

BOARD MEETING DATE: September 5, 2014

AGENDA NO. 15

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of June 1 through July 31, 2014.

COMMITTEE: No Committee Review

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 2014 and June 2014 and July 2014 Hearing Board Cases.**

The total number of appeals filed during the period June 1 to July 31, 2014 is 1; and total number of appeals filed during the period of January 1 to July 31, 2014 is 5.

Rules from which Variances and Order for Abatements were Requested in 2014

	2014	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
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		1	1											2
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)														0
1176(e)(2)														0
1176(e)(2)(A)														0
1176(e)(2)(A)(ii)														0
1176(e)(2)(B)(v)														0
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)								1						1
1186.1														0
1186.1														0
1189(c)(3)														0
1195														0
1195(d)(1)(D)														0
1303(a)									1					1

Rules from which Variances and Order for Abatements were Requested in 2014														
	2014	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
2012, Appen. A, Protocol 2012, Chap. 2, B.5.														0
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														0
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)									1					1
2012(c)(2)(A)														0
2012(c)(2)(B)														0
2012(c)(3)														0
2012(c)(3)(A)														0
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)														0
2012(g)(1)														0
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
3002														0
3002(a)														0
3002(c)		1		1				1						3
3002(c)(1)		4		3	2		1		5	2				17

Report of June 2014 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. Chevron Products Company Case No. 831-366 (R. Fernandez)	203(b) 2004(f)(1) 3002(c)(1)	Application of emission control technology proven effective in other type of equipment has not been successful for a new sulfur recovery unit.	Not Opposed/Granted	MFCD/EXT granted commencing 6/26/14 and continuing through 3/31/15.	NO _x : 36 lbs/day during normal operations NO _x : 28.84 lbs/day during startup & shutdown CO: 131.47 lbs/day during startup & shutdown
2. Chevron Products Company Case No. 831-372 (B. Gilchrist)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner must temporarily remove NH ₃ CEMS to send out for repair.	No Position/Granted	SV granted for a maximum of 8 non-continuous hours in a window of time between 6/25/14 and 7/24/14.	None
3. Engineered Polymer Solutions, Inc. Case No. 5726-2 (R. Fernandez)	203(b) 1147(c)(1) 1147(c)(10) 3002(c)(1)	Permit for required new burner issued 6/13/14. There was insufficient time to order, receive and install the new burner in time to meet compliance deadline.	Not Opposed/Granted	SV granted commencing 7/1/14 and continuing through 9/28/14.	NO _x : 8.89 lbs/day
4. Interplastic Corporation Case No. 5992-1 (R. Fernandez)	203(b) 1147(c)(1)	Petitioner cannot meet Rule 1147 compliance deadline of July 1, 2014 for NO _x .	Opposed/Denied	RV denied.	N/A
5. New Cingular Wireless PCS, LLC dba AT&T Mobility Case No. 5991-1 (N. Sanchez)	203(b) 1110.2(d)(1)(B) 1401(d) 1470(c)(5)	Petitioner is exceeding the 200-hour per year operating limit for emergency generator as result of vandalism.	Opposed/Dismissed	IV dismissed without prejudice.	N/A
6. Phillips 66 Company Case No. 4900-94 (N. Sanchez)	203(b) 1178(g) 2004(f)(1) 3002(c)(1)	Petitioner seeks to repair the access ladder to the external floating roof of Tank No. 149 without degassing.	Not Opposed/Granted	SV granted for 7 consecutive days in a window of time between 6/18/14 and 7/18/14.	VOC: 4.62 lbs/total for variance period

7. SCAQMD vs. Department of State Hospitals; Patton State Hospital Case No. 5852-2 (Consent Calendar; No Appearance)	203(b) 1146	Respondent operating two noncompliant boilers and failed to comply with conditions of previously granted variance.	Stipulated/Issued	O/A issued commencing 6/11/14; the Hearing Board shall retain jurisdiction over this matter until 12/19/14.	N/A
8. SCAQMD vs. Judicial Council of California, Administrative Office of the Courts [Torrance Courthouse] Case No. 5993-1 (Consent Calendar; No Appearance)	1146.1(b)(3) 1146.1(c)(2) 1146.1(d)(4) 1146.1(d)(6)	Respondent operating two noncompliant boilers.	Stipulated/Issued	O/A issued commencing 6/24/14; the Hearing Board shall retain jurisdiction over this matter until 9/12/14.	N/A
9. SCAQMD vs. Judicial Council of California, Administrative Office of the Courts [San Fernando Courthouse] Case No. 5994-1 (Consent Calendar; No Appearance)	1470(c)(3)(C)(iii) 1470(d)(2)(B) 1470(e)(2)(A)	Respondent is operating noncompliant diesel ICE emergency generator within 100 meters of a school.	Stipulated/Issued	O/A issued commencing 6/24/14; the Hearing Board shall retain jurisdiction over this matter until 3/31/15.	N/A
10. SCAQMD vs. Judicial Council of California, Administrative Office of the Courts [Inglewood Courthouse] Case No. 5995-1 (Consent Calendar; No Appearance)	1470(c)(3)(C)(iii) 1470(d)(2)(B) 1470(e)(2)(A)	Respondent is operating noncompliant diesel ICE emergency generator within 100 meters of a school.	Stipulated/Issued	O/A issued commencing 6/24/14; the Hearing Board shall retain jurisdiction over this matter until 3/31/15.	N/A
11. SCAQMD vs. Judicial Council of California, Administrative Office of the Courts [El Monte Courthouse] Case No. 5997-1 (Consent Calendar; No Appearance)	1470(c)(3)(C)(iii) 1470(d)(2)(B) 1470(e)(2)(A)	Respondent is operating noncompliant diesel ICE emergency generator within 100 meters of a school.	Stipulated/Issued	O/A issued commencing 6/24/14; the Hearing Board shall retain jurisdiction over this matter until 3/31/15.	N/A
12. SCAQMD vs. Ridgeline Energy Services (USA) Inc. Case No. 5954-1 (K. Manwaring)	203(a) 219(s)(2) 402 H&S Code §41700	Modification of conditions regarding removal of wastes in existing tanks.	Not Stipulated/Issued	Mod. O/A issued commencing 6/3/14; the Hearing Board shall retain jurisdiction over this matter until 11/6/14.	N/A

13. SCAQMD vs. Ridgeline Energy Services (USA) Inc. Case No. 5954-1 (K. Manwaring)	N/A	Clarification of previously issued order.	Not Stipulated/No Action	The Board received and clarified issues regarding the hearing held on 6/3/14 for Mod. O/A.	N/A
14. SCAQMD vs. Warren E & P, Inc. Case No. 5649-4 (K. Manwaring)	202(a) 203(b)	CEQA procedural delay requires extension of Hearing Board's jurisdiction.	Stipulated/Issued	Mod. O/A issued commencing 6/25/14; the Hearing Board shall retain jurisdiction over this matter until 2/1/14.	N/A
15. Southern California Edison (SCE) Case No. 1262-109 (N. Sanchez)	1110.2(d)(1)(B) 3002(c)	Diesel ICE used to provide power to Catalina Island unexpectedly failed ROG/VOC test.	Not Opposed/Granted	IV granted commencing 6/3/14 and continuing for 90 days or until the RV hearing currently scheduled for 7/7/14, whichever comes first.	VOC: 47 lbs/total for variance period
16. Ultramar Inc., dba Valero Wilmington Refinery Case No. 3845-89 (T. Barrera)	202(a) 203(b) 401(b)(1) 2004(f)(1) 3002(c)(1) H&S Code §41701	FCCU must be shut down for repair per state regulations upon finding of unexpected corrosion.	Not Opposed/Granted	EV/AOC granted commencing 6/11/14 and continuing for 30 days or until the SV/AOC hearing currently scheduled for 7/8/14, whichever comes first.	CO: 1,309 lbs/total

Acronyms

AOC: Alternative Operating Conditions
 BACT: Best Available Control Technology
 CEMS: Continuous Emissions Monitoring System
 CEQA: California Environmental Quality Act
 CO: Carbon Monoxide
 DPF: Diesel Particulate Filter
 EV: Emergency Variance
 FCCU: Fluid Catalytic Cracking Unit
 FCD: Final Compliance Date
 GDF: Gasoline Dispensing Facility
 H₂S: Hydrogen Sulfide
 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
 NO_x: Oxides of Nitrogen
 N/A: Not Applicable
 O/A: Order for Abatement

PM: Particulate Matter
 PPM: Parts Per Million
 RATA: Relative Accuracy Test Audit
 ROG: Reactive Organic Gases
 RTO: Regenerative Thermal Oxidizer
 RV: Regular Variance
 SCR: Selective Catalytic Reduction
 SO_x: Oxides of Sulfur
 SV: Short Variance
 TBD: To be determined
 VOC: Volatile Organic Compound
 VRS: Vapor Recovery System

Report of July 2014 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. Anheuser-Busch, LLC- Los Angeles Brewery Case No. 5960-1 (Consent Calendar; No Appearance)	2012, Chapter 2 2012(B)(5)(e)	Modification of the final compliance date is needed because of unanticipated delays in the manufacture and installation of the CEMS.	Not Opposed/Granted	MFCD/EXT granted commencing 7/3/14 and continuing through 4/1/15, the FCD.	None
2. Burlington Engineering, Inc. Case No. 5998-1 (N. Sanchez)	1147(c)(1)	Petitioner operates two burn off furnaces that exceed 60 ppm NO _x limit in Rule 1147.	Not Opposed/Granted	SV granted commencing 7/3/14 and continuing through 10/1/14.	NO _x : .53 lb/day
3. Marine Corps Air Station Yuma, AZ Case No. 5999-1 (K. Manwaring)	203(b)	Petitioner has exceeded the 200 hour annual operating limit for an emergency generator.	Not Opposed/Granted	SV granted commencing 8/27/14 and continuing through 10/24/14.	CO: 5.99 lbs/day VOC: 4.49 lbs/day NO _x : 3.49 lbs/day
4. New Cingular Wireless PCS, LLC dba AT & T Mobility Case No. 5991-1 (N. Sanchez)	203(b) 1110.2(d)(1)(B) 1303(a) 1470(c)(5)	Petitioner is operating an emergency generator in excess of the 200 hour annual limit.	Not Opposed/Granted	RV granted commencing 7/3/14 and continued through 12/31/14, the FCD.	NO _x : 1.31 lbs/day VOC: 0.10 lb/day SO _x : 0.0004 lb/day CO: 0.11 lb/day PM: 0.008 lb/day
5. Orange County Waste & Recycling Case No. 3818-16 (V. Tyagi)	1150.1(d)(10) 1150.1(d)(11) 1150.1(d)(12) 1150.1(d)(13) 1150.1(d)(14)	The landfill gas collection and control system cannot be operated in compliance because of the failure of the programmable logic controller.	Not Opposed/Granted	Ex Parte EV granted commencing 7/8/14 and continuing for 30 days or until 8/5/14, whichever comes first.	None
6. Phillips 66 Company Case No. 4900-96 (K. Manwaring)	203(b) 1105.1 2004(f)(1) 3002(c)(1)	Petitioner has submitted an application to change the permit condition to allow less than two fields of ESP in operation. Test to demonstrate ability to comply with one field operating is needed but will violate permit condition.	Not Opposed/Granted	SV granted commencing 7/16/14 and continuing through 10/14/14.	PM: 2.5 lbs/total for variance period

7. SCAQMD vs. Exide Technologies, Inc. Case No. 3151-29 (N. Feldman) (T. Barrera)	203(b) 1407(d)(5) 2004(f)(1) 3002(c)(1)	Petitioner has exceeded the arsenic limits while in operation.	Stipulated/Issued	O/A issued commencing 7/10/14 and continuing through 7/31/15. The Hearing Board shall retain jurisdiction over this matter until 7/31/15.	N/A
8. SCAQMD vs. Exide Technologies, Inc. Case No. 3151-32 (N. Feldman) (T. Barrera)	1420(d)(1)	Maintenance and construction activities resulted in ambient lead concentrations exceeding the limit in Rule 1420.1.	Stipulated/Issued	O/A issued commencing 7/9/14 and continuing through 3/15/15. The Hearing Board shall retain jurisdiction over this matter until 3/15/15.	N/A
9. SCAQMD vs. La Salle High School Case No. 5990-2 (T. Barrera)	203 1110.2(d)(1)(B)(Table II) 1303(a)(1) 1303(b)(1) 1401 1470(c)(4)	Respondent operates an ICE without a valid permit to operate.	Stipulated/Issued	O/A issued commencing 7/24/14 and continuing through 7/15/15. The Hearing Board shall retain jurisdiction over this matter until 7/15/15.	N/A
10. Ultramar, Inc. dba Valero Wilmington Refinery Case No. 3845-90 (N. Sanchez)	202(a) 203(b) 401(b)(1) 407(a) 2004(f)(1) H&S Code Section 41701	FCCU experienced an emergency shutdown. Violations of rules and permit conditions are expected on restart.	Not Opposed/Granted	Ex Parte EV & AOC granted commencing 7/9/14 and continuing for ten days or until the EV hearing currently scheduled for 7/17/14, whichever comes first.	CO: 1,227 lbs/day

Acronyms

AOC: Alternative Operating Conditions
CEMS: Continuous Emissions Monitoring System
CO: Carbon Monoxide
ESP: Electro Static Precipitator
EV: Emergency Variance
FCD: Final Compliance Date
FCCU: Fluid Catalytic Convertor Unit
H&S: Health & Safety Code
ICE: Internal Combustion Engine
MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance
NOx: Oxides of Nitrogen
N/A: Not Applicable
O/A: Order for Abatement
PM: Particulate Matter
PPM: Parts Per Million
RV: Regular Variance
SCR: Selective Catalytic Reduction

SOx: Oxides of Sulfur
SV: Short Variance
VOC: Volatile Organic Compound