

BOARD MEETING DATE: May 1, 2009

AGENDA NO. 21

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:

Receive and file this report.

Edward Camarena
Chairman of Hearing Board

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Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2009** and **March 2009 Hearing Board Cases**.

The total number of appeals filed during the period March 1 to March 31, 2009 is 2, and the total number of appeals filed during the period of January 1 to March 31, 2009 is 7.

Report of March 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. Bicent (California) Malburg LLC Case #5727-1 (J. Panasiti)	203(b) 2004(f)(1) 3002(c)(1)	NOx and CO limits cannot be maintained at all load levels required for reliability testing.	Opposed/Granted	SV granted commencing 3/12/09 and continuing through 3/27/09.	NOx: TBD CO: TBD by 3/27/09
2. Chevron Products Company Case #831-351 (N. Feldman)	203(b) 401(b) 2004(f)(1) H&S 41701	SCR must be taken out of service for leak repair while the FCCU continues to operate.	Not Opposed/Granted	Ex Parte EV granted commencing 3/13/09 and continuing through 4/11/09.	Opacity: Up to 20%
3. City of Pasadena Water & Power Department Case #2244-26 (Consent Calendar Item) (J. Panasiti)	203(b) 2004(f)(1) 2012(c)(2)(A) 3002(c)(1)	RATA test cannot be performed on power generating equipment by end of quarter because the plant has been out of service since November 2008 and is not expected to operate until summer 2009.	Not Opposed/Granted	RV granted commencing 3/19/09 and continuing through 9/30/09, the FCD.	None
4. Eastern Municipal Water District Case #4937-34 (J. Panasiti)	203(b)	Petitioner needs to shut down the digester and vent remaining gas to conduct preventive maintenance.	Not Opposed/Granted	SV granted commencing on the date specified in the notice to be given pursuant to Condition 1A of this variance and continue for 72 hours to occur between 3/13/09 and 4/24/09.	H2S: TBD by 3/28/09
5. Eastern Municipal Water District Case #4937-35 (C. Engelhardt)	203(b)	A caustic scrubber serving the waste water treatment plant must be taken out of service to conduct repairs.	Not Opposed/Granted	Ex Parte EV granted commencing 3/17/09 and continuing for 30 days or until the SV hearing currently scheduled for 4/2/09, whichever comes first.	H2S: TBD by 4/2/09
6. Higgins Brick Company Case #5140-3 (E. Sernel)	203(b) 2004(f)(1) 3002(c)(1)	A prior test shows petitioner will violate NOx limits during start up of the kiln. Petitioner needs to operate the equipment to trouble shoot, repair and retest.	Not Opposed/Granted	SV granted commencing 3/26/09 and continuing through 4/30/09.	NOx: 6.7 lbs/day

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7. Inland Empire Energy Center, LLC Case #5695-5 (T. Barrera)	203(b) 2004(f)(1) 3002(c)(1)	New combined cycle power plant cannot meet CO emission limits during startup/shutdown.	Not Opposed/Granted	RV granted commencing 3/31/09 and continuing through 9/30/09, the FCD.	CO: 280 lbs/hr.
8. Inland Empire Regional Composting Authority Case #5657-2 (E. Sernel)	203(b)	VOC mass emission limit exceeded from biosolids composting facility's biofilter.	Not Opposed/Granted	IV granted commencing 3/26/09 and continuing for 60 days or until the RV currently scheduled for 5/12/09, whichever comes first.	VOC: 132 lbs/day
9. Long Beach Generation, LLC Case #5098-8 (T. Barrera)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Petitioner seeks to operate the power plant during limited circumstances while it continues to diagnose and correct problems with the emissions control system, which occur while system is "ramping" up or down.	Not Opposed/Granted	M/E granted commencing 3/31/09 and continuing through 8/30/09 unless petitioner provides notice per variance condition No. 9 in which case the FCD shall be no later than 10/31/09.	NO _x : Up to 30.5 lbs/hr. for a maximum of 170 testing hours up to 13.2 lbs/hr. during commercial operation of the plant.
10. Lunday-Thagard Company Case #2033-17 (Consent Calendar Item) (C. Engelhardt)	202(b) 203(b) 2004(f)(1)	Parties have resolved all issues, except for the quantity of offsets petitioner will be required to purchase to support throughput increases. Additional time is needed to resolve this issue.	Not Opposed/Granted	M/E granted commencing 3/10/09 and continuing through 8/30/09.	VOC: 1 lb/day
11. Lunday-Thagard Company Case #2033-23 (N. Feldman)	202(b) 203(b) 2004(f)(1) Reg. IX [40 CFR, Subpart J]	Vapors from the storage tanks must be combusted in the incinerator but are exceeding the 200 ppm limit for H ₂ S.	Opposed/Denied	Ex Parte EV denied.	N/A
12. OC Waste & Recycling Case #5710-1 (E. Sernel)	203(b) 1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6) 1150.1(e)(1)(B)(C) 1150.1(e)(2)(B)(C) 1150.1(e)(3)(B)(C)	A wildfire in November 2008 destroyed the landfill gas collection and disposal system. Repairs cannot be completed within the time provided by the previously issued SV.	Not Opposed/Granted	RV granted commencing 3/17/09 and continuing through 7/31/09, the FCD.	NMOC: TBD by 4/1/09
13. Paramount Petroleum Corporation Case #2914-96 (J. Panasiti)	203(b) 2004(f)(1) 2012(c)(2)(A)	Bypass stacks are not equipped with CEMS as required by Rule 2012.	Opposed/No Action	No action taken on the IV. RV scheduled for 4/14/09.	N/A

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
14. Riverside City-Water Quality Control Case #5674-2 (C. Engelhardt)	203(b) 1110.2(d)(1)(C)	Cogen engines serving the waste water treatment facility exceed Rule 1110.2 NOx limits.	No Position/Denied	SV denied.	N/A
15. Siemens Water Technologies Corp. Case #5729-1 (J. Panasiti)	203(b)	The monitor serving the emission controls equipment at hazardous waste treatment, storage and disposal facility failed.	Not Opposed/Granted	Ex Parte EV granted commencing 3/3/09 and continuing for 30 days or until the SV hearing currently scheduled for 3/31/09, whichever comes first.	None
16. Siemens Water Technologies Corp. Case #5729-1 (T. Barrera)	203(b)	The monitor serving the emission controls equipment at hazardous waste treatment, storage and disposal facility failed.	Not Opposed/Granted	SV granted commencing 3/31/09 and continuing through 6/29/09.	None

Acronyms

CEMS: Continuous Emissions Monitoring System
CO: Carbon Monoxide
CO2: Carbon Dioxide
ESP: Electrostatic Static Precipitator
EV: Emergency Variance
FCCU: Fluid Catalytic Combustion Unit
FCD: Final Compliance Date
H&S: Health & Safety Code Section
H2S: Hydrogen Sulfide
ICE: Internal Combustion Engine
IV: Interim Variance
M/E: Modification and Extension
N/A: Not Applicable
NO_x: Oxides of Nitrogen
NMOC: Non Methane Organic Compounds
O/A: Order for Abatement
PM: Particulate Matter
RATA: Relative Accuracy Test Audit
RV: Regular Variance
SCR: Selective Catalyst Reduction
SO_x: Oxides of Sulfur
SV: Short Variance
TBD: To Be Determined
VRS: Vapor Recovery System
VOC: Volatile Organic Compounds