

BOARD MEETING DATE: January 7, 2011

AGENDA NO. 10

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2010.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

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Three summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2010 and November 2010 Hearing Board Cases.**

The total number of appeals filed during the period November 1 to November 30, 2010 is 0; and total number of appeals filed during the period of January 1 to November 30, 2010 is 12.

Report of November 2010 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. Allen Industrial & Machine Case No. 5759-2 (J. Panasiti)	1469(c)(11)(A)	Petitioner operating chrome plating equipment without required emission controls.	Not Opposed/Denied	RV denied.	N/A
2. California Department of Transportation (CALTRANS) Case No. 5293-1 (N. Sanchez)	203(b)	Wildfire destroyed power lines to petitioner's maintenance facility in national forest. Emergency generator must be operated to provide power for road repair crews.	Opposed/Dismissed	IV dismissed without prejudice for lack of good cause.	N/A
3. California Steel Industries, Inc. Case No. 4624-20 (K. Manwaring)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Slab furnace shut down, petitioner cannot perform required source test by deadline.	Not Opposed/Granted	SV granted commencing 11/16/10 and continuing through 2/16/11.	None
4. Chevron Products Company Case No. 831-357 (K. Manwaring)	203(b) 2004(f)(1) 3002(c)(1)	NH3 CEMS failed, petitioner unable to repair promptly.	Not Opposed/Granted	EX Parte EV granted commencing 11/5/10 and continuing for 30 days or until the SV currently scheduled for 12/1/10, whichever comes first.	NH3: TBD due by 11/26/10
5. City of Santa Ana Police Department Case No. 5359-1 (N. Sanchez)	203(b) 1146.1	Petitioner operates two boilers with excess NOx and CO.	Not Opposed/Granted	SV granted commencing 11/10/10 and continuing through 12/9/10.	NOx: 12 lbs/day CO: 3800 lbs/day
6. ExxonMobil Oil Corporation Case No. 1183-450 (N. Feldman)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Amine contactor serving fuel gas treatment system must be taken out of service for inspection, cleaning and maintenance.	Not Opposed/Granted	Ex Parte EV & AOC granted for 8 non-consecutive days in a window of time commencing 11/9/10 and continuing through 11/23/10.	None
7. LA City, Department of Airports Case No. 4703-7 (J. Panasiti)	203(b) 2004(f)(1) 3002(c)(1) 405(a)	In order to meet construction schedule, petitioner seeks to exceed throughput limits on its rock crusher.	Not Opposed/Dismiss	IV dismissed without prejudice for lack of good cause.	N/A

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
8. Prestone Products Company Case No. 5788-1 (Consent Calendar N. Sanchez)	203(b)	Petitioner operating container filling system with products exceeding temperature limits in permit conditions.	Not Opposed/Granted	RV granted commencing 11/2/10 and continuing through 04/8/11, the FCD.	None
9. SCAQMD vs. Corona Energy Partners, Ltd. Case No. 3704-7 (K. Manwaring)	203(a) 3002(a)	Respondent operating natural gas fired turbine without Title V permit to operate.	Stipulated/Issued	O/A issued commencing 11/18/10 and continuing through 11/18/11. The Hearing Board shall retain jurisdiction over this matter until a new Title V permit issues or until 11/18/11, whichever is sooner.	N/A
10. SCAQMD vs. Custom Entertainment Centers, Inc. Case No. 5792-1 (J. Panasiti)	109(c) 203(a)	Respondent operating paint spray booth without permit to operate and has failed to keep records as required.	Not Stipulated/Issued	O/A issued to cease and desist operating, or allowing any other person to operate any paint spray booth, which is not fully permitted in the SCAQMD. The Hearing Board shall retain jurisdiction over this matter until 11/9/11.	N/A
11. SCAQMD vs. Free-Flow Packaging Corporation Case No. 3664-5 (T. Barrera)	203(a) 3002(c)(1)	Respondent operating boiler with CO in excess of 50PPM permit condition.	Stipulated/Issued	O/A issued commencing 11/16/10 and continuing through 7/31/11. The Hearing Board shall retain jurisdiction over this matter until 7/31/11.	N/A
12. SCAQMD vs. Gasoline Dispensing Facilities, Does 1-150 Case No. 5795-1 (Consent Calendar N. Sanchez)	203(b) 461(c)(2)(A) 461(e)(1)	Respondents are each operating GDFs without required ISDs.	Stipulated/Issued	Group O/A issued for Does 1-11 commencing 11/10/10 and continuing through no later than 3/1/11. The Hearing Board shall retain jurisdiction over this matter until 7/31/11.	N/A
13. SCAQMD vs. Gasoline Dispensing Facilities, Does 1-150 Case No. 5795-1 (Consent Calendar N. Sanchez)	203(b) 461(c)(2)(A) 461(e)(1)	Respondents are each operating GDFs without required ISDs.	Stipulated/Issued	Group O/A issued for Does 12-22, commencing on 11/30/10 and continuing through no later than 3/1/11. The Hearing Board shall retain jurisdiction over this matter until 7/31/11.	N/A

14. SCAQMD vs. Imperial Western Products, Inc. Case No. 5782-1 (Consent Calendar T. Barrera)	201 202(a)	Respondent installed various pieces of equipment without permits to construct and is now operating equipment contrary to conditions in permits to construct.	Stipulated/Issued	O/A issued commencing 11/18/10 and continuing through 12/1/11. The Hearing Board shall retain jurisdiction over this matter until Permits to Operate with increase throughput and fuel usage limits are issued or until 12/1/11, whichever occurs first.	N/A
15. SCAQMD vs. Linn Western Operating, Inc. Case No. 5711-6 (T. Barrera)	203(b) 2004(f)(1) 2012 3002(c)(1)	Final compliance date must be extended because District has not yet issued permits pending CEQA review.	Stipulated/Issued	Mod. O/A issued commencing 11/30/10 and continuing through 2/2/11.	N/A
16. SCAQMD vs. Robin Hillman Quick Serve Case No. 5794-1 (N. Feldman)	203 461(c)(2)(A)	Respondent operating GDF without permit to operate and in violation of PII-EVR requirements.	Stipulated/Issued	O/A issued commencing 11/2/10 and continuing through 3/31/11. The Hearing Board shall retain jurisdiction over this matter until 3/31/11.	N/A
17. SCAQMD vs. Ringo Beteran, individually and dba Ringo's Finishing Case No. 5793-1 (J. Panasiti)	109(c) 203(a)	Respondent operating paint spray booth without permit and fails to maintain solvent and coating usage records.	Not Stipulated/ Issued	O/A issued to cease and desist operation of the facility. The Hearing Board shall retain jurisdiction over this matter until 11/9/11.	N/A
18. SCAQMD vs. Windsor Foods, LP Case No. 5751-1 (T. Barrera)	203(a) 2004(f)(2)	Respondent operates fryers for frozen food manufacturing without required emission controls.	Stipulated/Issued	Mod. O/A issued commencing 11/23/10 and continuing through 8/31/11. The Hearing Board shall retain jurisdiction over this matter until 10/1/11.	N/A
19. Southern California Edison Case No. 1262-96 (J. Panasiti)	203(b) 3002(c)	Emissions in excess of permit limits expected during installation and commissioning of new compressor.	No Position/Granted	SV granted for 8 non-continuous hours for each facility with a window of time commencing on 11/9/10 and continuing through no later than 1/28/11.	NOx: 304 lbs/day for each peaker CO: 40.8 lbs/day for each peaker
20. The Termo Company Case No. 3014-12 (K. Manwaring)	203(b) 463(c)(3)	Respondent operating VRS without permit and is operating wastewater sump and wastewater tanks, each with multiple VOC leaks.	Opposed/Denied	Ex Parte EV denied.	N/A

21. The Termo Company Case No. 3014-12 (K. Manwaring)	203(b) 463(c)(3)	Respondent operating VRS without permit and is operating wastewater sump and wastewater tanks, each with multiple VOC leaks.	Opposed/Dismissed	EV dismissed without prejudice	
22. U.S. Government, Air Force Department, March Air Reserve Base Case No. 2051-27 (N. Sanchez)	2004(f)(1)	Failure of UPS batteries force petitioner to operate emergency generators in excess of permitted time in order to assure 24/7 power for National Surveillance Facility.	Not Opposed/Granted	RV granted commencing 11/9/10 and continuing through 12/31/10, the FCD.	NOx: TBD due by 11/26/10

Acronyms

AOC: Alternative Operating Condition
 CO: Carbon Monoxide
 EV: Emergency Variance
 FCD: Final Compliance Date
 GDF: Gasoline Dispensing Facilities
 ISD: In-Station Diagnostic
 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
 NOx: Oxides of Nitrogen
 O/A: Order for Abatement
 PII-EVR: Phase II Enhanced Vapor Recovery
 RV: Regular Variance
 SV: Short Variance
 TBD: To be determined
 UPS: Uninterruptable Power Supply
 VOC: Volatile Organic Compounds
 VRS: Vapor Recovery System