

BOARD MEETING DATE: June 6, 2008

AGENDA NO. 23

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of April 1 through April 30, 2008.

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 2008** and **April 2008 Hearing Board Cases**.

The total number of appeals filed during the period April 1 to April 30, 2008 is 0, and the total number of appeals filed during the period of January 1 to April 30, 2008 is 8.

Report of April 2008 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 #4276-10 (E. Sernel)	203(b) 431.1(d)(1) 2004(f)(1)	Sulfur fuel analyzer that measures sulfur content of refinery off-gas fuel is in need of repair. Analyzer must be taken out of service for diagnosis and repair.	Not Opposed/Granted	Ex Parte EV granted commencing 4/24/08 and continuing for 30 days or until the SV hearing currently scheduled for 5/22/08, whichever comes first.	None
2. Arakelian Enterprises, Inc. dba Athens Services Case #5655-3 (C. Engelhardt)	410(d)	Petitioner failed to comply with Rule 410 operational requirements for odor control.	Opposed/Dismissed	IV dismissed for lack of good cause.	N/A
3. BP West Coast Products, LLC Case #5357-44 (B. Theis)	203(b) 2004(f)(1)	Natural gas blanket over jet fuel in storage tank not normally used for that purpose results in out-of-spec jet fuel. Petitioner seeks to temporarily store low vapor pressure jet fuel in tank without VRS normally required for storage of higher vapor pressure products.	Opposed/Granted	RV granted commencing 4/17/08 and continuing through 1/7/09, the FCD.	VOC: 12.7 lbs/day
4. Corona City, Dept. of Water & Power Case #5595-3 (N. Feldman and J. Panasiti)	203(b) 2004(f)(1)	Source test of cogen facility showed VOC exceeding limits.	Opposed/Dismissed	IV dismissed without prejudice for lack of good cause.	N/A
5. Eastern Municipal Water District Case #4937-32 (J. Panasiti)	202(a) 203(b)	Flare serving water reclamation facility cannot comply with BACT NOx limit. Petitioner seeks to operate noncompliant flare to diagnose, repair and optimize flare performance.	Not Opposed/Granted	SV granted commencing 4/29/08 and continuing through 7/27/08.	NOx: 0.15 lb/hr

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6. ExxonMobil Oil Corporation Case #1183-425 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner needs to take blowers serving sulfur accumulator pits off line for maintenance.	Not Opposed/Granted	SV granted for two separate periods totaling 60 nonconsecutive hours. Each variance period shall begin at the times specified in the notices to be given regarding the two diversions of the crossover lines in Condition No. 2. The variance shall occur between 4/11/08 and 5/1/08.	None
7. ExxonMobil Oil Corporation Case #1183-426 (E. Sernel)	203(b) 401(b)(1) 2004(f)(1) H&S §41701	Petitioner requests variance to continue to operate regenerator with two ESP cells out of service until unit turnaround in October.	Not Opposed/Granted	Ex Parte EV granted commencing 4/24/08 and continuing for 30 days or until the EV hearing currently scheduled for 4/30/08, whichever comes first.	TBD by 5/9/08
8. ExxonMobil Oil Corporation Case #1183-426 (N. Feldman)	203(b) 2004(f)(1)	Petitioner requests variance to continue to operate regenerator with two ESP cells out of service until unit turnaround in October.	Not Opposed/Granted	IV granted commencing 4/30/08 and continuing for 90 days or until the RV hearing currently scheduled for 7/16/08, whichever comes first.	None
9. Gardner - Gibson, Inc. Case #5690-1 (E. Sernel)	203(b)	Petitioner exceeds usage limits in the manufacture of coatings and adhesives.	Opposed/Denied	Ex Parte denied.	N/A
10. Lifoam Industries, LLC Case #5465-3 (J. Panasiti)	202(b) 203(b) 2004(f)(1)	Seventeen year old boiler cannot meet new NOx and CO limits. Petitioner seeks to continue its use until replacement new boiler can be obtained.	Not Opposed/Granted	RV granted commencing 4/29/08 and continuing through 1/7/09, the FCD.	NOx: 4.8 lbs/day (low fire) NOx: 2.6 lbs/day (high fire) CO: 7.3 lbs/day (low fire) CO: 0 lbs/day (high fire)
11. Long Beach Generation LLC Case #5098-7 (Consent Calendar; J. Panasiti)	202(a) 2004(f)(1) 3002(c)(1)	Petitioner may exceed NOx and CO limits during tuning and testing of newly installed water injection control software for better NOx control.	Not Opposed/Granted	SV granted commencing 4/29/08 and continuing through 7/27/08.	NOx: 2.5 lbs/hr

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12. Lunday-Thagard Company Case #2033-17 (No Appearance; Consent Calendar)	202(b) 203(b) 2004(f)(1)	Petitioner needs to continue operating certain equipment at its facility while an appeal is pending.	Not Opposed/Granted	MFCD/EXT granted commencing 4/17/08 and continuing through 8/12/08.	VOC: 10 lbs/day
13. Metropolitan Stevedore Company Case #5266-3 (Consent Calendar; No Appearance)	1158(d)(2)	Petitioner seeks to transport coal in uncovered rail cars contrary to Rule 1158.	Not Opposed/Granted	RV granted commencing 4/10/08 and continuing through 10/31/08, the FCD.	None
14. SCAQMD vs. General Research Laboratories, Inc. Case #5678-2 (B. Theis)	1103(d)(2)	Pharmaceutical product manufacturer exceeds the daily VOC limit.	Stipulated/Issued	O/A issued commencing 4/9/08; the Hearing Board shall retain jurisdiction over this matter until 4/9/09.	N/A
15. SCAQMD vs. Southern California Edison Company Case #1262-93 (J. Panasiti)	202(a) 3002(c)(1)	Petitioner uses "black-start" generators to start turbines when no other power supply is available. This equipment must be readiness tested for greater amount of time than allowed by permit conditions and cannot comply with NOx hourly start limits.	Stipulated/Issued	O/A issued commencing 4/10/08; the Hearing Board shall retain jurisdiction over this matter until 10/9/08.	N/A
16. Southern California Edison Case #1262-92 (J. Panasiti)	202(a) 3002(c)(1)	Petitioner uses "black start" generators to start turbines when no other power supply is available. This equipment must be readiness tested for greater amount of time than allowed by permit conditions and cannot comply with NOx hourly start limits.	Opposed/Denied	RV denied.	N/A
17. St. Bernardine Medical Center Case #5661-1 (C. Engelhardt)	202(a) 203(b) 3002(c)(1)	ICEs that drive generators and associated cogen units were not tested within the time frame required by permit and thus cannot be operated. Petitioner needs to operate ICEs for testing and to complete commissioning process.	Not Opposed/Granted	SV granted commencing 4/15/08 and continuing through 7/14/08.	CO: 319 lbs/day for 3 days per engine NOx: 488 lbs/day for 3 days per engine VOC: 3.6 lbs/day for 3 days per engine

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
18. U.S. Government, Department of the Air Force, March Air Reserve Base Case #2051-26 (No Appearance; Consent Calendar)	401(b)(1) H&S §41701	Petitioner seeks to use outdoor simulated fires and explosions for air show.	Not Opposed/Granted	SV granted commencing 5/3/08 and continuing through 5/30/08.	Up to 40% total opacity for periods of up to 10 minutes during any display
19. Ultramar Inc. dba Valero Wilmington Refinery Case #3845-76 (C. Engelhardt)	203(b) 401(b)(1) 407(a) 2004(f)(1) H&S §41701	Petitioner needs to shut down FCCU and heat exchanger to repair leaks in the heat exchanger. Petitioner will violate conditions requiring all vent gases to be directed to VRS and may exceed CO limit when FCCU is brought in and out of idling mode.	Not Opposed/Granted	Ex Parte EV granted commencing 4/1/08 and continuing for 30 days or until the EV hearing currently scheduled for 4/9/08.	PM: 3.36 lbs/total NOx: 5.78 lbs/total ROG: 5.36 lbs/total CO: 44.88 lbs/total SOx-SO2: 56.61 lbs/ total
20. Verizon California Inc. Case #5660-2 (No Appearance; Consent Calendar)	203(b)	Emergency use of emergency generator in January and February caused it to exceed the 200-hour annual usage limit. Petitioner needs to periodically test the generator for readiness and each time it does so for the remainder of the year it will violate the 200-hour limit.	Not Opposed/Granted	RV granted commencing 4/8/08 and continuing through 12/31/08, the FCD.	PM: 3.784 lbs/total for variance period HC: 1.76 lbs/total for variance period CO: 10.56 lbs/total for variance period NOx: 161.48 lbs/total for variance period

Acronyms

BACT: Best Available Control Technology

CO: Carbon Monoxide

CEMS: Continuous Emissions Monitoring System

ESP: Electrostatic Precipitator

EV: Emergency Variance

FCCU: Fluid Catalytic Cracking Unit

FCD: Final Compliance Date

HC: Hydrocarbons

ICE: Internal Combustion Engine

IV: Interim Variance

MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance

Mod. O/A: Modification of 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

SO2: Sulfur Dioxide

SOx: Oxides of Sulfur

SV: Short Variance

TBD: To be determined

VRS: Vapor Recovery System

VOC: Volatile Organic Compounds