

BOARD MEETING DATE: November 4, 2011

AGENDA NO. 18

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 2011.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

DP

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2011** and **September 2011 Hearing Board Cases**.

The total number of appeals filed during the period September 1 to September 30, 2011 is 0; and total number of appeals filed during the period of January 1 to September 30, 2011 is 1.

Rules from which Variances and Order for Abatements were Requested in 2011

	2011	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)														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)							1							1
1176(e)(2)(A)														0
1176(e)(2)(A)(ii)									1					1
1176(e)(2)(B)(v)														0
1178(d)(1)(A)(xiii)														0
1178(d)(1)(A)(xiv)														0
1178(d)(1)(B)														0
1176(f)(3)														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														0
1303							1							1

Report of September 2011 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. City of Riverside Regional Water Quality Plant Case #5674-6 (J. Voge)	202(b) 203(b)	Digester seals are leaking and cannot be repaired within grace period.	Not Opposed/Granted	Ex Parte EV granted commencing 09/28/11 and continuing for 30 days or until the EV hearing currently scheduled for 10/12/11, whichever comes first.	H2S: TBD by 10/14/11.
2. City of Riverside Regional Water Quality Plant Case #5674-5 (K. Manwaring)	202(b) 203(b)	Digester must be opened to repair the level indicator.	Not Opposed/Granted	SV granted for one working day in a window-of-time between 09/08/11 and 09/22/11.	VOC & H2S: TBD by 9/2/11.
3. Eastern Municipal Water District Case #4937-48 (N. Sanchez)	202(a) 1110.2(d)(1)(B)(ii)	Petitioner may violate Rule 1110.2 limits while testing new technology.	Not Opposed/Granted	RV granted for 150 hours of testing in a window-of-time commencing 11/01/11 and continuing through 04/30/12, the FCD.	NOX, VOC & CO: TBD by 4/30/12.
4. Eastern Municipal Water District Case #4937-49 (J. Voge)	202(a)	Insufficient digester gas to satisfy permit condition on fueling ICEs.	No position/Dismissed	EV dismissed for the failure to demonstrate good cause.	N/A
5. ExxonMobil Oil Corporation Case #1183-459 (K. Manwaring)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Petitioner must take amine unit out of service for maintenance.	Not Opposed/Granted	SV & AOC granted for 240 nonconsecutive hours in a window-of-time commencing 10/10/11 through 10/21/11.	None.
6. SCAQMD vs. AAA Gas, Inc. dba Van Nuys 76 & Antone Elias Nino Case #5833-3 (N. Sanchez)	203(b) 461(c)(2)(A) 461(e)(1)	Respondent is operating the GDF without the required ISD.	Not Stipulated/Issued	O/A issued commencing 09/27/11 and continuing through 12/31/11. The Hearing Board shall retain jurisdiction over this matter until 12/31/11.	N/A
7. SCAQMD vs. AAA Gas, Inc. dba Vineland 76 & Antone Elias Nino Case #5833-4 (N. Sanchez)	203(b) 461(c)(2)(A) 461(e)(1)	Respondent is operating the GDF without the required ISD.	Not Stipulated/Issued	O/A issued commencing 09/27/11 and continuing through 12/31/11. The Hearing Board shall retain jurisdiction over this matter until 12/31/11.	N/A

8. SCAQMD vs. ICE Facilities Does 1-100 Case #5823-1 (Consent Calendar Item) (N. Sanchez)	1470	Respondents are operating the stationary diesel fueled ICEs in violation of the Tier 4 limit in Rule 1470.	Stipulated/Issued	Group O/A issued commencing 09/14/11 and continuing through 03/01/12 for Does 63 through 79. The Hearing Board shall retain jurisdiction over this matter until 03/01/12.	N/A
9. SCAQMD vs. ICE Facilities Does 1-100 Case #5823-1 (Consent Calendar Item) (N. Sanchez)	1470	Respondents are operating the stationary diesel fueled ICEs in violation of the Tier 4 limit in Rule 1470.	Stipulated/Issued	Group O/A issued commencing 09/28/11 and continuing through 03/01/12 for Does 80 through 85. The Hearing Board shall retain jurisdiction over this matter until 03/01/12.	N/A
10. SCAQMD vs. Nawaha Venture Capital, LLC dba Redondo 76 Case #5831-1 (N. Sanchez)	203(b) 461(c)(2)(A) 461(e)(1)	Respondent is operating the GDF without the required ISD.	Not Stipulated/Issued	O/A issued commencing 09/14/11 and continuing through 10/14/11. The Hearing Board shall retain jurisdiction over this matter until 12/31/11.	N/A
11. SCAQMD vs. Richard Bagdasarian, Inc. Case #5819-1 (Consent Calendar Item) (N. Sanchez)	461(c)(1)(B) 461(c)(2)(A) 461(c)(3)(F) 461(c)(3)(I) 461(e)(2)(B)	Respondent is operating the GDF without a CARB certified VRS.	Stipulated/Issued	Mod. O/A Issued commencing 09/06/11 and continuing through 12/31/11. The Hearing Board shall retain jurisdiction over this matter until 12/31/11.	N/A
12. SCAQMD vs. Warren E&P, Inc. Case #5649-4 (K. Manwaring)	203(b)	Respondent needs more time to install a gas reinjection system.	Stipulated/Issued	Mod. O/A issued commencing 09/28/11 and continuing through 10/01/12. The Hearing Board shall retain jurisdiction over this matter until 10/01/12.	N/A
13. SCAQMD vs. West Hills 76 & Antone Elias Nino Case #5832-1 (N. Sanchez)	203(b) 461(c)(2)(A) 461(e)(1)(A)	Respondent is operating the GDF without the required ISD.	Not Stipulated/Issued	O/A issued commencing 09/27/11 and continuing through 12/31/11. The Hearing Board shall retain jurisdiction over this matter until 12/31/11.	N/A
14. San Diego Gas & Electric Company Case #3607-12 (K. Manwaring)	203(b) 1110.2(d)(1)(B)(ii) 2004(f)(1) 3002(c)(1)	Petitioner is unable to complete the testing of the ICEs required by the variance.	Not Opposed/Granted	MFCD/EXT granted commencing 09/15/11 and continuing through 10/07/12.	ROG TBD by 10/31/12.
15. Southern California Gas Company Case #137-68 (K. Manwaring)	203(b) 1110.2(d)(1)(B)(ii) 2004(f)(1) 3002(c)(1)	Petitioner is unable to complete the testing of ICEs required by the variance.	Not Opposed/Granted	MFCD/EXT granted commencing 09/15/11 and continuing through 10/07/12.	ROG TBD by 10/31/12.

16. The Termo Company Case #3014-14 (J. Panasiti)	203(b) 463(c)(3)	Compressor serving the VRS at the oil/gas production facility must be taken out of service for repair and maintenance.	Not Opposed/granted	Ex Parte granted commencing 09/15/11 and continuing through 09/22/11, or until the EV hearing currently scheduled for 09/22/11, whichever comes first.	ROG: TBD by 10/4/11.
17. Universal City Studios, LLC Case #4935-9 (N. Sanchez)	401(b)(1) H&S Code Section 41701	Simulated smoke for a Halloween production will exceed the opacity standard.	Not Opposed/Granted	SV granted commencing 09/19/11 and continuing through 11/01/11.	VOC & H2S: TBD by 10/01/11.

Acronyms

APC: Air Pollution Control

AOC: Alternative Operating Conditions

CARB: California Air Resources Board

CEMS: Continuous Emissions Monitoring System

CEQA: California Environmental Quality Act

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

H2S: Hydrogen Sulfide

ICE: Internal Combustion Engine

ISD: In-Station Diagnostic System

I/P: Increments of Progress

IA: Interim Authorization

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

NMOC: Non-Methane Organic Compounds

NOV: Notice of Violation

NOx: Oxides of Nitrogen

O/A: Order for Abatement

PM: Particulate Matter

RATA: Relative Accuracy Test Audit

RECLAIM: Regional Clean Air Incentives Market

ROG: Reactive Organic Gas

RV: Regular Variance

SCR: Selective Catalytic Reduction

SO2: Sulfur Dioxide

SOx: Oxides of Sulfur

SV: Short Variance

TBD: To be determined

TOC: Total Organic Compounds

VOC: Volatile Organic Compounds

VRS: Vapor Recovery System