

BOARD MEETING DATE: July 10, 2009

AGENDA NO. 20

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of May 1 through May 31, 2009.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

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Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2009** and **May 2009 Hearing Board Cases**.

The total number of appeals filed during the period May 1 to May 31, 2009 is 3, and the total number of appeals filed during the period of January 1 to May 31, 2009 is 13.



















## Report of May 2009 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. California Institute of Technology Case #5738-1 (C. Engelhardt)	203(b) 3002(c)(1)	Petitioner must operate a gas turbine to troubleshoot the cause of an NH3 slip exceedance.	Not Opposed/Granted	IV granted commencing upon notification to the District pursuant to Condition No. 1B of the order and continuing for 23 consecutive days or until the RV hearing currently scheduled for 6/25/09, whichever comes first.	NOx: 33 lbs/day
2. City of Burbank, Burbank Water and Power Case #1474-22 (E. Sernel)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner will be in violation when it operates its turbine boilers to perform testing to evaluate the cause of high NH3 emissions.	Not Opposed/Granted	RV granted commencing on the date specified in the notice to be given to the District pursuant to Condition No. 2 of the order and continuing for six hours over five consecutive days, ending no later than 7/31/09, the FCD.	NOx: 170 lbs/day for one day CO: 92 lbs/day for one day NH3: 16 lbs/day for one day
3. Eastern Municipal Water District Case #4937-36 (E. Sernel)	203(b)	Petitioner needs to take an odor scrubber out of service to connect an odor source to a new biofilter treatment/control system.	Not Opposed/Granted	SV granted for seven consecutive days in a window of time commencing upon notification to the District pursuant to Condition No. 4 of the order and continuing through 7/30/09.	H2S: TBD by 5/27/09
4. Frontier Aluminum Corporation Case #5012-2 (W. Wong)	203(b) 1107(c)(7)	Petitioner seeks to continue operating a paint line while it repairs the emission control system.	Not Opposed/Granted	EV granted commencing 5/5/09 and continuing through 5/22/09.	VOC: TBD by 5/20/09
5. Inland Empire Regional Composting Authority Case #5657-2 (E. Sernel)	203(b)	Composting facility is exceeding the mass VOC limits.	Not Opposed/Granted	RV granted commencing 5/12/09 and continuing through 6/24/09, the FCD.	VOC: TBD by 5/27/09 based on the source test to be conducted pursuant to the increment of progress specified in the order.

6. Paramount Petroleum Corporation Case #2914-100 (E. Sernel)	202(b) 2004(f)(1) 3002(c)(1)	Petitioner seeks to restart and operate heaters without venting them to an SCR that was damaged in a recent explosion.	Not Opposed/Granted	IV granted commencing 5/7/09 and continuing through 6/30/09 or until the RV hearing currently scheduled for 6/11/09, whichever comes first.	NOx: 9.58 lbs/day
7. SCAQMD vs. City of Redondo Beach Department of Public Works Case #4170-1 (Consent Calendar Item) (T. Barrera)	203(a)	City operates a Tier "0" ICE that cannot be issued a permit.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 1/31/10.	N/A
8. SCAQMD vs. Gas Dispensing Facilities, Does 1-2600 Case #5732-1 (Consent Calendar Item) (W. Wong)	203(b) 461(c)(3)	Respondents failed to install and operate Phase II Enhanced Vapor Recovery systems at their gasoline dispensing facilities.	Stipulated/Issued	Group O/A issued for Does identified in Exhibit C as Does 39, 77, 102 and 104 through 200, excluding Doe Nos. 111, 134, 135 & 136 commencing 5/12/09 and continuing through 12/31/09. The Hearing Board shall retain jurisdiction over this matter until 7/31/10.	N/A
9. SCAQMD vs. Gas Dispensing Facilities, Does 1-2600 Case #5732-1 (Consent Calendar Item) (W. Wong)	203(b) 461(c)(3)	Respondents failed to install and operate Phase II Enhanced Vapor Recovery systems at their gasoline dispensing facilities.	Stipulated/Issued	Group O/A issued for Does identified in Exhibit C as Does 134 through 136 and 201 through 300, except Does 211, 229, 233, 239, 246, 266, 273, 279, and 282, commencing 5/13/09 and continuing through 12/31/09. The Hearing Board shall retain jurisdiction over this matter until 7/31/10.	N/A
10. SCAQMD vs. Gas Dispensing Facilities Does 1-2600 Case #5732-1 (Consent Calendar Item) (W. Wong)	203(b) 461(c)(3)	Respondents failed to install and operate Phase II Enhanced Vapor Recovery systems at their gasoline dispensing facilities.	Stipulated/Issued	Group O/A issued for Does 239 and 266 identified in Exhibit C and Does identified in Exhibit D, except Does 336 and 355, commencing on 5/14/09 and continuing through 12/31/09. The Hearing Board shall retain jurisdiction over this matter until 7/31/10.	N/A

11. SCAQMD vs. Gas Dispensing Facilities Does 1-2600 Case #5732-1 (Consent Calendar Item) (W. Wong)	203(b) 461(c)(3)	Respondents failed to install and operate Phase II Enhanced Vapor Recovery systems at their gasoline dispensing facilities.	Stipulated/Issued	Group O/A issued for Does 336 and 355 and 401 through 500 identified in Exhibit E commencing 5/21/09 and continuing through 12/31/09. The Hearing Board shall retain jurisdiction over this matter until 7/31/10.	N/A
12. SCAQMD vs. Gas Dispensing Facilities Does 1-2600 (Case #5732-1 (Consent Calendar Item) (W. Wong)	203(b) 461(c)(3)	Respondents failed to install and operate Phase II Enhanced Vapor Recovery systems at their gasoline dispensing facilities.	Stipulated/Issued	Group O/A issued for Does 501 through 600 identified in Exhibit F commencing 5/28/09 and continuing through 12/31/09. The Hearing Board shall retain jurisdiction over this matter until 7/31/10.	N/A
13. SCAQMD vs. Lunday-Thargard Company Case #2033-10A (Consent Calendar Item) (C. Engelhardt)	203(b) 2004(f)(1)	Respondent violates Reg. IX and Rules 203, 2004.	Stipulated/Issued	Mod. O/A issued. The Hearing Board shall retain jurisdiction over this matter until 2/15/10.	N/A
14. SCAQMD vs. Paramount Petroleum Corporation Case #2914-90 (N. Feldman)	Regulation IX	Respondent needs time to comply with Fuel Gas NSPS as a result of District rule interpretation.	Stipulated/Issued	Mod. O/A issued. The Hearing Board shall retain jurisdiction over this matter until 3/31/10, or 30 days after petitioner notifies the District that is has completed construction of the project detailed in paragraph 1 of the order, whichever occurs first.	N/A
15. SCAQMD vs. Simon Hernandez Aguilar, as an individual and dba Tehachapi Valley Ready Mix, Inc. Case #5736-1 (C. Engelhardt)	203	Respondent operates ICE without a required source of power or properly permitted power source.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 12/1/09.	N/A

<p>16. Southern California Edison Company Case #1262-94 (E. Sernel)</p>	<p>203(b) 221(d) 1470(c)(3)(C)</p>	<p>Petitioner seeks to use emergency diesel generators beyond the hour limitation in their permit to provide power while it upgrades equipment and performs repairs to the uninterruptible power supplies at its facilities.</p>	<p>Not Opposed/Granted</p>	<p>RV granted commencing upon the date of the notice given to the District pursuant to Condition No. 1 of the order and continuing through 9/30/09, the FCD.</p>	<p><b>Irvine Operations Center:</b> VOC: 8.9 lbs/day NOx: 113 lbs/day SOx: 1.7 lbs/day CO: 24.5 lbs/day PM: 8 lbs/day</p> <p><b>General Office:</b> VOC: 7.9 lbs/day NOx: 99.0 lbs/day SOx: 1.5 lbs/day CO: 21.6 lbs/day PM: 7.1 lbs/day</p>
<p>17. Waste Management Disposal &amp; Recycling Services, Inc. Bradley Landfill and Recycling Center Case #3824-12 (C. Engelhardt)</p>	<p>203(b) 1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6) 3002(c)(1)</p>	<p>Landfill gas collection and control system must be taken offline temporarily to complete landfill closure requirements.</p>	<p>Not Opposed/Granted</p>	<p>RV granted commencing 5/7/09 and continuing through 10/31/09, the FCD.</p>	<p>VOC: 30 lbs/day</p>

**Acronyms**

CARB: California Air Resources Board  
CEMS: Continuous Emissions Monitoring System  
CO: Carbon Monoxide  
ESP: Electrostatic Precipitator  
EV: Emergency Variance  
FGRS: Flare Gas Recovery System  
FCCU: Fluid Catalytic Cracking Unit  
FCD: Final Compliance Date  
GDF: Gasoline Dispensing Facility  
H&S: Health & Safety Code  
ICE: Internal Combustion Engine  
I/P: Increments of Progress  
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  
NH3: Ammonia  
NOV: Notice of Violation  
NOx: Oxides of Nitrogen  
O/A: Order for Abatement  
PM: Particulate Matter  
RECLAIM: Regional Clean Air Incentives Market  
ROG: Reactive Organic Gas  
RV: Regular Variance

SCR: Selective Catalytic Reduction  
SOx: Oxides of Sulfur  
SV: Short Variance  
TBD: To be determined  
TOC: Total Organic Compounds  
VOC: Volatile Organic Compound  
VRS: Vapor Recovery System