

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT
NORTHERN REGION
4800 Enterprise Way
Modesto, California 95356
(209) 557-6400**

STAFF REPORT

September 2, 2026

SHORT VARIANCE

DOCKET No. N-26-07S

FACILITY: A & A Concrete Supply Inc.
8272 Berry Ave
Sacramento, CA 95828

LOCATION: 4035 Mariposa Road
Stockton, CA 95826

RULE VIOLATIONS: 2070 – *Standards for Granting Applications*
2201 – *New and Modified Stationary Source Review Rule*
4101 – *Visible Emissions*

PERMIT NUMBERS: N-2367-1-2, -2-2, -3-2, -4-2

EPA AIRS NUMBER: N/A

NOV NUMBER: N/A

TYPE OF BUSINESS: Concrete production and distribution

NATURE OF THE PROBLEM:

A&A Concrete Supply Inc. (A&A CONCRETE) is in the business of producing ready-mix concrete by batching appropriate amounts of aggregates, cement, fly ash and water. The batched concrete is loaded into ready-mix trucks for delivery to building and road construction sites.

In September 2024, A&A CONCRETE submitted an application to modify/merge equipment at their facility on Mariposa Road in Stockton. The application was deemed complete on November 12, 2024, and on March 11, 2025, the District issued Authority to Construct (ATC) permits for A&A CONCRETE to proceed with the project.

Once the new permits were implemented, A&A CONCRETE realized they could not comply with the new 5% opacity limit established with the new ATC permits. They immediately took steps to try and increase the efficiency of the current dust collector/bag house but soon realized they needed to purchase a new dust collector to achieve compliance. A&A CONCRETE has ordered the new dust collector and they expect it to be delivered in 6-8 weeks, at which time they will need to shut down for a week to install the new unit. The facility employs 10 regular operators and two dozen truck drivers that make daily deliveries throughout the Stockton and Modesto areas. If they were forced to shut down until the new dust collector is installed, they estimate an economic loss of up to \$3 million. Therefore, A&A CONCRETE has submitted a variance petition to allow them to continue operating until the new dust collector can be installed.

PETITIONER'S REQUEST:

A&A CONCRETE has requested a short variance from requirements of the applicable District Rules (2070, 2201, and 4101), in addition to the applicable conditions of the subject permit. The requested short variance would be effective from August 11, 2026 until November 8, 2026, inclusive. If granted, the variance would allow A&A CONCRETE to operate with visible emissions greater than 5% opacity until a new dust collector is installed.

EXCESS EMISSIONS:

Using the *Compilation of Air Emissions Factors from Stationary Sources (AP-42)* published by the Environmental Protection Agency (EPA), A&A CONCRETE has calculated that excess Particulate Matter (PM) emissions will not exceed **104 lbs PM** during the variance period.

COMMENTS ON REQUIRED FINDINGS:

1. ***That the petitioner for a variance is, or will be, in violation of Section 41701 or of any rule, regulation, or order of the District.***

A&A CONCRETE is unable to consistently comply with the 5% opacity limit that was established with the implementation of ATC permits N-2367-1-2, -2-2, -3-2, -4-2. A&A CONCRETE is in violation of the applicable requirements of District Rules 2070, 2201 and 4101, in addition to applicable conditions of the subject permit, when they operate the subject equipment.

2. ***That, due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.***

Once the new permits were implemented and A&A CONCRETE realized they could not comply with the 5% opacity limit, they immediately purchased a new dust collector that will achieve compliance. A&A CONCRETE expects the new dust collector to be delivered in 6-8 weeks, at which time they will shut down for a week to install the new unit. It would be unreasonable to force them to shut down all operations until the new dust collector is installed. The facility has ten regular operators and two dozen truck drivers making daily deliveries throughout Stockton and Modesto to hundreds of contractors. A&A CONCRETE estimates losses from a shutdown could be up to \$3 million.

3. ***That the closing or taking would be without a corresponding benefit in reducing air contaminants.***

Closing or taking would be without a corresponding benefit in reducing air contaminants since it would only force contractors to get concrete from other suppliers, possibly increasing air contaminants when concrete is sourced further away, resulting in an increase on road travel per trip.

4. ***That the applicant for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance.***

A&A CONCRETE will reduce maximum production, when possible, to limit the possibility of excess visible emissions.

5. ***During the period the variance is in effect, that the applicant will reduce excess emissions to the maximum extent feasible.***

A&A CONCRETE will reduce maximum production, when possible, to limit the possibility of excess visible emissions

6. ***During the period the variance is in effect, that the applicant will monitor or otherwise quantify emission levels from the source, if requested to do so by the District, and report these emissions levels to the District pursuant to a schedule established by the District.***

A&A CONCRETE will monitor the opacity level of the subject equipment once per week during the variance period using EPA Method 9.

GENERAL COMMENTS:

A nuisance as defined in District Rule 4102 is not expected to occur as a result of this variance. Nor would continued operations likely create an immediate threat or hazard to public health or safety.

It should be noted that the US EPA, which monitors major sources, might not recognize this variance, should it be granted. A&A CONCRETE should be aware that the US EPA could take enforcement action on this matter if it deems such action is appropriate.

RECOMMENDATIONS:

Should the Northern Region Hearing Board make the required findings and move to grant a short variance to A&A CONCRETE, the District would recommend the following conditions:

1. The short variance will be effective from August 11, 2026, until November 8, 2026, inclusive. If granted, the variance would allow A&A CONCRETE to operate with visible emissions greater than 5% opacity until a new dust collector is installed.
2. Variance protection shall be granted from requirements of the applicable sections of District Rule 2070, 2201 and 4101, in addition to the listed conditions of the following Authority to Construct permits:

N-2367-1-2	Condition 13
N-2367-2-2	Condition 5
N-2367-3-2	Condition 4
N-2367-4-2	Condition 4

3. The variance shall allow A&A CONCRETE to operate the subject equipment with visible emissions greater than 5% opacity until a new dust collector is installed.
4. Excess PM10 emissions shall not exceed **104 lbs PM10** during the variance period.

5. Excess emissions fee will be assessed at the conclusion of the variance at \$3.25 per pound. Additionally, should the total excess emissions per pollutant exceed one ton (2,000 pounds), A&A CONCRETE shall pay \$3.75 of mitigation fees for each pound of total excess emissions. Payment of the excess emissions fee shall occur within 30 days of being issued an invoice from the District. Payment shall be made to the District and shall be directed to the "Miscellaneous Incentive Grant – Hearing Board," account.
6. Should A&A CONCRETE experience operational conditions likely to cause a public nuisance, they shall cease operations causing the problems and take all necessary actions to abate the problem immediately.
7. At the conclusion of this variance, A&A CONCRETE must be in compliance with all their permit conditions and applicable District Rules. If A&A CONCRETE will not achieve compliance prior to conclusion of this variance they must contact the District as soon as possible and before the variance period ends.
8. By November 23, 2026, or no later than 15 calendar days after the variance is completed, A&A CONCRETE shall submit a written Summary Report to the District. If the report due date falls on a date the District is closed, it will be due the next day the District is open. The Summary Report shall include the following:
 - A. A timeline and summary of the activities taken to achieve compliance;
 - B. Date(s) and/or the number of days operating out of compliance;
 - C. Excess emissions calculation/total;
9. The Summary Report shall be submitted to the attention of:

Shannon Moore, Air Quality Specialist
SJVAPCD, Compliance Department
1990 E. Gettysburg Avenue
Fresno, CA 93726
Telephone: (559) 230-5874
E-mail: shannon.moore@valleyair.org
10. Failure to comply with any condition of this variance may render the variance null and void with the possibility of enforcement action taken that may include monetary penalties.