

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: April 6, 2011  
 RE: Hearing Board Quarterly Report – January 2011 to March 2011

**RECOMMENDED ACTION:**

This report is provided for information only.

**DISCUSSION:**

Below is Hearing Board activity during the period from January 2011 through March 2011:

<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>
Santa Clara/San Jose	<u>Docket No. 3610</u> – APCO vs. PETROMART RETAIL GROUP, INC., a California corporation, and d/b/a TULLY SHELL AUTO CARE, a Gasoline Dispensing Facility, Site No. C9696; GAWFCO ENTERPRISES, INC., a California corporation; TEDDY IP, an individual, d/b/a TULLY SHELL AUTO CARE; MING SHIU, an individual, d/b/a TULLY SHELL AUTO CARE; THANH Q. TU, an individual, d/b/a TULLY SHELL AUTO CARE - <i>Accusation and Request for Conditional Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing Held March 3, 2011; EVR Upgrade verified as complete; Order for Dismissal	===	===

Alameda/Hayward	<b><u>Docket No. 3611</u></b> – APCO vs. BALJIT GREWAL, an individual, and <i>d/b/a</i> SERVO GAS – FOOTHILL BOULEVARD, a Gasoline Dispensing Facility, Site No. D0337 - <i>Accusation and Request for Conditional Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing Scheduled for March 3, 2011; EVR Upgrade verified as complete; Dismissed.	===	===
Contra Costa/Richmond	<b><u>Docket No. 3612</u></b> – CHEVRON PRODUCTS COMPANY – <i>Request for an Emergency Variance from Regulation 8, Rule 5, Section 321.3 –primary seal requirements of storage tank equipment</i>	8-5-321.3	Emergency Variance approved	1/31/11 to 3/1/11	===
Contra Costa/Richmond	<b><u>Docket No. 3613</u></b> – 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	8-5-321.1 8-5-321.3.1 & 321.3.2 2-1-307 2-6-307 Stnd Condtns 1.A & 1.B.2	Hearing Scheduled for April 7, 2011; Withdrawn by Applicant	3/2/11 to 8/31/11	===
Santa Clara/San Jose	<b><u>Docket No. 3614</u></b> – 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 Scheduled for April 21, 2011 to consider fee waiver, request for intervention, and set briefing schedule	===	===

**FIRST QUARTER NOTES:**

- During the first quarter of 2011, the Hearing Board and Clerk processed five (5) Accusations and applications for Variances and Appeals, some of which were withdrawn before or during the hearings (Dockets 3610, 3611 and 3613). The Hearing Board scheduled four (4) hearings and approved six (6) Orders.
- Status reports and requests for continuance were received for two dockets; one of which was heard and approved for further continuance; and one docket was approved as modified by the Hearing Board.
- Two Appeals were received but not filed due to non-receipt of filing fees.
- The Hearing Board collected \$9896.27 during the first quarter of 2011.

- Hearing Board Subcommittee Member Christian Colline met with the Hearing Board Clerk on March 30, 2011 and updated the Hearing Board Rules. The final Hearing Board Rules have been noticed and sent out for final comment and are expected to be approved in April 2011.

**EXCESS EMISSION DETAILS**

<b><u>COMPANY NAME</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>TOTAL EMISSIONS</u></b>	<b><u>TYPES OF EMISSIONS</u></b>	<b><u>PER UNIT COST</u></b>	<b><u>TOTAL AMT COLLECTED</u></b>
					\$ 0
				<b>TOTAL COLLECTED:</b>	<b><u>\$ 0</u></b>

Respectfully submitted,

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

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