

BOARD MEETING DATE: September 7, 2007

AGENDA NO. 18

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:

Receive and file this report.

Edward Camarena
Chairman of Hearing Board

RJ

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

The total number of appeals filed during the period June 1 to June 30, 2007 is 0; the total number of appeals filed during the period July 1 to July 31, 2007 is 2; and total number of appeals filed during the period of January 1 to July 31, 2007 is 10.

Report of June 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. ExxonMobil Oil Corporation Case #1183-418 (C. Engelhardt & H. Malinick)	203(b) 2004(f)(1)	Petitioner must shut down boiler for repair. During restart, SCR will not control NOx as required.	Opposed/Denied	SV denied.	
2. Lifoam Industries, LLC Case #5465-1 (Consent Calendar; No Appearance)	203(b) 1175(c)(2) 1175(c)(4)(B)(ii)(II) 2004(f)(1)	Petitioner is awaiting confirmation from District that test shows compliance.	Not Opposed/Granted	MFCD/EXT granted commencing 6/30/07 and continuing through 9/15/07.	VOC 154.8 lbs/day
3. Pacific Energy Resources, LTD Case #4636-13 (J. Panasiti)	203(b) 463(c)(3)(C) 1176(e)(2)(A) 1176(e)(6)(A) 2004(f)(1)	Change of ownership and additional time to install alternate controls.	Not Opposed/Granted	MFCD/EXT granted commencing 6/20/07 and continuing through 6/30/08.	VOC .023 lb/day
4. Riverside County Office of Education Case #5648-1 (J. Panasiti)	203(b) 1195	Rule 1195 exemption unexpectedly denied and will be in violation beginning 7/1/07. Buses needed to service students.	Not Opposed/Granted	Ex Parte EV granted commencing 6/29/07 and continuing for 30 days or until the SV hearing currently scheduled for 7/24/07, whichever comes first.	VOC: TBD
5. SCAQMD vs. County Sanitation Districts, Los Angeles County Case #3715-18 (E. Sernel)	203	Respondent must install non compliant backup portable ICE to minimize risk of sewage overflow in event of outage.	Stipulated/Issued	O/A issued commencing 6/7/07; the Hearing Board shall retain jurisdiction over this matter until 1/10/10.	
6. SCAQMD vs. Glaze 'N Seal Products Case #5636-1 (N. Feldman)	1113(c)(2) 1113(d)(3)	Respondent has been manufacturing, distributing and selling coatings with excess VOC and in improperly labeled containers.	Stipulated/Issued	O/A issued commencing 6/14/07; the Hearing Board shall retain jurisdiction over this matter until 1/15/08.	

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
H&S: Health & Safety Code
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
NOV: Notice of Violation
NOx: Oxides of Nitrogen
O/A: Order for Abatement

PM: Particulate Matter
RV: Regular Variance
SOx: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
VOC: Volatile Organic Compound
VRS: Vapor Recovery System

Report of July 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. Calhac, Inc. Case No. 5555-2 (N. Feldman)	203(b)	Valve malfunction resulted in damage to catalyst in control system serving paint spray booth.	Not Opposed/Dismissed	IV dismissed without prejudice for lack of Good Cause	
2. Insulfoam, LLC Case No. 5333-1 (A. Mednick)	202(c) 1175(c)(2) 1175(c)(4)(B) 3002(c)(1)	Extension of time for limited use of noncompliant beads requested by Respondent while awaiting rule amendment that would allow use of alternate compliance method.	Not Opposed/Granted	MFCD/EXT granted commencing 7/5/07 and continuing through 1/31/08, the FCD.	VOC: Up to 81 lbs/mo over 5 days per month
3. Riverside County Office of Education Case No. 5648-1 (C. Engelhardt)	1195	Noncompliant diesel buses in use by petitioner's contractor.	No Position/Denied	SV denied.	
4. SCAQMD vs. Breitburn Energy Company, LP Case No. 4358-4 (C. Engelhardt)	203(b) 1148.1 2004(f)(1)	Petitioner operating flare serving oil production activity beyond limits prescribed in permit.	Stipulated/Issued	Mod. O/A issued commencing 7/5/07 and continuing through 8/21/07, or upon Respondent's receipt of the Permit to Operate, whichever comes first. The Hearing Board shall retain jurisdiction over this matter until 9/1/07.	
5. SCAQMD vs. County Sanitation Districts, Los Angeles County Case No. 3715-18 (E. Sernel)	203	Respondent is upgrading backup pump systems at five water reclamation plants. Until new equipment is in and operating, respondent will rent and use backup equipment for a period exceeding 12 months. If used beyond 12 months, the equipment must obtain AQMD permits. The rental equipment cannot be issued a permit because the units do not comply with current BACT requirements and no compliant units serving the need are available.	Stipulated/Issued	Mod. O/A issued commencing 7/25/07 and continuing through 1/10/10. The Hearing Board shall retain jurisdiction over this matter until 1/10/10, or until all ten portable IC engines are removed from service, whichever occurs first.	

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6. SCAQMD vs. J Pacific, Inc., Delta Dyeing and Finishing and James Kim, as an individual Case No. 5046-2 (C. Engelhardt)	203(b) 1146(d)(6)	Additional time needed to facilitate installation of larger natural gas line to operate control system.	Not Stipulated/Issued	Mod. O/A issued commencing 7/11/07 and continuing through 1/31/08. The Hearing Board shall retain jurisdiction over this matter until 1/31/07.	
7. SCAQMD vs. Meridian Investment Group LLC, Orange Fuel, Saeid Vojdany and Shaun Setareh Case No. 5643-1 (C. Engelhardt)	203(a) 301(8) 461(c)(2)(A) 461(c)(2)(B) 1303(a)(1)	GDF will be in violation until a new VRS with EVR is installed and tested.	Stipulated/Issued	O/A issued commencing 7/25/07 and continuing through 1/31/08. The Hearing Board shall retain jurisdiction over this matter until 1/31/08.	
8. Warren E & P, Inc. Case No. 5649-1 (J. Panasiti)	203(b) 1173 1176	Respondent operating dry cleaning equipment without valid permit.	Opposed/Denied	Ex Parte/EV denied.	

Key to Acronyms

BACT: Best Available Control Technology
 EV: Emergency Variance
 EVR: Enhanced Vapor Recovery
 FCD: Final Compliance Date
 GDF: Gasoline Dispensing Facility
 IC: Internal Combustion
 IV: Interim Variance
 MFCD/EXT: Modification Final Compliance Date/Extension
 MOD. O/A: Modification Order for Abatement
 O/A: Order for Abatement
 RV: Regular Variance
 SV: Short Variance
 VOC: Volatile Organic Compound
 VRS: Vapor Recovery System
 TBD: To be determined