

BOARD MEETING DATE: September 10, 2010

AGENDA NO. 17

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of June 1 through July 31, 2010.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

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

The total number of appeals filed during the period June 1 to July 31, 2010 is 0; and total number of appeals filed during the period of January 1 to July 31, 2010 is 10.

Rules from which Variances and Order for Abatements were Requested in 2010

	2010	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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						2
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						2
463(e)(5)(C)														0
464(b)(1)(A)								1						1
464(b)(2)								1						1

Report of June 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. BP West Coast Products LLC Case #5357-67 (J. Panasiti)	203(b) 401(b) 2004(f)(1) 3002(c)(1) H&S §41701	FCCU will be restarted after emergency shutdown. PM and opacity exceedance may occur on restart.	Opposed/Granted	SV granted for 6 days in a window of time between 6/2/10 and 6/12/10.	Total Opacity no more than 60% on an hourly average not to exceed 20% for more than 12 nonconsecutive hours during the variance period
2. Chevron Products Company Case #831-355 (K. Manwaring)	464(b)(1)(A) 464(b)(2) 1176(e)(1) 1176(e)(2)(A)(ii) 1176(e)(2)(B)(v)	Petitioner must open water oil separator to clean it. Rules 464 and 1176 require it be covered at all times and not emit VOC greater than 500 ppmv above background.	Not Opposed/Granted	SV granted for two 1-week periods to occur between 6/3/10 and 7/16/10.	VOC: 40 lbs/day
3. Eastern Municipal Water District Case #4937-41 (J. Panasiti)	203(b)	ICE needs to operate without being connected to catalytic emission control in order to clear oil from system after repair.	Not Opposed/Granted	Ex Parte EV granted commencing 6/4/10 and continuing through 6/10/10. An EV hearing is currently scheduled for 6/10/10.	CO: TBD NO _x : TBD
4. Eastern Municipal Water District Case #4937-42 (T. Barrera)	203(b) 1110.2(d)(1)(B)(ii))	Petitioner will fail to meet July 1, 2010 compliance deadline for new rule limit applicable to ICE.	Not Opposed/Granted	SV granted commencing 7/1/10 and continuing through 7/31/10.	CO: 3.04 lbs/day
5. Enertech Environmental California, LLC Case #5778-1 (K. Manwaring)	202(a)	Petitioner cannot conduct source tests in time required by permits.	No Opposed/Granted	SV granted commencing 6/24/10 and continuing through 9/1/10.	VOC: TBD PM: TBD NO _x : TBD
6. Lunday-Thagard Company Case #2033-17 (No Appearance; Consent Calendar)	202(b) 203(b) 2004(f)(1)	Petitioner awaiting issuance of permit that will verify compliance.	Not Opposed/Granted	MFCD/EXT granted commencing 6/24/10 and continuing through 12/16/10.	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. Paramount Petroleum Corporation Case #2914-96 (No Appearance; Consent Calendar)	203(b) 2004(f)(1) 2012(c)(2)(A)	Petitioner seeks to continue operation of reformer heaters at its refinery pending discussions with District regarding proposed amendment to Rule 2012.	Not Opposed/Granted	MFCD/EXT granted commencing 6/15/10 and continuing through 11/15/10.	None
8. SCAMQD vs. Big Bear High School, Bear Valley Unified School District Case #5773-1 (N. Sanchez)	203(a) 1146.1(e)(1)	Respondent operating two boilers without permits and fails to limit emissions of NOx and CO.	Stipulated/Issued	O/A issued commencing 6/10/10. The Hearing Board shall retain jurisdiction over this matter until 9/1/10.	N/A
9. SCAQMD vs. Del Real Foods, LLC Case #5754-1 (N. Feldman)	203(a)	Respondent operating deep fat fryers without permit to operate.	Stipulated/Issued	O/A issued commencing 6/10/10. The Hearing Board shall retain jurisdiction over this matter until 7/1/11.	N/A
10. SCAQMD vs. Matrix Oil Corporation Case #5776-1 (N. Sanchez)	201 203(a) 203(b)	Respondent has exceeded hours and days limitation on operation of flare serving oil production operations.	Stipulated/Issued	O/A issued commencing 6/23/10. The Hearing Board shall retain jurisdiction over this matter until 1/1/11.	N/A
11. Southern California Gas Company Case #137-67 (S. Zohar and T. Barrera)	203(b) 2004(f)(1) 2012, Appen. A, Attach. C Section B.2.	RATA test on CEMS cannot be conducted by due date because basic equipment is down for repair.	Not Opposed/Granted	SV granted commencing 6/30/10 and continuing through 9/28/10.	None

Acronyms

AOC: Alternative Operating Conditions
CARB: California Air Resources Board
CEMS: Continuous Emissions Monitoring System
CEQA: California Environmental Quality Act
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
H2S: Hydrogen Sulfide
ICE: Internal Combustion Engine
I/P: Increments of Progress
IA: Interim Authorization
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
NMOC: Non-Methane Organic Compounds
NOV: Notice of Violation

NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM: Particulate Matter
RATA: Relative Accuracy Test Audit
RECLAIM: Regional Clean Air Incentives Market
ROG: Reactive Organic Gas
RV: Regular Variance
SCR: Selective Catalytic Reduction
SO2: Sulfur Dioxide
SOx: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
TOC: Total Organic Compounds
VOC: Volatile Organic Compounds
VRS: Vapor Recovery System

Report of July 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. BP Pipeline (North America) Inc., ARCO Terminal Services Corporation, Terminal 2 Case No. 4545-15 (K. Manwaring)	203(b) 463(e)(4) 3002(c)(1)	Internal floating roof tank containing VOC containing liquids developed leak. Tank cannot be emptied and degassed within 72 hour period provided for in R463.	Not Opposed/Granted	Ex Parte EV granted commencing 7/9/10 and continuing through 7/12/10, the FCD.	VOC: 3.1 lbs/day
2. Exide Technologies Case No. 3151-24 (N. Sanchez)	203(b) 1420 2004(f)(1) 3002(c)(1)	One of two baghouses venting wet feed area of lead recycling facility destroyed in fire. Operator seeks to operate with one remaining baghouse instead of two per permit.	Opposed/Denied	Ex Parte EV denied.	N/A
3. ExxonMobil Oil Corporation Case No. 1183-448 (K. Manwaring)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Unexpected VOC leak in line associated with FCCU Regenerator could not be repaired within 24 hour grace period.	Not Opposed/Granted	Ex Parte EV and AOC granted commencing 7/7/10 and continuing through 7/13/10.	CO: TBD NOx: TBD PM: TBD Due: 7/22/10
4. Inland Empire Utilities Agency Case No. 5209-3 (K. Manwaring)	202(b)	Repair of wastewater facility headworks bar screen requires that enclosure be temporarily removed.	Not Opposed/Granted	Ex Parte EV granted commencing 7/13/10 and continuing through 7/23/10. An EV hearing is scheduled for 7/13/10.	VOC: 0.0031 lb/day H2S: 0.66 lb/day NH3: 0.25 lb/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
5. Inland Empire Utilities Agency Case No. 5209-3 (T. Barrera)	202(b) 203(b)	Repair of wastewater facility headworks bar screen requires that enclosure be temporarily removed.	Not Opposed/Granted	EV granted; the variance shall commence and end on the dates specified in the notice to be given pursuant to Condition No. 2 of the Order and shall occur between 7/14/10 and 7/31/10.	VOC: 0.0031 lb/day H2S: 0.66 lb/day NH3: 0.25 lb/day
6. Mako Industries' Case No. 5786-1 (T. Barrera)	203(b)	Petitioner's proposed soil remediation equipment does not have permit allowing it to treat soils with volatile halogenated compounds.	Not Opposed/Dismissed	IV dismissed without prejudice for lack of good cause.	N/A
7. Prestone Products Corp. Case No. 5788-1 (N. Sanchez)	203(b)	Petitioner cannot comply with new permit conditions relating to its VOC containing liquid automotive products packaging equipment.	Not Opposed/ Granted	Ex Parte EV granted commencing 7/23/10 and continuing for 30 days or until the SV hearing currently scheduled for 8/18/10, whichever comes first.	None
8. Prestone Products Corp. Case No. 5788-2 (K. Manwaring)	203(b)	Petitioner cannot comply with new permit conditions relating to its VOC containing liquid automotive products packaging equipment.	Not Opposed/Granted	Ex Parte EV granted commencing on 7/28/10 and continuing for 30 days or until the SV hearing currently scheduled for 8/18/10, whichever comes first.	VOC: .0047 lb/day
9. SCAQMD vs. Allied Waste Company, Inc. and Reuplic Services, Inc., dba SunShine Canyon Landfill Case No. 3448-13 (N. Sanchez)	402 H&S §41700	Modification of O/A issued 3/24/10 for control of odors from landfill.	Stipulated/Issued	Mod. O/A Issued commencing 7/8/10 and continuing through 3/1/12. The Hearing Board will retain jurisdiction over this matter until 3/1/12.	N/A
10. SCAQMD vs. Lunday-Thagard Company Case No. 2033-10A (N. Feldman)	203(b) 431.1 462 2004(f)(1)	Respondent awaiting EPA approval of AMP in order to comply with O/A. This is alternative to monitoring certain lines in refinery.	Stipulated/Issued	Mod. O/A issued commencing 7/22/10 and continuing through 1/12/11. The Hearing Board shall retain jurisdiction over this matter until 1/12/11.	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
11. SCAQMD vs. Randy Dofflow, individually and dba Randy's Auto Body & Paint Case No. 5024-1 (N. Sanchez)	109(c) 203(a)	Respondent operating paint spray booth since 1994 without valid permit and has failed to maintain usage records as required.	Not Stipulated/Issued	O/A issued commencing 7/15/10 and continuing through 12/31/11. The Hearing Board shall retain jurisdiction over this matter until 12/1/11.	N/A

Acronyms

AOC: Alternative Operating Conditions
 BACT: Best Available Control Technology
 CO: Carbon Monoxide
 CEMS: Continuous Emissions Monitoring System
 EV: Emergency Variance
 FCD: Final Compliance Date
 IV: Interim Variance
 MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance
 Mod. O/A: Modification of Order for Abatement
 NOx: Oxides of Nitrogen
 O/A: Order for Abatement
 P/O: Permit to Operate
 PPM: Part per million
 PM: Particulate Matter
 RTC: Reclaim Trading Credits
 RV: Regular Variance
 SCR: Selective Catalytic Reduction
 SOx: Oxides of Sulfur
 SV: Short Variance
 TBD: To be determined
 VRS: Vapor Recovery System
 VOC: Volatile Organic Compounds