

BOARD MEETING DATE: February 3, 2017

AGENDA NO. 11

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 2016.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

DG

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2016** and **December 2016 Hearing Board Cases**.

The total number of appeals filed during the period December 1 to December 31, 2016 is 0; and total number of appeals filed during the period of January 1 to December 31, 2016 is 3.

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
# of HB Actions Involving Rules														
201													1	1
202(a)						1	2	1	1					5
202(c)		1												1
203				1			1					1		3
203(a)			1				1	1		1	1		1	6
203(b)		4	3	4	5	8	5	2	4	4	2	3	3	47
221(b)			1											1
221(d)			1											1
401(b)(1)							1			1	1			3
401(b)(1)(A)					1									1
401(b)(1)(B)									1	1				2
402		1	1		2	1	1		1	1			3	11
404(a)					1									1
405(a)					1									1
407					1									1
410					1								1	2
461(e)(2)				1			1	1					1	4
461(e)(5)		1		3	1	1		1						7
461(e)(6)(d)							1							1
464(b)(1)(A)					1			1						2
464(b)(2)								1						1
464(b)(3)					1			1						2
1110.2				1	1	1	1							4
1110.2(d)(1)(B)					1									1
1110.2(d)(1)(B), Table II						1		1	1					3
1118(g)(1)			1											1
1118(g)(5)			1											1
1123										1				1
1146(c)(1)(G)							1							1
1146(c)(2)(A)													1	1
1147								1		1				2
1147(c)(10)									1					1
1173(g)(1)		1	1		1									3
1176(e)(1)								1						1
1176(e)(2)					1			1						2
1402(e)(3)						1								1
1420.1(d)			1											1
1420.1(d)(1)													1	1
1420.1(n)(2)(D)						1								1
1420.1(n)(2)(E)						1								1
1420.2(e)(1)(A)		1												1
1420.2(f)(1)		1												1
1420.2(f)(3)		1												1
1420.2(j)(2)		1												1
1469(e)(7)						1	1							2

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1470(c)(3)(C)(iii)							1							1
1470(c)(4)(B)				1			1							2
2004(f)(1)		2	2		5	4	2	3	3	2	2	2	1	28
2011(c)(2)						1							1	1
2011(c)(2)(A)					2									2
2011(c)(3)(A)					2									2
2011(e)(1)					2									2
2011, Attachment C, Section B, Paragraph 2						1								1
2012(c)(2)(A)		1			2									3
2012(c)(3)(A)					2									2
2012(g)(1)		1			2									3
3002(a)														
3002(c)(1)		2	3	1	4	5	2	3	2	3	2	2	3	32
H&S 41700		1	1		1	1	1		1	1			3	10
H&S 41701					1		1		1	2	1			6

Report of December 2016 Hearing Board Cases

Case Name and Case No. (SCAQMD Attorney)	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. Chevron Products Company Case No. 831-384 (T. Barrera)	203(b) 2004(f)(1) 2011(c)(2) 3002(c)(1)	Electrical short caused by rain water resulted in CEMS malfunction.	Not Opposed/Granted	Ex Parte EV granted commencing 12/28/16 and continuing for 30 days or until the EV hearing currently scheduled for 1/4/17, whichever comes first.	None
2. Fairview Developmental Center Case No. 5978-1 (V. Tyagi)	1146(c)(2)(A)	Retrofit of third boiler cannot be completed by 12/31/16, as required by variance condition.	Not Opposed/Granted	MFCD/EXT granted commencing 12/13/16 and continuing through 12/31/21.	NOx: 4 lbs/day
3. Huntington & Duarte Inc. Case No. 6067-1 (V. Tyagi)	203(b) 461(e)(2)	GDF failed vent blockage test.	Not Opposed/Granted	Ex Parte EV granted commencing 12/9/16 and continuing for 30 days or until the EV hearing currently scheduled for 12/20/16, whichever comes first.	None
4. SCAQMD vs. Aerocraft Heat Treating Co., Inc.; Anaplex Corp.; and Does 1-100 Case No. 6066-1 (W. Wong)	402 H&S §41700	Control hexavalent chromium emissions.	Stipulated/Issued	O/A issued against Aerocraft Heat Treating Co., Inc. commencing 12/16/16; the Hearing Board shall retain jurisdiction over this matter until 12/31/18.	N/A
5. SCAQMD vs. Browning-Ferris Industries of California, Inc., and Republic Services, Inc., dba Sunshine Canyon Landfill Case No. 3448-14 (N. Sanchez & K. Manwaring)	402 H&S §41700	Abate landfill odor nuisance.	Stipulated/Issued	O/A issued commencing 12/15/16; the Hearing Board shall retain jurisdiction over this matter until 6/30/19.	N/A

Case Name and Case No. (SCAQMD Attorney)	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. SCAQMD vs. Exide Technologies Case No. 3151-32 (N. Feldman)	1420.1(d)(1)	Status report on progress to dismantle plant and compliance with dust control measures.	Stipulated/Issued	Mod. O/A issued commencing 12/7/16; the Hearing Board shall retain jurisdiction over this matter until either District approval of Respondent's Rule 1420.1 closure plan or September 29, 2017, whichever occurs first.	N/A
7. SCAQMD vs. Rainbow Transfer/Recycling, Inc. Case No. 4394-2 (K. Manwaring)	402 410 H&S §41700	Status on progress to fully enclose solid waste transfer/recycling facility.	Stipulated/No Action	The Board received all evidence and took no action to further modify the Order.	N/A
8. SCAQMD vs. United States Navy Case No. 4518-8 (N. Feldman)	201 203(a) 3002(a)	Diesel ICE generator failed on San Clemente Island. Non-compliant ICE must be used during repairs.	Stipulated/Issued	O/A issued commencing 12/14/16; the Hearing Board shall retain jurisdiction over this matter until 5/30/17.	N/A
9. Sunshine Gas Producers LLC Case No. 5880-5 (Consent Calendar; No Appearance)	203(b) 3002(c)(1)	Petitioner awaiting issuance of Title V permits.	Not Opposed/Granted	RV granted commencing 12/8/16 and continuing through 7/15/17, the FCD.	NOx: 2.1 lbs/day
10. Tesoro Refining & Marketing Company LLC Case No. 4982-103 (K. Manwaring)	203(b) 2004(f)(1) 3002(c)(1)	Maintain bypass line temporarily open to 4th Stage Separator to keep bypass line heated to avoid catastrophic line failure and emergency FCCU shutdown.	Not Opposed/Granted	Ex Parte EV granted commencing 12/20/16 and continuing for 30 days or until the EV hearing currently scheduled for 1/4/17, whichever comes first.	None

Acronyms

CEMS: Continuous Emissions Monitoring System

EV: Emergency Variance

FCCU: Fluid Catalytic Cracking Unit

FCD: Final Compliance Date

GDF: Gasoline Dispensing Facility

H&S: Health & Safety Code

ICE: Internal Combustion Engine

MFC/EXT: Modification of a Final Compliance Date and Extension of a Variance

Mod. O/A: Modification of an Order for Abatement

NOx: Oxides of Nitrogen

O/A: Order for Abatement

RV: Regular Variance