

BOARD MEETING DATE: March 6, 2009

AGENDA NO. 14

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of January 1 through January 31, 2009.

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 2009** and **January 2009 Hearing Board Cases**.

The total number of appeals filed during the period January 1 to January 31, 2009 is 0.















## Report of January 2009 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. Equilon Enterprises LLC dba Shell Oil Products US Case #4982-80 (J. Panasiti)	202(a) 203(b) 462(d)(1)(A)(i)	VRS tank bladder serving bulk loading rack failed. Petitioner seeks to use permitted but not CARB certified thermal oxidizer to control VOCs while new bladder delivered and installed.	Not Opposed/Granted	Ex Parte EV granted commencing 1/30/09 and continuing for 30 days or until the IV hearing currently scheduled for 2/3/09, whichever comes first.	None
2. ExxonMobil Oil Corporation Case #1183-431 (T. Barrera)	203(b) 2004(f)(1)	CO boiler and SCR will be bypassed during startup of FCCU after turnaround during which new ESPs are tied in to FCCU flue gas system.	Not Opposed/Granted	SV granted commencing 1/27/09 and continuing through 4/15/09.	NOx: 4,297 lbs/total for the variance period
3. ExxonMobil Oil Corporation Case #1183-433 (No Appearance; Consent Calendar)	203(b) 2004(f)(1)	SCR will be bypassed while needed preventative inspection/maintenance performed on air pre- heater unit.	Not Opposed/Granted	SV granted for a period Of 96 consecutive hours commencing upon the date given pursuant to notification provided in variance Condition No. 1 and continuing through 3/5/09.	NOx: up to 4,608 lbs/ total for the variance period (96 hrs)
4. Inland Empire Energy Center, LLC Case #5695-4 (T. Barrera)	202(a) 218(c)(1)(A) 2004(f)(1) 3002(c)(1)	One unit of new power generating plant experienced damage during the commissioning process. Additional time needed to complete commissioning of new power generation plant.	Not Opposed/Granted	RV granted commencing 1/14/09 and continuing through 10/16/09, the FCD.	NOx: 5,131 lbs/total for the variance period  NH3: 575 lbs/total for the variance period  CO: 733 lbs/total for the variance period
5. Lunday-Thagard Company Case #2033-22 (No Appearance; Consent Calendar)	202(b) 2004(f)(1)	Petitioner must take incinerator out of service to install sulfur stack monitors required by Order for Abatement and RECLAIM rules.	Not Opposed/Granted	SV granted commencing 2/8/09 and continuing through 2/21/09.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. Pacific Energy Resources, Ltd. Case #4636-14 (T. Barrera)	203(b) 2004(f)(1) 2012(j)(2)	Offshore oil production turbine was not tested by 12/31/08.	Opposed/Dismissed	IV dismissed for lack of good cause.	N/A
7. Pacific Energy Resources, Ltd. Case #4636-14 (No Appearance; Consent Calendar)	203(b) 2004(f)(1) 2012(j)(2)	Offshore oil production turbine was not tested by 12/31/08.	Not Opposed/Granted	RV granted commencing 1/29/09 and continuing through 4/29/09, the FCD.	None
8. Paramount Petroleum Corporation Case #2914-95 (J. Panasiti)	202(a) 202(b) 203(b) 1118(c)(4) 1118(c)(5)	New FGRS will be brought online following refinery turnaround. Excess emissions may occur during startup and shakedown of new FGRS.	Not Opposed/Granted	SV shall commence upon the date specified in the notices to be given pursuant to variance Conditions Nos. 4, 5 & 8 and shall continue through 3/31/09.	PM10: 108 lbs/total for the variance period  NOx: 125 lbs/total for the variance period  ROG: 42 lbs/total for the variance period  CO: 242 lbs/total for the variance period  SOx: 600 lbs/total for the variance period
9. Paramount Petroleum Corporation Case #2914-93 (No Appearance; Consent Calendar)	203(b) 2004(f)(1) 2012(c)(2)(A)	Petitioner seeks to use bypass stacks during refinery turnaround. Petitioner seeks to use bypass stacks primarily during maintenance period when no fuel will be combusted, as well as, for two hours during startup following the turnaround.	Not Opposed/Granted	RV granted commencing 1/29/09 and continuing through 2/28/09, the FCD.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
10. SCAQMD vs. Athens Services Case #5655-2 (C. Engelhardt)	402	Parties jointly requested short extension while conditions for longer extension negotiated.	Stipulated/Issued	Mod. O/A issued commencing 1/14/09. The Hearing Board shall retain jurisdiction over this matter until 1/28/09.	N/A
11. SCAQMD vs. Athens Services Case #5655-2 (C. Engelhardt)	402	Petitioner requested modification to allow stepwise throughput increase based on successful compliance.	Stipulated/Issued	Mod. O/A issued commencing 1/27/09. The Hearing Board shall retain jurisdiction over this matter until two weeks following the date when the East Tunnel Enclosure with Automatic Door and the Transfer Trailer Enclosure are completed and approved pursuant to Section 2(d) and 4 of the Stipulation to Modify and Extend Abatement Order.	N/A
12. SCAQMD vs. Jan's Energy Inc. dba Magic Gas Station Case #5714-1 (T. Barrera)	203(a) 461(e)(7)	Respondent operating gasoline dispensing facility without permit and has failed to keep records as required.	Not Stipulated/Issued	O/A issued commencing 1/29/09. The Hearing Board shall retain jurisdiction over this matter until 1/29/11.	N/A
13. SCAQMD vs. KUA Industry, Inc., dba Rancho Duarte Golf Course Case #5612-1 (C. Engelhardt)	203(b) 1150.1	Operator of closed landfill gas recovery and disposal system continues in noncompliance. O/A modified to require Alternative Compliance Plan submittal.	Stipulated/Issued	Mod. O/A issued commencing 1/20/09. The Hearing Board shall retain jurisdiction over this matter until 2/28/10.	N/A
14. SCAQMD vs. Sara Lee Food and Beverage Case #5096-1 (Consent Calendar; No Appearance)	203(a) 203(b)	Respondent operating various commercial baking equipment without permit to operate.	Stipulated/Issued	O/A issued commencing 1/27/09. The Hearing Board shall retain jurisdiction over this matter until 1/30/10.	N/A
15. Waste Management Disposal & Recycling Services, Inc. (Bradley) Case #3824-10A (Consent Calendar; No Appearance)	203(b) 218(b)(2) 218.1(b)(4)(C) 1110.2(f)(1)(A)(iii)(I) 3002(c)(1)	Catastrophic breakdown of ICE and landfill gas flow problems prevented testing of CEMS by end of fiscal year.	Not Opposed/Granted	RV granted commencing 12/29/08 and continuing through 10/30/09, the FCD.	None

## **Acronyms**

CARB: California Air Resources Board  
CEMS: Continuous Emissions Monitoring System  
CO: Carbon Monoxide  
ESP: Electrostatic Precipitator  
EV: Emergency Variance  
FGRS: Flare Gas Recovery System  
FCCU: Fluid Catalytic Cracking Unit  
FCD: Final Compliance Date  
GDF: Gasoline Dispensing Facility  
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  
NH<sub>3</sub>: Ammonia  
NOV: Notice of Violation  
NO<sub>x</sub>: Oxides of Nitrogen  
O/A: Order for Abatement  
PM: Particulate Matter  
RECLAIM: Regional Clean Air Incentives Market  
ROG: Reactive Organic Gas  
RV: Regular Variance  
SCR: Selective Catalytic Reduction  
SO<sub>x</sub>: Oxides of Sulfur  
SV: Short Variance  
TBD: To be determined  
TOC: Total Organic Compounds  
VOC: Volatile Organic Compound  
VRS: Vapor Recovery System