

BOARD MEETING DATE: March 7, 2008

AGENDA NO. 15

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of January 1 through January 31, 2008.

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 2008** and **January 2008 Hearing Board Cases**.

The total number of appeals filed during the period January 1 to January 31, 2008 is 5.

Report of January 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. ARCO Terminal Services Corporation Case #4545-10 (B. Theis)	203(b) 221(b) 462(d)(1)(B)	Petitioner seeks to continue truck loading operations while the VOC monitor is out-of-service for repairs.	Not Opposed/Granted	Ex Parte EV granted commencing 1/9/08 and continuing for 30 days or until the SV hearing currently scheduled for 2/5/08, whichever comes first.	None.
2. City of Vernon, Light and Power Department Case #4957-5 (B. Theis)	202(a) 203(b) 218(b)(2) 2004(f)(1) 3002(c)(1)	A short circuit caused the failure of the CO monitor. The monitor cannot be repaired within the grace period allowed by the rule.	Not Opposed/Granted	Ex Parte EV granted commencing 1/9/08 and continuing until 2/8/08.	None.
3. Costco Wholesale Corporation/Costco Gasoline Case #5055-5 (B. Theis)	203(b) 461 461(c)(3)(M) 461(e)(5)	The in-station diagnostic system is malfunctioning.	Stipulated/Issued	O/A issued commencing 1/29/08. The Hearing Board shall retain jurisdiction over this matter until 1/29/09.	N/A
4. Eastern Municipal Water District Case #4937-30 (J. Panasiti)	203(b)	The wastewater reclamation facility must continue operating while the odor scrubber is out-of-service for repairs.	Not Opposed/Granted	Ex Parte EV granted commencing 1/30/08 and continuing for 30 days or until the EV hearing currently scheduled for 2/5/08, whichever comes first.	H2S: TBD by 2/14/08.
5. Insulfoam, LLC Case #5333-1 (C. Engelhardt)	202(c) 1175(c)(2) 1175(c)(4)(B) 3002(c)(2)	The variance extension is needed to complete testing of the mid-pentane bead.	Not Opposed/Granted	MFCD/EXT granted commencing 1/29/08 and continuing through 6/30/08.	VOC: TBD by 2/13/08 (Not to exceed 27 lbs/day and 81 lbs/mo.)
6. Lunday-Thagard Company Case #2033-17 (C. Englehardt)	202(b) 203(b) 204 2004(f)(1)	The extension of time is required to install, maintain and operate the various pieces of equipment at a small refinery.	Not Opposed/Granted	MFCD/EXT granted commencing 1/15/08 and continuing through 2/29/08. MFCD/EXT hearing currently scheduled for 2/27/08.	VOC: 2 lbs/day for Rules 202(b), 203(b), 2004(f)(1) None: Rule 204
7. Lunday-Thagard Company Case #2033-20 (C. Engelhardt)	431.1(c)(2) 431.1(d)(1)	The new Sulfur Treat H2S Removal System failed the test for total sulfur concentration.	Opposed/Dismissed	IV was dismissed for lack of good cause. RV is currently scheduled for 3/4/08.	N/A
8. Metropolitan Stevedore Company Case #5266-3 (B. Theis)	1158(d)(2)	Coal stored in open rail cars.	Not Opposed/Granted	IV granted commencing 1/30/08 and continuing for 90 days or until the RV hearing currently scheduled for 3/18/08, whichever comes first.	None.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
9. Onsite Krushing Case #5679-1 (B. Theis)	203 401	Respondent operates two unregistered and unpermitted portable generators.	Opposed/Dismissed	Ex Parte EV dismissed without prejudice for insufficient evidence.	N/A
10. Oxbow Carbon & Minerals, LLC Case #5604-2 (B. Theis) (Consent Calendar Item)	203(b) 1158(d)(2)	Petitioner requests a variance to allow the testing of crusting agents to suppress dust from petroleum coke.	Not Opposed/Granted	SV granted commencing 1/8/08 and continuing through 4/7/08.	PM: 0.0364 Total
11. SCAQMD vs. Alloush Faud dba Ultramax, et. al. Case #5666-1 (E. Sernel)	203 461(c)(1)(B) 461(e)2)(A) 461(e)(2)(B)(i) 461(e)(3)	Respondent has failed to install and test Phase II Onboard Refueling Vapor Recovery System modifications.	Not Stipulated/Issued	O/A issued commencing 1/8/08. The Hearing Board shall retain jurisdiction over this matter until 3/15/09.	N/A
12. SCAQMD vs. City of West Covina, California Case #5664-1 (B. Theis)	1186.1	Respondent failed to contract for alternative-fueled street sweepers required by Rule 1186.1.	Stipulated/Issued	O/A issued commencing 1/22/08. The Hearing Board shall retain jurisdiction over this matter until 1/16/09.	N/A
13. SCAQMD vs. Metropolitan Stevedore Company Case #5266-2 (B. Theis)	1158(d)(2) 1158(d)(10)	Coke is transferred and stored in uncontrolled conditions.	Not Stipulated/Issued	O/A issued commencing 1/15/08. The Hearing Board shall retain jurisdiction over this matter until 11/4/08.	N/A
14. Ultramar, Inc. dba Valero Wilmington Refinery Case #3845-74 (B. Theis)	203(b) 401(b)(1) 407(a) 2004(f)(1)	The heat exchanger gaskets are leaking VOC despite repeated replacements and repairs.	Opposed/Dismissed	Ex Parte EV dismissed without prejudice.	N/A

Acronyms

CO: Carbon Monoxide
EV: Emergency Variance
FCD: Final Compliance Date
H&S: Health & Safety Code
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
NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM: Particulate Matter
ROG: Reactive Organic Gas

RV: Regular Variance
SCR: Selective Catalyst Reduction
SOx: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
VOC: Volatile Organic Compounds