

BOARD MEETING DATE: July 7, 2017

AGENDA NO. 18

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of May 1 through May 31, 2017.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

DG

Two summaries are attached: **May 2017 Hearing Board Cases and Rules From Which Variances and Orders for Abatement Were Requested in 2017**. An Index of District Rules is also attached.

The total number of appeals filed during the period May 1 to May 31, 2017 is 0; and total number of appeals filed during the period of January 1 to May 31, 2017 is 2.

Report of May 2017 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. Mt. San Jacinto Winter Park Authority dba Palm Springs Aerial Tramway Case No. 5906-3 (S. Hanizaverah)	203(b)	Petitioner expects to exceed the 200 hour annual operating limit for its emergency power generators.	Not Opposed/Dismissed	IV dismissed for lack of good cause.	N/A
2. Rashid's Inc., dba University Mobil Case No. 6085-1 (V. Tyagi)	203(b) 461(e)(2)	GDF failed dynamic back pressure test.	Not Opposed/Granted	Ex Parte EV granted commencing 5/31/17 and continuing for 30 days or until the SV currently scheduled for 6/28/17, whichever occurs first.	None
3. 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 Code §41700	Status report on compliance with O/A.	No Action	The Hearing Board received a status report and determined no action was necessary to modify the O/A.	N/A
4. SCAQMD vs. MM Lopez Energy LLC Case No. 4910-3 (S. Hanizaverah)	1110.2	Unable to meet compliance schedule due to equipment malfunction.	Stipulated/Issued	Mod. O/A commencing 5/18/17 and continuing through 9/29/17. The Hearing Board shall retain jurisdiction over this matter until 1/26/18.	N/A
5. SCAQMD vs. Overhill Farms, Inc. Case No. 6076-1 (D. Hsu)	1153.1(c)(3) 1153.1(c)(6)	Food processor operates units exceeding NOx and CO limits.	Stipulated/ Issued	O/A issued commencing 5/11/17 and continuing through 12/31/17. The Hearing Board shall retain jurisdiction over this matter until compliance is achieved.	N/A
6. Ultramar, Inc., dba Valero Wilmington Refinery Case No. 3845-96 (T. Barrera)	203(b) 2004(f)(1) 3002(c)	Leak in a crude tank requires operator to use another tank beyond its throughput limit.	No Position/Dismissed	IV dismissed for lack of good cause.	N/A

Acronyms

CO: Carbon Monoxide

EV: Emergency Variance

GDF: Gasoline Dispensing Facility

H&S: Health & Safety Code

IV: Interim Variance

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

N/A: Not Applicable

NOx: Oxides of Nitrogen

O/A: Order for Abatement

SV: Short Variance

Rules from which Variances and Orders for Abatement were Requested in 2017

	2017	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
# of HB Actions Involving Rules														
202(a)			1	1	1									3
203(a)		1	1	1	2									5
203(b)		6	4	6	3	3								22
402		2	2	3	1	1								9
403(d)(1)					1									1
403(d)(2)					1									1
403(d)(3)					1									1
442			2											2
461(e)(2)						1								1
461(e)(3)			1											1
1110.2		1				1								2
1110.2(d)(1)(B), Table II		1												1
1147		1												1
1147(c)			1	1										2
1153.1(c)(3)						1								1
1153.1(c)(6)						1								1
1176(f)(3)		1												1
1470(c)(3)(C)(iii)			1											1
2004(f)(1)		6	1	3	2	1								13
2011(c)(2)			1											1
2012(c)(2)(A)				1										1
2012(c)(3)(A)				1										1
3002(a)			1											1
3002(c)(1)		3	4	4	2	1								14
H&S 41700		2	2	3	1	1								9

**DISTRICT RULES AND REGULATIONS INDEX
FOR HEARING BOARD CASES AS OF MAY 31, 2017**

REGULATION II – PERMITS

Rule 202 Temporary Permit to Operate
Rule 203 Permit to Operate

REGULATION IV – PROHIBITIONS

Rule 402 Nuisance
Rule 403 Fugitive Dust
Rule 442 Usage of Solvents
Rule 461 Gasoline Transfer and Dispensing

REGULATION XI - SOURCE SPECIFIC STANDARDS

Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines
Rule 1147 NOx Reductions from Miscellaneous Sources
Rule 1153 Commercial Bakery Ovens
Rule 1176 Sumps and Wastewater Separators

REGULATION XIV – TOXICS

Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Ignition Engines

REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

Rule 2004 Requirements
Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SOx) Emissions
Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NOx) Emissions

REGULATION XXX - TITLE V PERMITS

Rule 3002 Requirements
Rule 3003 Applications

CALIFORNIA HEALTH AND SAFETY CODE

§41700 Prohibited Discharges