

BOARD MEETING DATE: December 7, 2007

AGENDA NO. 15

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of October 1 through October 31, 2007.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

EC:rj

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2007** and **October 2007 Hearing Board Cases**.

The total number of appeals filed during the period October 1 to October 31, 2007 is 0, and the total number of appeals filed during the period of January 1 to October 31, 2007 is 10.

	2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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			1											1
3002(c)(1)				4	1	3		1	5	7	8			29
3002(c)(2)			2											2
H&S 39152(b)														0
H&S 41510														0
H&S 41700				1					1	1				3
H&S 41701				1	1				1	2	5			10

Report of October 2007 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. Air Products and Chemicals Inc. Case #4276-9A (E. Sernel)	203(b) 2004(f)(1) 431.1(d)(1)	Total sulfur analyzer serving hydrogen production plant failed and must be taken out of service to complete repairs.	Not Opposed/Granted	Ex Parte EV granted commencing 10/3/07 and continuing through 10/25/07.	None
2. Chevron Products Company Case #831-345 (C. Engelhardt)	203(b) 2004(f)(1) 2011(c)(2) 2012(c)(2)	Petitioner must replace the enclosure for its CEMS in order to comply with the National fire and electric codes. The CEMS must be taken out of service during the enclosure replacement.	Not Opposed/Granted	SV granted commencing 10/11/07 or upon the notice given pursuant to Condition No. 4 of the Order and shall continue for a period of forty-nine (49) days but in no event later than 12/31/07.	None
3. City of Pasadena Case #2244-24 (C. Engelhardt)	203(b) 3002(c)(1)	Petitioner cannot monitor for CO as required by the permit condition. The CO monitor has failed and the system has been sent to the manufacturer for repair.	Not Opposed/Granted	SV granted commencing 10/2/07 and continuing through 11/6/07.	None
4. ConocoPhillips Company Case #4900-84 (E. Sernel)	203(b) 401(b)(1) 404(a) 405(a) 2004(f)(1) H&S §41701	An unexpected power outage caused the shut down of various refinery units resulting in a flaring of gases.	Opposed/Granted	Ex Parte EV commencing for 96 hours in a window-of-time between 10/5/07 and 10/7/07. EV hearing scheduled for 10/10/07.	PM ¹⁰ : 0.5 ton/total Opacity: 80%
5. ConocoPhillips Company Case #4900-84 (N. Feldman)	203(b) 401(b)(1) 404(a) 405(a) 2004(f)(1) H&S §41701	An unexpected power outage caused the shut down of various refinery units resulting in a flaring of gases during shut down and startup.	Not Opposed/Granted	<u>Variance Period No. 1:</u> EV granted commencing 10/10/07 with respect to Rules 203(b) and 2004(f)(1) with respect to Section E, Conditions 2 and 4, and Section D, Conditions C12.1 of P/O No. 800363 and from Rule 401(b)(1) and California Health and Safety Code Section 41701 and continuing until 10/31/07. <u>Variance Period No. 2:</u> EV granted commencing on the date specified in the notice given to the Clerk of the Board pursuant to Condition No. 1 from Rules 203(b) and 2004(f)(1) with respect to Permit Condition E57-1 and Rules 404(a) and 405(a) continuing through 10/31/07, the FCD.	<u>Variance Period No. 2:</u> Rule 405(a)- PM-70 lbs/day Rule 404(a)- PM 30 lb/day Opacity: Up to 80% for 15 minutes/hour, any hour up to 3 weeks

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6. Inland Empire Regional Composting Authority Case #5657-1 (N. Feldman)	203(b) 1133(d)(8)	Petitioner failed to conduct a compliance source test within 180 days of startup as required by Rule 1133.2.	Not Opposed/Granted	IV granted commencing 10/15/07 and continuing for 90 days or until the RV hearing currently scheduled for 11/7/07, whichever comes first.	None
7. Mountainview Generating Station Case #5155-10 (N. Feldman)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner will install upgraded controller software on its generating equipment. The tune-up after installation of the software will require 9 hours more to accomplish and exceed the limit allowed by its permit.	No Position/Dismissed	IV dismissed without prejudice. The SV hearing scheduled for 10/31/07 taken off calendar.	N/A
8. Nickey Petroleum, Inc. Case #5659-1 (J. Panasiti)	461(c)	Mobile gasoline refueling unit does not comply with Rule 461(c).	Not Opposed/Denied	Ex Parte EV denied.	N/A
9. SCAQMD vs. Deluxe Laboratories Case #5654-1 (C. Engelhardt)	203(b) 3002(c)(1)	Respondent exceeds the permitted solvent usage limit for its film cleaning machines.	Stipulated/Issued	O/A issued commencing 10/2/07 and continuing through 4/30/09. The Hearing Board shall retain jurisdiction over this matter until 4/30/09.	
10. SCAQMD vs. Los Angeles County Sanitation District Case #3715-18 (E. Sernel)	203	Administrative issues prevented respondent from complying with intermediate increments of progress but not with the increment relating to the installation of new generators and removal of portable engines.	Stipulated/Issued	Mod. O/A issued commencing 10/30/07 and continuing through 1/10/10. The Hearing Board shall retain jurisdiction over this matter until 1/10/10.	N/A
11. SCAQMD vs. Lunday-Thagard Company Case #2033-10 (C. Engelhardt)	203(b) 2004(f)(1)	O/A modified to provide a new schedule for the installation and testing of control equipment and installation of monitoring equipment.	Stipulated/Issued	Mod. O/A issued commencing 10/3/07 and continuing through 11/129/07. The Hearing Board shall retain jurisdiction over this matter until 11/29/07.	N/A

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
12. Southern California Edison Case #1262-88 (N. Feldman)	203(b) 3002(c)(1)	Unexpected problems occurred in commissioning new gas turbine driven electric generators. Petitioner will exceed the number of startups per year specified in its permit.	Not Opposed/Granted	RV granted commencing 10/16/07 and continuing through 12/31/07, the FCD.	CO & NOX: TBD by 10/31/07.
13. Southern California Edison Case #1262-89 (N. Feldman)	203(b) 3002(c)(1)	Unexpected problems occurred with commissioning new gas turbine driven electric generators. Petitioner will exceed the number of startups per year specified in its permit.	Not Opposed/Granted	RV granted commencing 10/16/07 and continuing through 12/31/07, the FCD.	CO & NOX: TBD by 10/31/07.
14. Southern California Edison Case #1262-90 (N. Feldman)	203(b) 3002(c)(1)	Unexpected problems occurred with commissioning new gas turbine driven electric generators. Petitioner will exceed the number of startups per year specified in its permit.	Not Opposed/Granted	RV granted commencing 10/16/07 and continuing through 12/31/07, the FCD.	CO & NOX: TBD by 10/31/07.
15. Southern California Edison Case #1262-91 (N. Feldman)	203(b) 3002(c)(1)	Unexpected problems occurred with commissioning new gas turbine driven electric generators. Petitioner will exceed the number of startups per year specified in its permit.	Not Opposed/Granted	RV granted commencing 10/16/07 and continuing through 12/31/07, the FCD.	CO & NOX: TBD by 10/31/07.
16. Southern California Gas Company Case #137-65 (E. Sernel)	203(b) 2004(f)(1) 462(d)(1)(G)	Fire caused by a third party damaged and shut down petitioner's incinerator. The incinerator is used to process VOCs from the loading of crude oil to tanker trucks.	Not Opposed/Granted	IV granted commencing 10/10/07 and continuing for 90 days or until the RV hearing currently scheduled for 11/7/07, whichever comes first.	None
17. The Termo Company Case #3014-10 (J. Panasiti)	203(b) 463(c)(3)	A wild fire destroyed electrical lines rendering the vapor recovery system inoperative.	Not Opposed/Granted	Ex Parte EV granted commencing 10/24/07 and continuing for 30 days or until the SV hearing currently scheduled for 11/21/07, whichever comes first.	VOC: 33 lbs/day

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18. Ultramar, Inc. dba Valero Wilmington Refinery Case #3845-71 (S. Soule)	203(b) 401(b)(1) 407(a) 2004(f)(1) H&S Code Section 41701	Violations of various rules and permit conditions will occur when petitioner shuts down its facility to install a system for the reduction of air emission risks from the use of concentrated HF in its refining process.	Not Opposed/Granted	SV granted commencing 11/02/07 and continuing through 1/22/08.	NOX: 11.81 lbs/day CO: 1.53 lbs/day SOX: 36.84 lbs/day Opacity: Not to exceed the limit as set forth in the Permit to Operate No. 800026.
19. Ultramar Inc., dba Valero Wilmington Refinery Case #3845-72 (E. Sernel)	203(b) 2004(f)(1) H&S Code Section 41701 401(b)(1) 404(a) 405(a) 407(a) 409	An unexpected power outage caused the shut down of various refinery units resulting in a flaring of gases.	Not Opposed/Granted	Ex Parte EV granted commencing 10/5/07 and continuing through 10/8/07.	PM: 0.15 ton/day SO _x : 0.38 ton/day CO: 3.20 tons/day ROG: 0.54 ton/day NO _x : 0.59 ton/day
20. Verizon California, Inc. Case #5660-1 (J. Panasiti)	203(b)	Due to wildfires in the area, emergency power generators must be used in excess of the 200 hours per year permit limit to provide essential telecommunication services to the Lake Arrowhead community.	Not Opposed/Granted	Ex Parte EV granted commencing 10/26/07 and continuing for 30 days or until the SV hearing currently scheduled for 11/14/07, whichever comes first.	VOC: TBD

Key to Acronyms

ATCM: Air Toxics Control Measure
CEMS: Continuous Emissions Monitoring System
CO: Carbon Monoxide
DAHS: Data Acquisition and Handling System
EV: Emergency Variance
FCD: Final Compliance Date
ICE: Internal Combustion Engine
ISD: In-Station Diagnostic

MOD: O/A Modification of an Order for Abatement
NOx: Oxides of Nitrogen
O/A: Order for Abatement
ROG: Reactive Organic Gas
RV: Regular Variance
SCR: Selective Catalytic Reduction Unit
SV: Short Variance
TBD: To be determined