

BOARD MEETING DATE: June 2, 2006

AGENDA NO. 11

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of April 1 through April 30, 2006.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:

Receive and file this report.

Edward Camarena
Chairman of Hearing Board

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Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2006** and **April 2006 Hearing Board Cases**.

The total number of appeals filed during the period April 1 to April 30, 2006 is 0, and the total number of appeals filed during the period of January 1 to April 30, 2006 is 5.

Report of April 2006 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. AERA Energy LLC Case #4636-12 (Consent Calendar Item) (B. Theis)	203(b) 463(c)(3) 1176(e)(2)(A)(ii) 2004(f)(1)	Offshore petroleum production platform must shut down flare to conduct maintenance and repair. For safety, the vapor recovery system must also be shut down contrary to the permit conditions.	Not Opposed/Granted	SV granted commencing 4/21/06 and continuing through 7/20/06, the FCD.	VOC: .08 lb/total over four days
2. Golden State Water Company dba Bear Valley Electric Service Case #5557-3 (J. Panasiti)	202(a) 203(b)	Air/fuel ratio controllers cannot control NO _x during startup.	Not Opposed/Granted	SV granted for 90 days and shall commence on the date specified in the notice to be provided pursuant to Condition No. 4. The variance shall occur in a window-of-time between 4/13/06 and 11/1/06, the FCD.	NO _x : 50 lbs/day or as established at the end of the variance period by the CEMS.
3. Ikea Home Furnishings Case #5583-1 (E. Sernel)	203(b)	Petitioner must use backup emergency generator beyond annual hour limit while electrical bus is being repaired.	Not Opposed/Granted	RV granted commencing 4/19/06 and continuing through 12/31/06, the FCD.	CO: 0.66 lb/hr VOC: 0.33 lb/hr NO _x : 6.23 lbs/hr PM: 0.14 lb/hr
4. Lifoam Industries, LLC Case #5465-1 (Consent Calendar Item) (N. Feldman)	203(b) 1175(c)(2) 1175(c)(4)(B)(ii)(II)	Manufacturer of expanded polystyrene foam products cannot demonstrate compliance with Rule 1175.	Not Opposed/Granted	MFCD/EXT granted commencing 4/13/06 and continuing through 1/31/07, the FCD.	VOC: 155 lbs/day
5. Magnolia Power Project, SCPPA Case #5601-1 (B. Theis)	203(b) 2004(f)(1) 2012 Appendix A, Attach. C, Sec. B.2.a. and B.2.b. 2012(c)(2)(A) 3002(c)(1)	RATA and NH ₃ slip tests could not be completed within the quarter as required because the turbine, a combined cycle unit was down for extensive repairs.	Opposed/Dismissed	EV dismissed without prejudice. A SV is hearing is currently scheduled for 5/9/06.	

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6. Masterfoods USA Formerly AKA: Kalkan Case #4707-7 (N. Feldman)	203(b) 2004(f)(1)	Equipment malfunction caused catastrophic failure of catalyst for NO _x control. Petitioner seeks to operate until a replacement catalyst is received.	Not Opposed/Granted	Ex Parte EV granted commencing 4/20/06 and continuing for 30 days or until the SV currently scheduled for 5/17/06, whichever comes first.	NO _x : 40 lbs/day
7. Mountainview Power Company, LLC Case #5155-9 (C. Engelhardt)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Petitioner cannot meet the 1.4 ppm VOC limit in its permit conditions for two units.	Not Opposed/Granted	RV & AOC granted commencing 4/20/06 and continuing through 9/30/06, the FCD.	VOC: TBD based on the number of operating hours and the concentration limits of 1.6 ppmvd for Unit 3B and 2.0 ppmvd for Unit 4A at 15% O ₂ .
8. SCAQMD vs. Community Recycling & Resource Recovery, Inc. Case #5390-1 (E. Sernel)	402 H&S Code 41700	Update on the status of building an enclosure for a recycling operation.	Stipulated/Issued	Mod. O/A issued commencing 4/19/06 and continuing through 9/30/07. The Hearing Board shall retain jurisdiction over this matter until 9/30/07.	
9. SCAQMD vs. Fernando Gonzalez, individually and dba Central Body Shop Case #5586-1 (E. Sernel)	203(a)	Respondent has operated a paint spray booth without a valid permit to operate for nine years.	Not Stipulated/Issued	O/A issued commencing 4/11/06 and continuing through 4/11/08. The Hearing Board shall retain jurisdiction over this matter until 4/11/08.	
10. SCAQMD vs. Gregg Industries, Inc. Case #5591-1 (E. Sernel)	402 H&S Code 41700	Respondent's foundry operations generate nuisance causing odors in a residential area.	Stipulated/Issued	O/A issued commencing 4/26/06, and continuing through 3/31/07. The Hearing Board shall retain jurisdiction over this matter until 3/31/07.	
11. SCAQMD vs. Mitsubishi Cement Corporation Case #5545-1 (E. Sernel)	203(b)	Respondent is out of compliance with the cold ironing requirement in the permit.	Stipulated/Issued	Status Report & Mod. O/A issued commencing 4/19/06 and continuing through 12/15/07. The Hearing Board shall retain jurisdiction over this matter until the Order is amended or modified.	

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12. Signal Hill Petroleum West Unit/Gas Plant Case #2166-11 (E. Sernel)	203(b) 2004(f)(1)	Upon restart of turbine after routine repair, NOx emissions did not return to compliance. Petitioner needs to continue operating to burn off gas from its oil production activities.	Not Opposed/Granted	Ex Parte EV granted commencing 4/28/06 and continuing for 30 days or until the EV currently scheduled for 5/9/06, whichever comes first.	NO _x : 30.10 lbs/day
13. U.S. Government, Air Force Dept., March AFB Case #2051-25 (B. Theis)	401(b)(1) H&S 41701	Petitioner will exceed the opacity limit during the air show.	Not Opposed/Granted	SV granted commencing 4/28/06 and continuing through 4/30/06, the FCD.	Opacity: Excess of 40% not to exceed 10 minutes during any display.

Key to Acronyms

AOC: Alternative Operating Conditions
 CEMS: Continuous Emissions Monitoring System
 CO: Carbon Monoxide
 EV: Emergency Variance
 FCD: Final Compliance Date
 H&S: Health & Safety Code
 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
 Mod./Variance: Modification of a Variance
 NO_x: Oxides of Nitrogen
 O/A: Order for Abatement
 PM: Particulate Matter
 RV: Regular Variance
 SV: Short Variance
 TBD: To be determined
 TOC: Total Organic Compounds
 VOC: Volatile Organic Compound