

BOARD MEETING DATE: February 3, 2012

AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 2011.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:

Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

DP

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

The total number of appeals filed during the period December 1 to December 31, 2011 is 0; and total number of appeals filed during the period of January 1 to December 31, 2011 is 3.



















**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
1470(c)(3)(B)														0
1470(c)(3)(C)														0
1470(c)(9)														0
2004								1						1
2004(b)(1)														0
2004(b)(4)														0
2004(c)(1)														0
2004(c)(1)(C)														0
2004(f)(1)				7	6	2	5		5	3	3	4	4	39
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(c)												1		1
2011(c)(2)							1							1
2011(c)(2)(A)														0
2011(c)(2)(B)														0
2011(c)(3)(A)														0
2011(e)(1)														0
2011(f)(3)														0
2011(g)														0
2011(g)(1)														0
2011(k)														0
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(k) Appen. A, Chap. 2, Sections A.3.,a.-c.,e.g. and B.1.-4														0
2012			1									1		2
2012, Appen A, Att. C, Section A					2									2
2012 Attach. C, Section B.2.a.				1			1							2
2012 Appen. A, Attach. C, Section B.2.							1		2					3
2012 Appen. A, Attach. C, Section B.2.a. & b.							1							1
2012 Appen. A, Chap. 2														0
2012 Appen A, Chap. 2, Sec. A							1				2			3
2012 Appen A. Chap. 2. Sec. A1.g.														0
2012 Appen A, Chap. 2, Sec. B														0
2012(c)												1		1
2012(c)(2)							1				1			2





## Report of December 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. ConocoPhillips Company Case #4900-90 (M. Reichert)	203(b) 2004(f)(1) 3002(c)(1)	The vapor recovery line serving various spent acid tanks and a loading rack must be replaced requiring a temporary disconnect.	Not Opposed/Granted	SV granted for one day in a window-of-time between 12/14/11 and 1/31/12.	VOC: TBD by 12/29/11
2. ExxonMobil Oil Corporation Case #1183-461 (J. Panasiti)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Transformer/rectifier sets serving FCCU and ESPs must be taken off line to install replacement fans.	Not Opposed/Granted	SV and AOC granted for 36 nonconsecutive hours in a window-of-time commencing 12/12/11 through 12/16/11.	None.
3. Kaiser Aluminum Fabricated Products, LLC Case #4507-2 (J. Panasiti)	203(b) 2004(f)(1) 2012(j)(2) 3002(c)(1)	The aluminum melting furnace may exceed the NO <sub>x</sub> limits.	Opposed/Denied	SV Denied. The Board was unable to make the finding that non-compliance with District rules is due to conditions beyond the reasonable control of petitioner.	N/A
4. Owens-Brockway Glass Containers, Inc. Case #4472-47 (M. Reichert)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner must temporarily take off-line two ESPs serving two glass melting furnaces to install additional transformer rectifiers that will provide additional emission control security.	Not Opposed/Granted	SV granted commencing 12/23/11 and continuing through 1/27/12.	PM: TBD by 12/29/11
5. Paramount Petroleum Corporation Case #2914-114 (N. Sanchez)	464(b)(1) 1176(e)(1) 1176(e)(2)(A) 1176(e)(2)(B) 1176(e)(6)(B) 1176(f)(1)(B)(3)	Petitioner must remove seals on the floating roof cover of the waste water separator to inspect for damage to seals from a recent flash-fire.	Not Opposed/Granted	Ex Parte EV granted commencing 12/2/11 and continuing for 30 days or until the EV hearing currently scheduled for 12/15/11, whichever comes first.	VOC: TBD by 12/17/11.

6. SCAQMD vs. Browning-Ferris Industries of California, Inc., and Republic Services, Inc., dba Sunshine Canyon Landfill Case #3448-13 (N. Sanchez)	402 H&S Code 41700	O/A is modified to require additional measures to control landfill gas emissions.	Stipulated/Issued	Mod. O/A issued commencing 12/03/11 and continuing through 03/30/13. The Hearing Board shall retain jurisdiction over this matter until 03/30/13, or until Respondent is operating in compliance, whichever occurs first, unless the order is amended or modified.	N/A
7. SCAQMD vs. Girl Scout Council of Orange County Case #5847-1 (J. Voge)	203(a)	Respondent operates an ICE driven emergency generator.	Stipulated/Issued	O/A issued commencing 12/06/11 and continuing through 04/30/12. The Hearing Board shall retain jurisdiction over this matter until 05/06/12.	N/A
8. SCAQMD vs. Mission Hospital Laguna Beach Case #5853-1 (K. Manwaring)	1146(c)(2)	Respondent operates a noncompliant boiler.	Stipulated/Issued	O/A issued commencing 12/21/11 and continuing through 12/21/12. The Hearing Board shall retain jurisdiction over this matter until 12/21/12.	N/A
9. SCAQMD vs. Stationary Diesel Fueled ICE Facilities, Does 1-100 Case #5823-1 (N. Sanchez) (Consent Calendar)	1470	A previously issued O/A must be extended pending Governing Board action on the proposed amended Rule 1470. Respondents operating stationary diesel-fueled ICEs are in violation of the Tier 4 limit in Rule 1470.	Stipulated/Issued	Group Mod. O/A issued commencing 12/15/11 and continuing through 12/31/12 for Does 1 through 100. The Hearing Board shall retain jurisdiction over this matter until 3/1/12, at which time this O/A, if it has not been properly extended, shall expire.	N/A
10. SCAQMD vs. Stationary Diesel Fueled ICE Facilities, Does 101-300 Case #5823-2 (N. Sanchez) (Consent Calendar)	1470	Respondents operating stationary diesel-fueled ICEs are in violation of the Tier 4 limit in Rule 1470.	Stipulated/Issued	Group O/A issued commencing 12/15/11 and continuing through 12/31/12 for Does 101 through 120. The Hearing Board shall retain jurisdiction over this matter until 12/31/12, at which time this O/A, if it has not been properly extended, shall expire.	N/A

11. Sigma Plating Company, Inc. Case #5849-1 (N. Sanchez)	1146.1(c)(2)	Petitioner operates a boiler subject to Rule 1146.1 and will not be able to meet the 01/01/12 compliance deadline.	Not Opposed/Granted	RV granted commencing 01/01/12 and continuing through 06/30/12, the FCD.	NO <sub>x</sub> : Less than .08 lb/day
12. U.S. General Services Administration Case #5848-1 (N. Sanchez)	1146.2(c)(5)	Petitioner has been operating a noncompliant boiler since 2006.	No position/Denied	RV Denied. The Board was unable to make the finding that non-compliance with District rules is due to conditions beyond the reasonable control of petitioner.	N/A
13. SCAQMD vs. Mission Hospital Laguna Beach Case #5853-1 (K. Manwaring)	1146(c)(2)	Respondent operates a noncompliant boiler.	Stipulated/Issued	O/A issued commencing 12/21/11 and continuing through 12/21/12. The Hearing Board shall retain jurisdiction over this matter until 12/21/12.	N/A

### 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  
 H<sub>2</sub>S: Hydrogen Sulfide  
 ICE: Internal Combustion Engine  
 I/P: Increments of Progress  
 ISD: IN-Station Diagnostic System  
 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  
 NH<sub>3</sub>: Ammonia  
 NMOC: Non-Methane Organic Compounds  
 NOV: Notice of Violation  
 NO<sub>x</sub>: Oxides of Nitrogen  
 O/A: Order for Abatement  
 P/O: Permit to Operate  
 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  
 SO<sub>2</sub>: Sulfur Dioxide  
 SO<sub>x</sub>: Oxides of Sulfur  
 SV: Short Variance  
 TBD: To be determined  
 TOC: Total Organic Compounds  
 VOC: Volatile Organic Compounds  
 VRS: Vapor Recovery System