

FILED

JUL 22 2009

HEARING BOARD  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

Lisa Harper  
Clerk, 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	)	
	)	
<b>BAY AREA COFFEE, INC.</b>	)	No. 3569
	)	
For a Variance from Regulation 2, Rule 1,	)	ORDER DENYING
Section 307 insofar as it requires	)	<u>EMERGENCY VARIANCE</u>
compliance with Permit Condition No.	)	
23931.2	)	
_____	)	

The above-entitled matter, being an Application for an Emergency Variance from the provisions of Regulation 2, Rule 1, Section 307, insofar as it requires compliance with Permit Condition No. 23931.2 to temporarily operate the coffee roasting plant until repairs are completed, having been filed at 07:15 a.m. on July 15, 2009, 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:

1. Applicant filed this Application for Variance under the Emergency Variance procedures, Hearing Board Rules, Section 2.5. Pursuant to Health and Safety Code Sections 42359 and 42359.5, 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 Air Pollution Control Officer. That response recommended the request for Emergency Variance be denied due to the Emergency Variance application not being necessary.
2. The Applicant operates a coffee roasting facility located at 4201 Industrial Way, Benicia, CA 94510.
3. On Friday, July 10, 2009 the facility had experienced electrical problems with

1 Source A2. The coffee roasters were run without abatement at that time. On Monday, July 13,  
2 2009, an electrician was contacted and arrived at the facility. During repairs, it was discovered that  
3 the electrical problems were a result of faulty insulation. Replacement insulation was not on stock,  
4 so the repairs were scheduled for July 17, 2009.

5 4. On Tuesday, July 14, 2009, the facility operated S1 and S3 knowing that they  
6 were operating without abatement. The area inspector noticed smoke from the facility while  
7 driving and issued an NOV for Regulation 2-1-307 for violating permit condition number 23921.  
8 The manager ceased operations at that time to prevent ongoing violation.

9 5. On Wednesday, July 15, 2009 insulating blankets were applied around the  
10 conduits so Source A2 was operational. One coffee roaster operated from 9:00 a.m. to 3:00 p.m.  
11 The inspector observed no visible emissions from the facility during operations. On Thursday,  
12 July 16, 2009 one coffee roaster was in operation with abatement from 7:30 a.m. to 11:00 a.m. No  
13 visible emissions were observed by the inspector.

14 6. On Friday, July 17, 2009, both coffee roasters were shut down all day in order to  
15 repair Source A2. The facility did not operate in violation (without abatement) during the time of  
16 the requested variance (July 15-17-2009).

17 THEREFORE, THE HEARING BOARD ORDERS:

18 A Variance from Regulation 2, Rule 1, Section 307, insofar as it requires  
19 compliance with Permit Condition No. 23931.2, be and is hereby denied from the period July 15,  
20 2009 to July 17, 2009.

21 DATED: July 22, 2009

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Christian Colline