

FILED

FEB 14 2011

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)
)
CHEVRON PRODUCTS COMPANY)
)
For an Emergency Variance from)
Regulation 8, Rule 5, Section 321.3, insofar)
as they require compliance with Permit to)
Operate Conditions of the Facility's Major)
Facility Review Permit; Site # A0010.)
_____)

Docket No. 3612

ORDER GRANTING
EMERGENCY VARIANCE

The above-entitled matter, being an Application for an Emergency Variance from the provisions of Regulation 8, Rule 5, Section 321.3, insofar as they require compliance with Permit to Operate Conditions of the Facility's Major Facility Review Permit, having been filed at 3:00 p.m. on February 1, 2011, 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 Emergency Variance be granted.

2. Applicant called the Air District and requested an Emergency Variance at 3:00 p.m.

1 on February 1, 2011.

2 3. On January 31, 2011, during a semi-annual external floating roof seal inspection
3 performed by an inspection contractor hired by Petitioner, the galvanized steel material of the
4 primary shoe of Tank 3076 was discovered to be disintegrated. The tank and primary shoe was last
5 inspected during the required semi-annual inspection frequency in July 2010. Petitioner reports no
6 issues and District staff reviewed facility records and determined the tank has been inspected in
7 compliance with required inspection frequency for the past two years, and no violations were
8 documented.

9 4. Petitioner reported that the seal could not be repaired within 48 hours from
10 discovery in order to utilize the limited exemption allowed for under Regulation 8-5-119.2.3, and
11 required that the tank first be fully emptied and degassed, therefore necessitating an Emergency
12 Variance.

13 5. Once it was determined that the tank required being taken out-of-service in order to
14 repair the shoe, the Petitioner immediately ceased sending product to the tank, and began pumping
15 out contents of the tank. Once the tank is emptied and degassed, it will remain out-of-service until
16 all necessary repairs are completed.

17 6. The Petitioner estimates 20.7 lbs. of excess hydrocarbon emissions and 0.04 lbs. of
18 toxic benzene emissions will be emitted per day until the tank is emptied and degassing is
19 completed.

20 7. In consideration of the facts presented, including efforts to perform due diligence
21 and maintain and inspect Tank 3076 on a regular interval as required by regulation, it appears the
22 damage to the primary shoe discovered on January 31, 2011 is an unforeseen emergency, and good
23 cause has been shown to support and grant the requested Emergency Variance.

24 8. This Variance will not cause injury, detriment, nuisance, or annoyance to any
25 considerable number of persons or to the public, or endanger the comfort, repose, health or safety
26 of any such persons or the public, or cause or have a natural tendency to cause injury or damage to

1 business or property.

2 THEREFORE, THE HEARING BOARD ORDERS:

3 A Variance from the provisions of Regulation 8 Rule 5, Section 321.3, insofar as
4 they require compliance with Permit Conditions of the Facility's Major Facility Review Permit, be
5 and is hereby granted from January 31, 2011 to and including March 1, 2011, based on the
6 following condition:

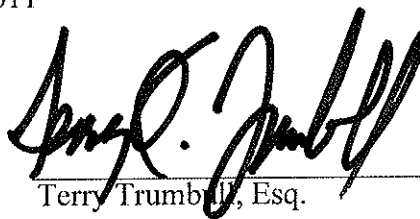
7 1. Petitioner shall quantify and report total excess hydrocarbon and benzene emissions
8 (in lbs.) for the entire variance period to their District Inspector within one week of the end of the
9 variance.

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11 DATED: February 14, 2011

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Terry Trumbull, Esq.

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