusations, 2 Appeals, 4 Variances, and 10 Requests for Withdrawals or Dismissals and Status/Compliance Reports. The Clerk processed a total of 7 Final Orders.
- The Hearing Board collected a total of \$2,593.84 during the third quarter of 2011.

Respectfully submitted,

Thomas M. Dailey, M.D.
Chair, Hearing Board

Prepared by: Lisa Harper
Reviewed by: Jennifer Cooper