

BOARD MEETING DATE: January 6, 2012

AGENDA NO. 8

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2011.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:

Receive and file this report.

Edward Camarena
Chairman of Hearing Board

DP

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2011** and **November 2011 Hearing Board Cases**.

The total number of appeals filed during the period November 1 to November 30, 2011 is 1; and total number of appeals filed during the period of January 1 to November 30, 2011 is 3.

Report of November 2011 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. Air Products & Chemicals, Inc. Case #4276-13 (J. Voge)	203(b) 2004(f)(1) 2012(c)(2)(A) 3002(c)	Malfunction of CEMS NOx analyzer.	Not Opposed/Granted	Ex Parte EV granted commencing 11/8/11 and continuing for 30 days or until the EV hearing currently scheduled for 11/16/11, whichever comes first.	None
2. Air Products & Chemicals, Inc. Case #4276-13 (J. Panasiti)	203(b) 2004(f)(1) 2012(c)(2)(A) 3002(c)(1)	Malfunction of CEMS NOx analyzer.	Opposed/Denied	EV denied.	N/A
3. City of Riverside, Regional Water Quality Plant Case #5674-7 (K. Manwaring)	202(b) 203(b)	Petitioner discovered new leaks during an inspection of recently repaired digester gas system requiring additional repairs.	Not Opposed/Granted	SV granted commencing 11/17/11 and continuing through 1/17/12.	H2S to be determined by 12/2/11
4. Marriott Courtyard Sherman Oaks Case #5850-1 (J. Panasiti)	1146.2	Petitioner operating boilers in violation of limits in Rule 1146.2.	Opposed/Dismissed	IV dismissed for lack of good cause.	N/A
5. SCAQMD vs. Linn Operating, Inc. Case #5711-6 (T. Barrera)	203(b) 2004(f)(1) 2012 3012(c)(1)	Flare has been reclassified as "Large Source" and no longer requires CEMS.	Issued/Stipulated	Mod. O/A issued commencing 11/1/11; the Hearing Board shall retain jurisdiction over this matter until 11/16/11.	N/A
6. SCAQMD vs. Providence Saint Joseph Medical Center Case #5846-1 (K. Manwaring)	1146(c)(2)	Respondent operating two boilers in noncompliance with Rule 1146.	Stipulated/Issued	O/A issued commencing 11/17/11; the Hearing Board shall retain jurisdiction over this matter until 11/17/12.	N/A
7. SCAQMD vs. Stationary Diesel- Fueled Internal Combustion Engine Facilities, Does 1-100 Case #5823-1 (Consent Calendar; No Appearance)	1470	Respondents operating stationary diesel-fueled ICEs violating Tier 4 limit in Rule 1470.	Stipulated/Issued	Group O/A issued 11/17/11 with respect to Does 86 through 99; the Hearing Board shall retain jurisdiction over this matter until 3/1/12.	N/A
8. U.S. General Services Administration Case #5848-1 (M. Reichert)	1146.2(c)(4)	Petitioner operating two boilers without permit and in excess of Rule 1146.2 NOx limits.	Opposed/Denied	Ex Parte EV denied.	N/A

<p>9. Ultramar, Inc., dba Valero Wilmington Refinery Case #3845-80 (M. Reichert)</p>	<p>202(a) 203(b) 401(b)(1) 407(a) 2004(f)(1) 2011(c) 2012(c) 3002(c)(1) H&S §41701</p>	<p>Turnaround of major refinery units may result in periodic excess emissions.</p>	<p>Not Opposed/Granted</p>	<p>SV & AOC granted commencing 1/13/12 and continuing through 3/15/12.</p>	<p>Variance: PM, NO_x, ROG, CO and SO_x as S02 to be determined by 12/16/11 AOC: PM, NO_x, ROG, CO and SO_x as S02 to be determined by 12/16/11* *Petitioner estimates 274 lbs/total of NO_x and 503 lbs/total of SO_x for the two months of January and February, to be offset by RTCs.</p>
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Acronyms

APC: Air Pollution Control
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
ISD: In-Station Diagnostic System
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
NO_x: 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
RTC: RECLAIM Trading Credit
RV: Regular Variance
SCR: Selective Catalytic Reduction
SO₂: Sulfur Dioxide
SO_x: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
TOC: Total Organic Compounds
VOC: Volatile Organic Compounds
VRS: Vapor Recovery System

Rules from which Variances and Order for Abatements were Requested in 2011														
	2011	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)														0
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(b)(1) (C)														0
1175(d)(4)(ii)(II)														0
1176														0
1176(e)														0
1176(e)(1)							1		1		1			3
1176(e)(2)							1							1
1176(e)(2)(A)														0
1176(e)(2)(A)(ii)									1		1			2
1176(e)(2)(B)(v)														0
1178(d)(1)(A)(xiii)														0
1178(d)(1)(A)(xiv)														0
1178(d)(1)(B)														0
1176(f)(3)														0
1178(d)(1)(C)														0
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														0
1303									1					1

