

BOARD MEETING DATE: May 5, 2017

AGENDA NO. 12

REPORT: Hearing Board Report

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

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

DG

Two summaries are attached: **March 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 March 1 to March 31, 2017 is 0; and total number of appeals filed during the period of January 1 to March 31, 2017 is 1.

Report of March 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. Chevron Products Company Case No. 831-386 (T. Barrera)	203(b) 2004(f)(1) 3002(c)(1)	Boiler and other equipment will not be operated per permit conditions during required maintenance. NOx and CO limits may be exceeded during tuning and testing of Cogeneration D burners.	Not Opposed/Granted	SV granted commencing 3/15/17 and continuing through 4/14/17.	NOx and CO: TBD by 3/30/17
2. Chevron Products Company Case No. 831-387 (M. Lorenz)	203(b) 2004(f)(1) 3002(c)(1)	Unanticipated operational problems have resulted in need to startup Cogeneration D more times than allowed by permit conditions.	Not Opposed/Granted	Ex Parte EV granted commencing 3/22/17 and continuing for 30 days or until the EV hearing currently scheduled for 3/28/17, whichever comes first.	NOx: 152.5 lbs/total CO: 16 lbs/total VOC: 28.5 lbs/total
3. Costco Wholesale Corporation/Costco Gasoline #1001 Case No. 5055-8 (N. Feldman)	203(b)	Petitioner seeks to be allowed greater throughput than authorized by permit.	Opposed/Denied	SV denied for lack of beyond reasonable control.	N/A
4. Los Angeles City, Sanitation Bureau, Hyperion Treatment Plant Case No. 1212-35 (M. Reichert)	202(a) 203(b) 1147(c) 3002(c)(1)	Petitioner seeks to operate noncompliant TO for digester gas utilization project while permanent correction can be engineered, procured, installed and tested.	Not Opposed/Granted	RV granted commencing 3/15/17 and continuing through 9/30/17.	NOx: 13.2 lbs/day
5. PQ Corporation Case No. 6072-1 (N. Sanchez)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(3)(A) 3002(c)(1)	Petitioner will exceed NOx limits while new stack and CEMS are installed.	Not Opposed/Granted	SV granted commencing 3/13/17 for a period of 14 consecutive days between 3/13/17 and 4/3/17.	None
6. San Bernardino County, Fleet Management Dept. Case No. 6070-1 (N. Sanchez)	203(b)	Petitioner has exceeded annual hours of operation limit for emergency generator.	Not Opposed/Granted	RV granted commencing 3/21/17 and continuing through 12/31/17.	NOx: 0.5 lb/hr CO: 0.2 lb/hr RHC: 0.02 lb/hr PM: 0.03 lb/hr

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
7. SCAQMD vs. Aesthetic Tree Case No. 6069-1 (N. Sanchez)	203(a)	Respondent operates diesel ICE without permit.	Stipulated/Issued	O/A issued commencing 3/7/17 and continuing through 6/30/17. The Hearing Board shall retain jurisdiction over this matter until 6/30/17.	N/A
8. SCAQMD vs Browning-Ferris Industries of California, Inc., and Republic Services, Inc., dba Sunshine Canyon Landfill Case No. 3448-14 (N. Sanchez)	402 H&S §41700	Status report and modification of O/A.	Stipulated/Issued	Mod. O/A issued commencing 3/1/17 and continuing through 6/30/19. The Hearing Board shall retain jurisdiction over this matter until 6/30/19.	N/A
9. 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	Status report and modification of O/A.	Stipulated/Issued	O/A modified through Minute Order only commencing 3/29/17 and continuing through 6/30/19. The Hearing Board shall retain jurisdiction over this matter until 6/30/19.	N/A
10. SCAQMD vs. Southern California Gas Company Case No. 137-76 (N. Feldman & N. Sanchez)	402 H&S §41700	Termination of O/A.	Stipulated/Terminated	Stipulated O/A terminated as of March 2, 2017.	N/A

Acronyms

CEMS: Continuous Emissions Monitoring System
 CO: Carbon Monoxide
 EV: Emergency Variance
 FCD: Final Compliance Date
 H&S: Health and Safety Code
 Mod. O/A: Modification of Order for Abatement
 ICE: Internal Combustion Engine
 N/A: Not Applicable
 NOx: Oxides of Nitrogen
 O/A: Order for Abatement
 PM: Particulate Matter
 RHC: Reactive HydroCarbons
 RV: Regular Variance
 SV: Short Variance
 TBD: To Be Determined
 TO: Thermal Oxidizer
 VOC: Volatile Organic Compounds

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										2
203(a)		1	1	1										3
203(b)		6	4	6										16
402		2	2	3										7
442			2											2
461(e)(3)			1											1
1110.2		1												1
1110.2(d)(1)(B), Table II		1												1
1147		1												1
1147(c)			1	1										2
1176(e)(3)		1												1
1176(f)(3)		1												1
1470(c)(3)(C)(iii)			1											1
2004(f)(1)		6	1	3										10
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										11
H&S 41700		2	2	3										7

**DISTRICT RULES AND REGULATIONS INDEX
FOR MARCH 2017 HEARING BOARD REPORT**

REGULATION II – PERMITS

Rule 202 Temporary Permit to Operate
Rule 203 Permit to Operate

REGULATION IV – PROHIBITIONS

Rule 402 Nuisance
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 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