

BOARD MEETING DATE: April 2, 2010

AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of February 1 through February 28, 2010.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

SM

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2010** and **February 2010 Hearing Board Cases**.

The total number of appeals filed during the period February 1 to February 28, 2010 is 4; and total number of appeals filed during the period of January 1 to February 28, 2010 is 7.

410(d)		0
430(b)(3)(A)(iv)		0
431.1	1	1
431.1		0
431.1(c)(1)		0
431.1(c)(2)		0
431.1(c)(3)(C)		0
431.1(d)(1)		0
431.1(d)(1), Att A(1)		0
442		0
444		0
444(a)		0
444(c)		0
444(d)		0
461		0
461(c)(1)		0
461(c)(1)(A)		0
461(c)(1)(B)		0
461(c)(1)(C)		0
461(c)(1)(E)		0
461(c)(1)(F)(i)		0
461(c)(1)(F)(iv)		0
461(c)(1)(F)(v)		0
461(c)(1)(H)		0
461(c)(2)		0
461(c)(2)(A)		0
461(c)(2)(B)		0
461(c)(2)(C)		0
461(c)(3)		0
461(c)(3)(A)		0
461(c)(3)(B)		0
461(c)(3)(C)		0
461(c)(3)(D)(ii)		0
461(c)(3)(E)		0
461(c)(3)(H)		0
461(c)(3)(M)		0
461(c)(4)(B)		0
461(c)(4)(B)(ii)		0
461(d)(5)(A)		0
461(e)(1)		0
461(e)(2)		0
461(e)(2)(A)		0
461(e)(2)(A)(i)		0
461(e)(2)(B)(i)		0
461(e)(2)(C)		0
461(e)(3)		0
461(e)(3)(A)		0
461(e)(3)(C)(i)(I)		0
461(e)(3)(D)		0
461(e)(3)(E)		0

461(e)(5)		0
461(e)(7)		0
462	1	1
462(c)(4)(B)(i)		0
462(c)(7)(A)(ii)		0
462(d)		0
462(d)(1)		0
462(d)(1)(A)		0
462(d)(1)(A)(i)		0
462(d)(1)(B)		0
462(d)(1)(C)		0
462(d)(1)(E)(ii)		0
462(d)(1)(F)		0
462(d)(1)(G)		0
462(d)(2)(A)(i)		0
462(e)(1)		0
462(e)(1)(E)		0
462(e)(1)(E)(ii)		0
462(e)(1)(E)(i)(II)		0
462(e)(2)(A)(i)		0
462(e)(4)		0
462(h)(1)		0
463		0
463(c)		0
463(c)(1)	1	1
463(c)(1)(A)(I)-(iv)		0
463(c)(1)(B)		0
463(c)(1)(C)		0
463(c)(1)(D)	1	1
463(c)(1)(E)		0
463(c)(2)		0
463(c)(2)(B)		0
463(c)(2)(C)		0
463(c)(3)		0
463(c)(3)(A)		0
463(c)(3)(B)		0
463(c)(3)(C)		0
463(d)		0
463(d)(2)		0
463(e)(3)(C)		0
463(e)(4)	1	1
463(e)(5)(C)		0
463(g)		0
464(b)		0
468		0
468(a)		0
468(b)	1	1
1102		0
1102(c)(2)		0
1102(c)(5)		0

1103(d)(2)		0
1105.1(d)(1)(A)(i)		0
1105.1(d)(1)(A)(iii)		0
1106(c)(1)		0
1106.1(c)(1)		0
1106.1(c)(1)(A)		0
1107(c)(1)		0
1107(c)(2)		0
1107(c)(7)		0
1107(d)		0
1110.1		0
1110.2		0
1110.2(c)(14)		0
1110.2(d)(1)		0
1110.2(d)(1)(A)		0
1110.2(d)(1)(B)(ii)		0
1110.2(d)(1)(C)		0
1110.2(d)(1)(D)		0
1110.2(d)(1)(E)		0
1110.2(e)(1)(A)		0
1110.2(e)(1)(B)(i)(II)		0
1110.2(e)(1)(B)(i)(III)		0
1110.2(e)(4)(B)		0
1110.2(f)		0
1110.2(f)(1)(A)		0
1110.2(f)(1)(A)(iii)(I)		0
1113(c)(2)		0
1113(d)(3)		0
1118(c)(4)		0
1118(c)(5)		0
1118(d)(1)(2)		0
1118(d)(1)(2)		0
1118(d)(2)		0
1118(d)(3)		0
1118(d)(4)(B)		0
1118(d)(5)(A)		0
1118(d)(5)(B)		0
1118(d)(10)		0
1118(d)(12)		0
1118(e)		0
1118(g)(1)	1	1
1118(g)(3)		0
1118(i)(5)(B)(i)	1	1
1118(i)(5)(B)(ii)		0
1118(j)(1)(A)(ii)	1	1
1118(j)(1)(B)(ii)	1	1
1118(j)(1)(C)		0
1121(c)(2)(C)		0
1121(c)(3)		0
1121(c)(6)		0

1121(c)(7)	0
1121(c)(8)	0
1121(e)(3)	0
1121(h)	0
1121(h)(1)	0
1121(h)(2)	0
1121(h)(3)	0
1122(c)(2)(A)	0
1122(c)(2)(E)	0
1122(d)(1)(A)	0
1122(d)(1)(B)	0
1122(d)(3)	0
1122(e)(2)(A)	0
1122(e)(2)(B)	0
1122(e)(2)(C)	0
1122(e)(2)(D)	0
1122(e)(3)	0
1122(e)(4)(A)	0
1122(e)(4)(B)	0
1122(g)(3)	0
1122(j)	0
1124	0
1124(c)(1)(A)	0
1124(c)(1)(E)	0
1124(c)(4)	0
1125(c)(1)	0
1125(c)(1)(C)	0
1125(c)(2)	0
1128(c)(1)	0
1128(c)(2)	0
1130	0
1130(c)(1)	0
1130(c)(4)	0
1131	0
1131(d)	0
1132(d)(2)	0
1132(d)(3)	0
1133(d)(8)	0
1133.2(d)(8)	0
1134(c)	0
1134(c)(1)	0
1134(d)	0
1134(d)(1)	0
1134(d)(2)(B)(ii)	0
1134(f)	0
1134(g)(2)	0
1135(c)(3)	0
1135(c)(3)(B)	0
1135(c)(3)(C)	0
1135(c)(4)	0

1135(c)(4)(D)		0
1136		0
1145(c)(2)		0
1136(c)(1)(A)(i)		0
1137(d)(2)		0
1145(c)(1)		0
1145(c)(2)		0
1145(g)(2)		0
1145(h)(1)(E)		0
1146(c)(7)(B)		0
1146.1(e)(1)		0
1150.1(d)(5)		0
1150.1(d)(6)		0
1150.1(e)		0
1150.1(e)(1)(C)		0
1150.1(e)(2)		0
1150.1(e)(2)(C)		0
1146		0
1146(c)(3)(A)		0
1146(c)(5)		0
1146(d)(6)		0
1146.1		0
1146.1(a)(2)		0
1146.1(a)(8)		0
1146.1(b)		0
1146.1(c)(1)		0
1146.1(c)(2)(B)		0
1146.1(c)(3)		0
1146.1(e)		0
1146.1(e)(1)(B)		0
1146.2		0
1146.2(c)(1)		0
1148.1(d)(6)		0
1150.1	1	1
1150.1(d)(C)(i)		0
1150.1(d)(1)(C)(i)		0
1150.1(d)(4)		0
1150.1(d)(5)		0
1150.1(d)(6)		0
1150.1(d)(7)		0
1150.1(e)		0
1150.1(e)(1)		0
1150.1(e)(2)		0
1150.1(e)(3)		0
1150.1(e)(1)(B)(C)		0
1150.1(e)(1)(C)	1	1
1151.1(e)(2)(B)(C)		0
1150.1(e)(2)(C)		0
1150.1(e)(3)(B)		0
1150.1(e)(3)(B)(C)		0

1150.1(e)(3)(C)	0
1150.1(e)(4)	0
1150.1(e)(6)(A)(I)	0
1150.1(e)(6)(A)(ii)	0
1150.1(f)(1)(A)(iii)(I)	0
1150.1(f)(1)(H)(i)	0
1151	0
1151(c)(8)	0
1151(2)	0
1151(5)	0
1151(d)(1)	0
1151(e)(1)	0
1151(e)(2)	0
1151(f)(1)	0
1153(c)(1)	0
1153(c)(1)(B)	0
1156(d)(5)(C)(i)	0
1158	0
1158(d)(2)	0
1158(d)(5)	0
1158(d)(7)	0
1158(d)(7)(A)(ii)	0
1158(d)(10)	0
1164(c)(1)(B)	0
1164(c)(2)	0
1166(c)(2)	0
1166(c)(2)(F)	0
1168	0
1168(c)(1)	0
1168(h)(2)	0
1171	0
1171(c)	0
1171(c)(1)	0
1171(c)(1)(A)(i)	0
1171(c)(1)(b)(i)	0
1171(c)(4)	0
1171(c)(5)	0
1171(c)(5)(A)(i)	0
1171(c)(6)	0
1173	0
1173(c)	0
1173(d)	0
1173(e)(1)	0
1173(f)(1)	0
1173(g)	0
1175	0
1175(c)(2)	1
1175(c)(4)(B)	0
1175(c)(4)(B)(i)	0
1175(c)(4)(B)(ii)	0

1175(c)(4)(B)(ii)(I)		0
1175(c)(4)(B)(ii)(II)		0
1175(d)(4)(ii)(II)		0
1176		0
1176(e)		0
1176(e)(1)		0
1176(e)(2)		0
1176(e)(2)(A)		0
1176(e)(2)(A)(ii)		0
1176(e)(6)(A)		0
1178(d)(1)(A)(xiii)	1	1
1178(d)(1)(A)(xiv)	1	1
1178(d)(1)(B)	1	1
1176(f)		0
1178(d)(1)(C)	1	1
1178(d)(3)(C)		0
1178(d)(3)(D)		0
1178(d)(3)(E)		0
1178(d)(4)(A)(i)		0
1178(g)		0
1186.1		0
1186.1		0
1189(c)(3)		0
1195		0
1195(d)(1)(D)		0
1303	1	1
1303(a)(1)		0
1303(a)(2)		0
1401	1	1
1401(d)(1)		0
1401(d)(1)(A)		0
1401(d)(1)(B)		0
1405(d)(3)(C)		0
1407(d)		0
1407(d)(1)		0
1407(d)(2)		0
1407(d)(4)		0
1407(f)(1)		0
1415(d)(3)		0
1418(d)(2)(A)		0
1420		0
1420(g)		0
1421(d)		0
1421(d)(1)(C)		0
1421(d)(1)(G)		0
1421(d)(3)(A)		0
1421(e)(2)(c)		0
1421(e)(1)(A)(vii)		0
1421(e)(3)(B)		0
1421(h)(1)(A)		0

1421(h)(1)(B)				0
1421(h)(1)(C)				0
1421(h)(1)(E)				0
1421(h)(3)				0
1421(i)(1)(C)				0
1425(d)(1)(A)				0
1469				0
1469(c)				0
1469(c)(8)				0
1469(c)(11)(A)				0
1469(d)(5)				0
1469(e)(1)				0
1469(e)(2)				0
1469(g)(2)				0
1469(h)				0
1469(l)				0
1469(j)(4)(A)				0
1469(j)(4)(D)				0
1469(k)(3)(A)				0
1470				0
1470(c)(8)(c)(iii)(II)				0
1470(c)(2)(C)(iv)				0
1470(c)(3)(B)				0
1470(c)(3)(C)				0
1470(c)(9)				0
2004		1		1
2004(b)(1)				0
2004(b)(4)				0
2004(c)(1)				0
2004(c)(1)(C)				0
2004(f)(1)		10	3	13
2004(k)				0
2005				0
2009(b)(2)				0
2009(c)				0
2009(f)(1)				0
2009(f)(2)				0
2009.1				0
2009.1(c)				0
2009.1(f)(1)				0
2009.1(f)(2)				0
2009.1(f)(3)				0
2011			1	1
2011 Attachment C				0
2011(c)(2)				0
2011(c)(2)(A)				0
2011(c)(2)(B)				0
2011(c)(3)(A)				0
2011(e)(1)				0
2011(f)(3)				0

2011(g)		0
2011(g)(1)		0
2011(k)		0
2011(k) Appen. A, Chap. 2, except E & Attach C		0
2011(k) Appen. A, Chap. 2, Section A.3 a-c, A.5 and B. 1-4 and Appen. A, Chap. 2, Section C.2.a, c & d		0
2011(k) Appen. A, Chap. 2, Sections A.3.,a.-c.,e.g. and B.1.-4		0
2012	1	1
2012 Attach. C, B.2.a		0
2012 Appen. A, Attach. C, Section B.2		0
2012 Appen. A, Attach. C, Section B.2.a. & b.		0
2012 Appen. A		0
2012 Appen. A, Chap. 2		0
2012 Appen A, Chap. 2, Sec. A		0
2012 Appen A, Chap. 2, Sec. A1.g.		0
2012 Appen A, Chap. 2, Sec. B		0
2012 Appen A, Chap. 4.A.4		0
2012(c)(2)		0
2012(c)(2)(A)		0
2012(c)(2)(B)		0
2012(c)(3)		0
2012(c)(3)(A)		0
2012(c)(3)(B)		0
2012(c)(10)		0
2012(d)(2)		0
2012(d)(2)(A)		0
2012(d)(2)(D)		0
2012(e)(2)(B)		0
2012(g)(1)		0
2012(g)(3)		0
2012(h)(3)		0
2012(h)(4)		0
2012(h)(5)		0
2012(h)(6)		0
2012(i)		0
2012(j)(1)		0
2012(j)(2)		0
2012, Protocol (Appen. A) Chap. 2, Part A.1.a		0
2012, Protocol (Appen. A) Chap. 2, Part B.4		0
2012(m)		0
2012(m) Appen. A, Chp 2, except Sections E & Attach C.		0
2012(m) Appen. A, Attach. C		0
2012(m) Appen. A, Chap. 2, Sections 2.A.1 a-c, e.g. and B. 1-4 and Appendix A, Chapter 3, Section C.2 a, c & d		0
2012(m) Appen. A, Chap 3, Section (A)(6)		0
2012(m) Appen. A, Chap 5, Para G, Table 5B and Att. D		0
3002	2	2
3002(c)		0
3002(c)(1)	7	7
3002(c)(2)		0

Report of February 2010 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. Breitburn Energy Company LLC Case No. 4358-8 (J. Panasiti)	203(b)	Petitioner disposes of its produced gas from oil field production by sending it to adjoining oil production operator who disposes of it by using it as fuel. Adjoining oil field operator discontinued accepting petitioner's produced gas and petitioner had no compliant disposal alternative.	Not Opposed/Granted	Ex Parte EV granted commencing 2/12/10 and continuing through 3/3/10. SV currently scheduled for 3/2/10.	None
2. Chevron Products Company Case No. 831-343 (T. Barrera)	N/A	On restart of boiler after repairs, SCR cannot be immediately operative until it reaches minimum operating temperature.	Opposed/Granted	Ex Parte EV granted to extend Increment of Progress (iv) Device No. C3012 extended through 3/4/10.	N/A
3. City of Torrance Case No. 5752-1 (E. Sernel)	1150.1(e)(1)(C)	Petitioner has failed to properly maintain and operate LFG recovery and disposal system.	No Position/Denied	RV denied for lack of beyond reasonable control.	N/A
4. ExxonMobil Oil Corporation Case No. 1183-446 (E. Sernel)	202(a) 203(b) 2004(f)(1)	On restart of boiler after repairs, SCR cannot be immediately operative until it reaches minimum operating temperature.	Not Opposed/Granted	AOC granted for 30 non-consecutive hours commencing 2/18/10 and continuing through 2/28/10.	None
5. Ishkhan Sahagian Case No. 5748-1 (T. Barrera)	N/A	Petitioner alleges EO improperly denied permit to operate.	Opposed/ Upheld	Appeal Denial of Issuance of Permit to Construct and Permit to Operate upheld.	N/A
6. Lunday-Thagard Company Case No. 2033-17 (Consent Calendar C. Engelhardt)	202(b) 203(b) 2004(f)(1)	Petitioner seeks extension of final compliance date pending issuance of permit granting throughput limit increase.	Not Opposed/Granted	MFCD/EXT granted commencing 2/11/10 and continuing through 4/15/10, the FCD.	VOC: 2 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
7. SCAQMD vs. Lunday- Thagard Company Case No. 2033-10A (Consent Calendar C. Engelhardt)	203(b) 431.1 462 2004(f)(1) 2011 Reg. IX, 40 CFR Part 60, Subpart J	Petitioner awaiting EPA approval of Alternative Monitoring Plan to achieve SOx RECLAIM compliance.	Stipulated/Issued	Mod O/A issued commencing 2/11/10 and continuing through 7/22/10. The Hearing Board shall retain jurisdiction over this matter until 7/22/10.	N/A

Acronyms

CEMS: Continuous Emissions Monitoring System
CFR: Code of Federal Regulations
CO: Carbon Monoxide
EV: Emergency Variance
FCCU: Fluid Catalytic Cracking Unit
FCD: Final Compliance Date
HC: Hydrocarbons
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 Order for Abatement
N/A : Not Applicable
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
VOC: Volatile Organic Compounds