

BOARD MEETING DATE: June 1, 2007

AGENDA NO. 21

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of April 1 through April 30, 2007.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:

Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

rj

---

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

The total number of appeals filed during the period April 1 to April 30, 2007 is 2, and the total number of appeals filed during the period of January 1 to April 30, 2007 is 6.















## Report of April 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. Black Hills Ontario, LLC Case #5640-1 (E. Sernel)	203(b) 2004(f)(1) 2012(c)(2)(A) 3002(c)(1)	CEMS failed to accurately read calibration gases and could not be repaired within the grace period provided by Rule 2012.	Not Opposed/Granted	Ex Parte EV granted commencing 4/3/07 and continuing for 30 days or until the EV hearing currently scheduled for 4/12/07, whichever comes first.	None
2. BP West Coast Products LLC Case #5357-36 (A. Mednick)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner cannot meet 7/1/07 compliance date for installing and operating a flare monitoring system.	Not Opposed/Granted	RV granted commencing 7/1/07 and continuing through 9/1/08, the FCD.	None
3. BP West Coast Products LLC Case #5357-37 (C. Engelhardt)	203(b) 221(b) 1118(g)(1) 1173(e)(1) 1173(f)(1) 1173(i)(1) 2004(f)(1)	Petitioner must shut down natural gas supply line to install inspection equipment. During shutdown, petitioner will not have natural gas available for operation of equipment and flares.	Not Opposed/Granted	The short variance shall commence on the date that notice pursuant to Condition 1(b) is provided and continuing i) 21 days from the date of the notice under Condition 1(b) for the pipeline pig receiver installation; and ii) no more than 40 total days from the dates of the notices under Condition 1(b) for any required line repairs. The variance shall last for no more than 61 days total between 5/7/07 and 12/1/07.	TBD
4. Chevron Products Company Case #831-343 (A. Mednick)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner cannot meet 7/1/07 compliance date for installing and operating a flare monitoring system.	Not Opposed/Granted	RV granted commencing 7/1/07 and continuing through 9/1/08, the FCD.	None
5. ConocoPhillips Company Case #4900-78 (A. Mednick)	203(b) 1158(d)(2) 2004(f)(1)	FCCU shut down to repair leak in overhead line from FCCU. Opacity and PM <sub>10</sub> violations expected on restart of FCCU.	Not Opposed/Granted	MFCD/EXT granted commencing 4/19/07 and continuing through 7/31/07.	PM <sub>10</sub> 3.6 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. ConocoPhillips Company Case #4900-79 (A. Mednick)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner cannot meet 7/1/07 compliance date for installing and operating a flare monitoring system.	Not Opposed/Granted	RV granted commencing 7/1/07 and continuing through 9/1/08, the FCD.	None
7. ConocoPhillips Company Case #4900-80 (A. Mednick)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner cannot meet 7/1/07 compliance date for installing and operating a flare monitoring system.	Not Opposed/Granted	RV granted commencing 7/1/07 and continuing through 9/1/08, the FCD.	None
8. ConocoPhillips Company Case #4900-82 (S. Soule)	203(b) 401(b)(1) 404(a) 405(a) 2004(f)(1) H&S §41701	Additional unexpected work and time needed to complete repairing coke storage facility.	Not Opposed/Granted	Ex Parte EV granted commencing on the date specified in the notice to be given pursuant to Condition No. 3 and continuing for 30 days or until the SV hearing currently scheduled for 5/3/07, whichever comes first.	PM <sub>10</sub> 1,000 lbs/total for variance period Opacity 80%
9. Equilon Enterprises dba Shell Oil Products US Case #4982-76 (A. Mednick)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner cannot meet 7/1/07 compliance date for installing and operating a flare monitoring system.	Not Opposed/Granted	RV granted commencing 7/1/07 and continuing through 9/1/08, the FCD.	None
10. Equilon Enterprises dba Shell Oil Products US Case #4982-77 (A. Mednick)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner cannot meet 7/1/07 compliance date for installing and operating a flare monitoring system.	Not Opposed/Granted	RV granted commencing 7/1/07 and continuing through 9/1/08, the FCD.	None
11. ExxonMobil Oil Corporation Case #1183-414 (A. Mednick)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner cannot meet 7/1/07 compliance date for installing and operating a flare monitoring system.	Not Opposed/Granted	RV granted commencing 7/1/07 and continuing through 9/1/08, the FCD.	None
12. Flying J, Inc. Case #5642-1 (B. Theis)	202 203(b) 461(c)(2)(A) 1303(a)(1)	Petitioner wants to use uncertified GDF dispensers while awaiting CARB certification.	Opposed/Denied	Ex Parte EV denied.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
13. Paramount Petroleum Corporation Case #2914-87 (A. Mednick)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner cannot meet 7/1/07 compliance date for installing and operating a flare monitoring system.	Not Opposed/Granted	RV granted commencing 7/1/07 and continuing through 9/1/08, the FCD.	None
14. Paramount Petroleum Corporation Case #2914-88 (J. Panasiti)	2012(c)(3)(A)	Petitioner's new CEMS cannot transmit crude unit emission data to District.	Not Opposed/Granted	Ex Parte EV granted commencing 4/6/07 and continuing for 30 days or until the SV hearing currently scheduled for 5/1/07, whichever comes first.	None
15. SCAQMD vs. Alger Auto Body & Paint, Inc. Case #5637-1 (J. Panasiti)	109(c) 203(a) 1151 1171	Three NOVs have been issued for operating paint spray booth without permit to operate and failure to keep usage records. Respondent continues to operate in violation.	Not Stipulated/Issued	O/A issued commencing 4/11/07; the Hearing Board shall retain jurisdiction over this matter until 4/11/10.	
16. SCAQMD vs. Anthony D. Downing, individually and dba Kelly's Custom Paint & Body Case #5632-1 (J. Panasiti)	109(c) 203(a)	Respondent operating paint spray booth without permit to operate and has failed to maintain records as required.	Not Stipulated/Issued	O/A issued commencing 4/11/07; the Hearing Board shall retain jurisdiction over this matter until 4/11/10.	
17. SCAQMD vs. J. Pacific, Inc., Delta Dyeing & Finishing, and James Kim; as an individual Case #5046-2 (C. Engelhardt)	203(b) 1146(d)(6)	Respondent is operating boiler and dryers without permit to operate. Respondent using unauthorized fuel, has exceeded fuel consumption limit and has failed to properly maintain daily fuel usage records.	Not Stipulated/Issued	Mod. O/A issued commencing 4/12/07; the Hearing Board shall retain jurisdiction over this matter until 1/31/08.	
18. SCAQMD vs. Pacific Systems Electric, Inc. Case #5631-1 (B. Theis)	461(e)(3)(A)	Audit revealed respondent conducting performance and reverification tests at GDFs improperly.	Stipulated/Issued	O/A issued commencing 4/4/07; the Hearing Board shall retain jurisdiction over this matter until 4/4/10.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
19. SCAQMD vs. Prologis Park Redlands 5, LLC Case #5638-1 (A. Mednick)	203(a) 1470(c)(2)(C)(iv)	Respondent intends to install ICE to drive fire-fighting sprinkler system in warehouse it is building. ICE does not comply with current Rule 1470. Rule being considered for amendment that would bring ICE into compliance.	Stipulated/Issued	O/A issued commencing 4/12/07; the Hearing Board shall retain jurisdiction over this matter until 8/15/07.	
20. Ultramar Inc., dba Valero Wilmington Refinery Case #3845-69 (A. Mednick)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner cannot meet 7/1/07 compliance date for installing and operating a flare monitoring system.	Not Opposed/Granted	RV granted commencing 7/1/07 and continuing through 9/1/08, the FCD.	None

## Acronyms

CARB: California Air Resources Board  
 CEMS: Continuous Emissions Monitoring System  
 CO: Carbon Monoxide  
 EV: Emergency Variance  
 FCCU: Fluid Catalytic Cracking Unit  
 FCD: Final Compliance Date  
 GDF: Gasoline Dispensing Facility  
 H&S: Health & Safety Code  
 H2S: Hydrogen Sulfide  
 ICE: Internal Combustion Engine  
 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  
 NH3: Ammonia  
 NOV: Notice of Violation  
 NOx: Oxides of Nitrogen  
 O/A: Order for Abatement  
 PM: Particulate Matter  
 RV: Regular Variance  
 SCR: Selective Catalytic Reduction  
 SOx: Oxides of Sulfur  
 SV: Short Variance  
 TBD: To be determined  
 TOC: Total Organic Compounds  
 VOC: Volatile Organic Compound  
 VRS: Vapor Recovery System