

BOARD MEETING DATE: January 8, 2016

AGENDA NO. 9

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2015.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

SM

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2015 and November 2015 Hearing Board Cases.**

The total number of appeals filed during the period November 1 to November 30, 2015 is 0; and total number of appeals filed during the period of January 1 to November 30, 2015 is 1.

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
# of HB Actions Involving Rules														
109														0
109(c)														0
109(c)(1)														0
201														0
201.1														0
202														0
202(a)		1			1		1		1		1			4
202(b)														0
202(c)														0
203			1											1
203(a)		1	1			3					1			6
203(b)		5	2	7	4	3	6	5	4	5	6	2		43
204														0
208														0
218(c)(1)(B)(i)				1										1
218.1														0
218.1(b)(4)(C)				1										1
218(b)(2)						1								1
218(c)(1)(A)														0
218(d)(1)(A)														0
218(d)(1)(B)														0
219														0
219(s)(2)		1												1
221(b)		1												1
221(c)														0
221(d)		1												1
222			1											1
222(d)(1)(C)														0
222(e)(1)														0
401														0
401(b)														0
401(b)(1)									1		1	1		3
401(b)(1)(A)														0
401(b)(1)(B)									1					1
402		1						1						2
403											1			1
403(d)(1)														0
403(d)(1)(A)														0
403(d)(2)														0
404														0
404(a)												1		1
405														0
405(a)												1		1
405(b)														0
405(c)														0
407(a)									1		1			2
407(a)(1)														0

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
409												1		1
410												1		1
430(b)(3)(A)(iv)														0
431.1														0
431.1														0
431.1(c)(1)														0
431.1(c)(2)														0
431.1(c)(3)(C)														0
431.1(d)(1)														0
431.1(d)(1), Att A(1)														0
442														0
444														0
444(a)														0
444(c)														0
444(d)														0
461						1								1
461(c)(1)														0
461(c)(1)(A)														0
461(c)(1)(B)														0
461(c)(1)(C)														0
461(c)(1)(E)														0
461(c)(1)(F)(i)														0
461(c)(1)(F)(iv)														0
461(c)(1)(F)(v)														0
461(c)(1)(H)														0
461(c)(2)										1				1
461(c)(2)(A)														0
461(c)(2)(B)										1				1
461(c)(2)(C)														0
461(c)(3)														0
461(c)(3)(A)														0
461(c)(3)(B)														0
461(c)(3)(C)														0
461(c)(3)(D)(ii)														0
461(c)(3)(E)														0
461(c)(3)(H)														0
461(c)(3)(M)														0
461(c)(4)(B)														0
461(c)(4)(B)(ii)														0
461(d)(5)(A)														0
461(e)(1)														0
461(e)(2)						1								1
461(e)(2)(A)														0
461(e)(2)(A)(i)														0
461(e)(2)(B)(i)														0
461(e)(2)(C)														0
461(e)(3)														0
461(e)(3)(A)														0

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
461(e)(3)(C)(i)(I)														0
461(e)(3)(D)														0
461(e)(3)(E)														0
461(e)(5)												1		1
461(e)(7)														0
462														0
462(c)(4)(B)(i)														0
462(c)(7)(A)(ii)														0
462(d)														0
462(d)(1)														0
462(d)(1)(A)														0
462(d)(1)(A)(i)														0
462(d)(1)(B)														0
462(d)(1)(C)														0
462(d)(1)(E)(ii)														0
462(d)(1)(F)														0
462(d)(1)(G)														0
462(d)(5)														0
462(e)(1)														0
462(e)(1)(E)														0
462(e)(1)(E)(ii)														0
462(e)(1)(E)(i)(II)														0
462(e)(2)(A)(i)														0
462(e)(4)														0
462(h)(1)														0
463														0
463(c)														0
463(c)(1)														0
463(c)(1)(A)(I)-(iv)														0
463(c)(1)(B)														0
463(c)(1)(C)														0
463(c)(1)(D)														0
463(c)(1)(E)														0
463(c)(2)														0
463(c)(2)(B)														0
463(c)(2)(C)														0
463(c)(3)														0
463(c)(3)(A)														0
463(c)(3)(B)														0
463(c)(3)(C)														0
463(d)														0
463(d)(2)														0
463(e)(3)(C)														0
463(e)(4)														0
463(e)(5)(C)														0
464(b)(1)(A)									1	1				2
464(b)(2)									1	1				2
468														0

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
468(a)														0
468(b)														0
1102														0
1102(c)(2)														0
1102(e)(1)						1								1
1102(f)(1)						1								1
1105.1														0
1105.1(d)(1)												1		1
1105.1(d)(1)(A)(iii)														0
1106(c)(1)														0
1106.1(c)(1)														0
1106.1(c)(1)(A)														0
1107(c)(1)														0
1107(c)(2)														0
1107(c)(7)														0
1107														0
1110.1														0
1110.2			1							1	1			3
1110.2(c)(14)														0
1110.2(d)														0
1110.2(d)(1)(A)														0
1110.2(d)(1)(B)														0
1110.2(d)(1)(B)(ii)		1												1
1110.2(d)(1)(D)														0
1110.2(d)(1)(E)														0
1110.2(e)(1)(A)														0
1110.2(e)(1)(B)(i)(II)														0
1110.2(e)(1)(B)(i)(III)														0
1110.2(e)(4)(B)														0
1110.2(f)														0
1110.2(f)(1)(A)														0
1110.2(f)(1)(c)														0
1113(c)(2)														0
1113(d)(3)														0
1118(c)(4)														0
1118(c)(5)														0
1118(d)(1)(2)														0
1118(d)(1)(2)														0
1118(d)(2)														0
1118(d)(3)														0
1118(d)(4)(B)														0
1118(d)(5)(A)														0
1118(d)(5)(B)														0
1118(d)(10)														0
1118(d)(12)														0
1118(e)														0
1118(f)(1)(C)		1												1
1118(g)(3)						1								1

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1118(g)(5)														0
1118(g)(5)(A)					1									1
1118(i)(5)(B)(i)														0
1118(i)(5)(B)(ii)														0
1118(j)(1)(A)(ii)														0
1118(j)(1)(B)(ii)														0
1118(j)(1)(C)														0
1121(c)(2)(C)														0
1121(c)(3)														0
1121(c)(6)														0
1121(c)(7)														0
1121(c)(8)														0
1121(e)(3)														0
1121(h)														0
1121(h)(1)														0
1121(h)(2)														0
1121(h)(3)														0
1122(c)(2)(A)														0
1122(c)(2)(E)														0
1122(d)(1)(A)														0
1122(d)(1)(B)														0
1122(d)(3)														0
1122(e)(2)(A)														0
1122(e)(2)(B)														0
1122(e)(2)(C)														0
1122(e)(2)(D)														0
1122(e)(3)														0
1122(e)(4)(A)														0
1122(e)(4)(B)														0
1122(g)(3)														0
1122(j)														0
1124														0
1124(c)(1)(A)														0
1124(c)(1)(E)														0
1124(c)(4)(A)														0
1125(c)(1)														0
1125(c)(1)(C)														0
1125(d)(1)														0
1128(c)(1)														0
1128(c)(2)														0
1130														0
1130(c)(1)														0
1130(c)(4)														0
1131														0
1131(d)														0
1132(d)(2)														0
1132(d)(3)														0
1133(d)(8)														0

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1133.2(d)(8)														0
1134(c)														0
1134(c)(1)														0
1134(d)														0
1134(d)(1)														0
1134(d)(2)(B)(ii)														0
1134(f)														0
1134(g)(2)														0
1135(c)(3)														0
1135(c)(3)(B)														0
1135(c)(3)(C)														0
1135(c)(4)														0
1135(c)(4)(D)														0
1136														0
1136(c)(1)(A)(i)														0
1137(d)(2)														0
1145														0
1145(c)(1)														0
1145(c)(2)														0
1145(g)(2)														0
1145(h)(1)(E)														0
1146						1								1
1146(c)(1)(A)				1										1
1146(c)(1)(G)			1				1							2
1146(c)(1)(I)				1										1
1146(c)(2)														0
1146(c)(2)(A)														0
1146(d)(8)														0
1146.1														0
1146.1(a)(2)														0
1146.1(a)(8)														0
1146.1(b)(3)														0
1146.1(c)(1)														0
1146.1(c)(2)														0
1146.1(d)(4)														0
1146.1(d)(6)														0
1146.1(e)(1)														0
1146.1(e)(1)(B)														0
1146.1(e)(2)														0
1146.2														0
1146.2(c)(1)		1												1
1146.2(c)(4)		1	1											2
1146.2(c)(5)		1												1
1146.2(e)														0
1147		1				1					1			3
1147(c)(1)								2			1	1		4
1147(c)(10)														0
1147(c)(14)(A)											1			1

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1147(c)(14)(B)														0
1150.1(d)(1)(C)(i)		1												1
1150.1(d)(4)														0
1150.1(d)(5)														0
1150.1(d)(10)														0
1150.1(d)(11)														0
1150.1(d)(12)														0
1150.1(d)(13)														0
1150.1(d)(14)														0
1150.1(e)(1)														0
1150.1(e)(2)														0
1150.1(e)(3)														0
1150.1(e)(1)(B)(C)														0
1150.1(e)(1)(C)														0
1151.1(e)(2)(B)(C)														0
1150.1(e)(2)(C)														0
1150.1(e)(3)(B)														0
1150.1(e)(3)(B)(C)														0
1150.1(e)(3)(C)														0
1150.1(e)(4)														0
1150.1(e)(6)(A)(I)														0
1150.1(e)(6)(A)(ii)														0
1150.1(f)(1)(A)(iii)(I)														0
1150.1(f)(1)(H)(i)														0
1151														0
1151(c)(8)														0
1151(2)														0
1151(5)														0
1151(d)(1)														0
1151(e)(1)														0
1151(e)(2)														0
1151(f)(1)														0
1153(c)(1)														0
1153(c)(1)(B)														0
1156(d)(5)(C)(i)														0
1158														0
1158(d)(2)														0
1158(d)(5)														0
1158(d)(7)														0
1158(d)(7)(A)(ii)														0
1158(d)(10)														0
1164(c)(1)(B)														0
1164(c)(2)														0
1166(c)(2)														0
1166(c)(2)(F)														0
1166, Part 12													1	1
1168														0
1168(c)(1)														0

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1169(c)(13)(ii)														0
1171														0
1171(c)														0
1171(c)(1)														0
1171(c)(1)(A)(i)														0
1171(c)(1)(b)(i)														0
1171(c)(4)														0
1171(c)(5)														0
1171(c)(5)(A)(i)														0
1171(c)(6)														0
1173														0
1173(c)														0
1173(d)														0
1173(e)(1)														0
1173(f)(1)(B)														0
1173(g)														0
1175														0
1175(c)(2)														0
1175(c)(4)(B)														0
1175(c)(4)(B)(i)														0
1175(c)(4)(B)(ii)														0
1175(c)(4)(B)(ii)(I)														0
1175(b)(1) (C)														0
1175(d)(4)(ii)(II)														0
1176														0
1176(e)														0
1176(e)(1)									1	1				2
1176(e)(2)														0
1176(e)(2)(A)														0
1176(e)(2)(A)(i)									1	1				2
1176(e)(2)(B)(v)									1	1				2
1176(f)(3)														0
1177(d)(2)(D)														0
1178(d)(1)(A)(xiii)														0
1178(d)(1)(A)(xiv)														0
1178(d)(1)(B)														0
1178(d)(1)(C)														0
1178(d)(3)(C)														0
1178(d)(3)(D)														0
1178(d)(3)(E)														0
1178(d)(4)(A)(i)														0
1178(g)														0
1186.1														0
1186.1														0
1189(c)(3)														0
1195														0
1195(d)(1)(D)														0
1303(a)														0

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1303(a)(1)														0
1303(b)(1)														0
1401														0
1401(d)														0
1401(d)(1)(A)														0
1401(d)(1)(B)														0
1405(d)(3)(C)														0
1407(d)														0
1407(d)(1)														0
1407(d)(2)														0
1407(d)(5)		1					1							2
1407(f)(1)														0
1415(d)(3)														0
1418(d)(2)(A)														0
1420(d)(1)		1												1
1420.1(f)(3)														0
1420.1(g)(4)														0
1420.1(k)(13)(B)														0
1421(d)														0
1421(d)(1)(C)														0
1421(d)(1)(G)														0
1421(d)(3)(A)														0
1421(e)(2)(c)														0
1421(e)(1)(A)(vii)														0
1421(e)(3)(B)														0
1421(h)(1)(A)														0
1421(h)(1)(B)														0
1421(h)(1)(C)														0
1421(h)(1)(E)														0
1421(h)(3)														0
1421(i)(1)(C)														0
1425(d)(1)(A)														0
1469														0
1469(c)														0
1469(c)(8)														0
1469(c)(11)(A)														0
1469(c)(13)(ii)														0
1469(d)(5)														0
1469(e)(1)														0
1469(e)(7)														0
1469(g)(2)														0
1469(h)														0
1469(l)														0
1469(j)(4)(A)														0
1469(j)(4)(D)														0
1469(k)(3)(A)														0
1470												1		1
1470(c)(2)(C)(i)(l)														0

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1470(c)(2)(C)(iv)														0
1470(c)(3)(B)(ii)						1								1
1470(c)(3)(C)(iii)						4	1							5
1470(c)(4)														0
1470(c)(4)(B)			1											1
1470(c)(5)														0
1470(d)(2)(B)														0
1470(e)(2)(A)														0
2004(c)(1)		3						3						6
2004(c)(1)(C)														0
2004(f)(1)				4	2	1	2		2	3	4	1		19
2004(f)(2)														0
2004(k)														0
2005														0
2009(b)(2)														0
2009(c)														0
2009(f)(1)														0
2009(f)(2)														0
2009.1														0
2009.1(c)														0
2009.1(f)(1)														0
2009.1(f)(2)														0
2009.1(f)(3)														0
2011														0
2011 Attachment C														0
2011(c)(2)								1		1				2
2011(c)(2)(A)					1									1
2011(c)(2)(B)														0
2011(c)(3)(A)					1									1
2011(e)(1)														0
2011(f)(3)														0
2011(g)														0
2011(g)(1)														0
2011(k)								1						1
2011(k) Appen. A, Chap. 2, except E & Attach C														0
2011(k) Appen. A, Chap. 2, Section A.3 a-c, A.5 and B. 1-4 and Appen. A, Chap. 2, Section C.2.a, c & d														0
2011, Appen. A, Attach. C, Section B.2.a.								1						1
2012 Chapter 2														0
2012 Attach. C, B.2.a														0
2012 Appen. A, Attach. C, Section B.2.				1										1
2012 Appen. A, Attach. C, Section B.2.a. & b.														0
2012 Appen. A														0
2012 Appen. A, Chap. 2														0
2012 Appen A, Chap. 2, Sec. A														0
2012 Appen A. Chap. 2. Sec. A(1)						1								1
2012 Appen A, Chap. 2, Sec. B														0
2012, Appen. A, Protocol 2012, Chap. 2, B.5.														0

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
2012, Appen A, Chap. 2, B.5.a														0
2012, Appen A, Chap. 2, B.10														0
2012, Appen A, Chap. 2, B.11														0
2012, Appen A, Chap. 2, B.12														0
2012, Appen A, Chap. 2, B.17				1										1
2012, Appen A, Chap.2, B.18														0
2012, Appen A, Chap.2, B.20														0
2012, Chapter 2, E.2.b.i.														0
2012, Chapter 2, E.2.b.ii.														0
2012 Appen A, Chap. 4.A.4														0
2012(B)(5)(e)														0
2012(c)(2)(A)					1	1								2
2012(c)(2)								1		1				2
2012(c)(3)														0
2012(c)(3)(A)					1	1								2
2012(c)(3)(B)														0
2012(c)(10)														0
2012(d)(2)														0
2012(d)(2)(A)														0
2012(d)(2)(D)														0
2012(f)(2)(A)				1										1
2012(g)(1)				1		1								2
2012(g)(3)														0
2012(g)(7)														0
2012(h)(3)														0
2012(h)(4)														0
2012(h)(5)														0
2012(h)(6)														0
2012(i)														0
2012(j)(1)														0
2012(j)(2)														0
2012, Protocol (Appen. A) Chap. 2, Part A.1.a														0
2012, Protocol (Appen. A) Chap. 2, Part B.4														0
2012, Protocol, (Appen A) Chap. 2, Part B.5.e														0
2012 Chapter 2, B.5.f														0
2012(m)														0
2012(m) Table 2012-1, and Appen. A, Chp 2, & Attachment C														0
2012(m) Appen. A, Attach. C														0
2012(m) Appen. A, Chap. 2, Sections 2.A.1 a-c, e.g, and B. 1-4 and Appendix A, Chapter 3, Section C.2 a, c & d														0
2012(m) Appen. A, Chap 3, Section (A)(6)														0
2012(m) Appen. A, Chap 5, Para G, Table 5B and Att. D														0
2202				1										1
3002				1										1
3002(c)														0
3002(c)(1)		3	1	3		1	2	3	2	4	5	1		25
3002(c)(2)														0
3004										1	1			2

Rules from which Variances and Order for Abatements were Requested in 2015														
	2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
Regulation II														0
Regulation IX														0
Regulation IX, 40 CFR Part 60, Subpart J														0
Regulation XI														0
Regulation XIII														0
H&S 39152(b)														0
H&S 41510														0
H&S 41700		1										1		2
H&S 41701									2		1			2
H&S 93115.6(c)(2)(C)(1)														0
H&S 42303														0
Title 13 Code of Regulations §2452														0

Report of November 2015 Hearing Board Cases

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. APRO LLC Case No. 5277-2 (S. Hanizavareh)	203(b) 461(e)(5)	GDF failed vent blockage test.	Not Opposed/Granted	IV granted commencing 11/4/15 and continuing until final compliance is achieved, or until the SV hearing currently scheduled for 11/18/15 can be held, whichever occurs first, but in no event later than 12/30/15.	None
2. California Amforge Corporation Case No. 5945-1 (Consent Calendar; No Appearance)	1147(c)(1)	Petitioner is unable to simultaneously meet temperature uniformity and NOx emission limits.	Not Opposed/Granted	MFCD/EXT granted commencing 11/19/15 and continuing through 2/25/16.	NOx: 1.4 lbs/day
3. City of Rolling Hills Estates Case No. 6036-1 (R. Fernandez)	1470	Petitioner operating noncompliant emergency generator.	Not Opposed/Dismissed	IV dismissed for lack of good cause.	N/A
4. SCAQMD vs. Rainbow Transfer/Recycling, Inc. Case No. 4394-2 (K. Manwaring)	402 410 H&S §41700	Alleged odor nuisance.	Stipulated/Issued	O/A issued commencing 11/19/15; the Hearing Board shall retain jurisdiction over this matter until 2/1/18.	N/A
5. Tesoro Refining & Marketing Co., LLC Case No. 4982-100 (R. Fernandez)	203(b) 401(b)(1) 404(a) 405(a) 409 1105.1(d)(1) 2004(f)(1) 3002(c)(1)	Main air blower for regenerator failed, resulting in need to safely shut down FCCU. Noncompliance with opacity limits and other conditions may occur on restart.	Not Opposed/Granted	Ex Parte EV granted commencing 11/24/15 and continuing until 12/11/15, or until the EV hearing currently scheduled for 12/9/15, whichever comes first.	PM: TBD by 12/4/15

Acronyms

AOC: Alternative Operating Conditions

CO: Carbon Monoxide

DPF: Diesel Particulate Filter

EV: Emergency Variance

FCCU: Fluid Catalytic Cracking Unit

FCD: Final Compliance Date

GDF: Gasoline Dispensing Facility

H&S: Health & Safety Code

IV: Interim Variance

MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance

Mod. O/A: Modification of an Order for Abatement

NOx: Oxides of Nitrogen

N/A: Not Applicable

O/A: Order for Abatement

PM: Particulate Matter

PPM: Parts Per Million

RV: Regular Variance

SV: Short Variance

TBD: To be determined