

FILED

JUL 16 2008

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 a Variance from Regulation 2, Rule 1,)
Section 307 and Regulation 2, Rule 6,)
Section 307, insofar as they require)
compliance with (i) Condition No. 15698,)
Part 1, and Tables II.B and IV-C.3.1 of the)
Refinery's Major Facility Review Permit;)
and (ii) Standard Condition I.B.2 of the)
Refinery's Major Facility Review Permit,)
insofar as it requires compliance with)
Condition No. 15698, Part 1, and Tables)
II.B. and IV-C.3.1 of the Refinery's Major)
Facility Review Permit.)
_____)

No. 3558

ORDER GRANTING
EMERGENCY VARIANCE

The above-entitled matter, being an Application for Variance from the provisions of Regulation 2, Rule 1, Section 307 and Regulation 2, Rule 6, Section 307, insofar as they require compliance with (i) Condition No. 15698, Part 1, and Tables II.B and IV-C.3.1 of the Refinery's Major Facility Review Permit; and (ii) Standard Condition I.B.2 of the Refinery's Major Facility Review Permit, insofar as it requires compliance with Condition No. 15698, Part 1, and Tables II.B. and IV-C.3.1 of the Refinery's Major Facility Review Permit, having been filed at 5:00 p.m. on July 9, 2008, 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

1 procedures, Hearing Board Rules, Section 2.5. Pursuant to Health and Safety Code Sections
2 42359 and 42359.5, the Hearing Board determined that this Application properly could be ruled
3 upon without notice and hearing. Prior to making this determination, and in accordance with
4 Hearing Board Rules Section 2.5.d.2, the Hearing Board requested and received a response to this
5 Application from the Air Pollution Control Officer. That response recommended the Emergency
6 Variance be granted.

7 2. Applicant operates an oil refinery at 841 Chevron Way, Richmond, CA 94802.
8 The subject of this Emergency Variance are water scrubbers A-0261 and A0-0262 which are used
9 to abate methanol emissions from the hydrogen plant de-aerator vents. The scrubbing process
10 requires the use of water that is provided entirely by East Bay Municipal Utility District (EBMUD).
11 The temperature of the washwater, at the point it enters the plant, is monitored. When the
12 temperature reaches 80 degrees Fahrenheit, an alarm is activated.

13 3. On Tuesday, July 8, 2008, the alarm was activated, and Applicant became aware
14 that the temperature of the washwater it was receiving from EBMUD was at or above 80 degrees
15 Fahrenheit. Applicant determined that the temperature exceedance at scrubbers A-0261 and A-
16 0262 was due to the elevated temperature of the washwater supplied by EMBUD. Indeed, the
17 temperature of such water, as received from EBMUD, was as high as 82 degrees Fahrenheit on
18 July 8, 2008.

19 4. Applicant discussed the situation with EBMUD and has been advised that the
20 elevated temperature of the EBMUD washwater is a function of the unusually high ambient
21 temperatures in the Bay Area and low water levels in EBMUD reservoirs. Since ambient
22 temperatures are expected to remain high for at least a few more days, and because Applicant has
23 no control over the temperature of the water it receives from EBMUD, applicant applied for an
24 emergency variance.

25 5. This Variance will not cause injury, detriment, nuisance, or annoyance to any
26 considerable number of persons or to the public, or endanger the comfort, repose, health or safety

1 of any such persons or the public, or cause or have a natural tendency to cause injury or damage to
2 business or property.

3 **THEREFORE, THE HEARING BOARD ORDERS:**

4 A Variance from the provisions of Regulation 2, Rule 1, Section 307 and Regulation
5 2, Rule 6, Section 307, insofar as they require compliance with (i) Condition No. 15698, Part 1,
6 and Tables II.B and IV-C.3.1 of the Refinery's Major Facility Review Permit; and (ii) Standard
7 Condition I.B.2 of the Refinery's Major Facility Review Permit, insofar as it requires compliance
8 with Condition No. 15698, Part 1, and Tables II.B. and IV-C.3.1 of the Refinery's Major Facility
9 Review Permit, be and is hereby granted from July 9, 2008 to and including August 7, 2008, based
10 on the following conditions:

11 1. If a washwater temperature exceedance at scrubbers A-0261 and A-0262 occurs during
12 the Emergency Variance period (requested through August 7, 2008), the applicant will report to
13 their District Inspector within 24 hours.

14 2. Applicant shall report total excess lbs. methanol (if any) for the entire variance period to
15 the District Inspector within one week of the end of the variance.

16 3. If the washwater temperature exceedance for scrubbers A-0261 and A-0262 continues
17 beyond the Emergency Variance period, the applicant would need to file for a short-term or regular
18 variance and attend a variance hearing in order to receive continued relief.

19 DATED: July 16, 2008

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Terry A. Trumbull, Esq.