



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
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BOARD MEETING DATE: November 6, 2009

AGENDA NO. 16

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 2009.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

A handwritten signature in black ink that reads "Edward Camarena".

Edward Camarena
Chairman of Hearing Board

SM

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

The total number of appeals filed during the period September 1 to September 30, 2009 is 1; and total number of appeals filed during the period of January 1 to September 30, 2009 is 15.

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)	1
1146(d)(6)	0
1146	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)		1	1
1150	1		1
1150.1(d)(C)(i)			0
1150.1(d)(1)(C)(i)		1	2
1150.1(d)(4)	1	1	2
1150.1(d)(5)	1	1	2
1150.1(d)(6)	1	1	2
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)	1		1
1150.1(e)(1)(C)			0
1151.1(e)(2)(B)(C)	1		1
1150.1(e)(2)(C)			0
1150.1(e)(3)(B)			0
1150.1(e)(3)(B)(C)	1		1
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			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)		1	1
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			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(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)			0
1178(d)(1)(A)(xiv)			0
1176(f)			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	1
1189(c)(3)			0
1195		1	1
1195(d)(1)(D)			0
1303	1	1	2
1303(a)(1)			0
1303(a)(2)			0
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			1
1420(g)	1	2	3
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(d)(5)			0
1469(e)(1)			0
1469(e)(2)			0
1469(g)(2)			0
1469(h)			0
1469(i)			0

Report of September 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. BP West Coast Products, LLC Case #5357-57 (Consent Calendar) (J.Panasiti)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner cannot comply with venting conditions in initial permit.	Not Opposed/Granted	RV granted commencing 9/2/09 and continuing through 3/2/10, the FCD.	H ₂ S: 1 to 2.5 lbs/mo. VOC: 1 lb/year
2. BP West Coast Products, LLC Case #5357-59 Consent Calendar (N. Feldman)	203(b) 2011(c)(2)(A) 2011(c)(3)(A) 2011(e)(1) 2012(c)(2)(A) 2012(c)(3)(A) 2012(g)(1) 2004(f)(1)	Preventive maintenance on electric system will result in the inability to operate the CEMS for five days.	Not Opposed/Granted	SV granted for a period not to exceed five days commencing on the date specified in a notice given to the District pursuant to Condition No. 1 of the variance and shall occur between 9/14/09 and 10/15/09.	None
3. Breitburn Operating, LP Case #4358-7 (J. Panasiti)	203(b) 1148.1(d)(6)	Petitioner is operating an oil and gas production facility in violation of Rule 1148.1 (requires vent gas to be flared) since 1/1/06.	Opposed/Denied	SV denied.	N/A
4. California Portland Cement Company Case #3221-20 (T. Barrera)	1156(d)(5)(C)(i)	Petitioner failed to file an application for a permit to construct for an enclosure of a clinker storage facility. This resulted in failing to meet the 9/8/09 rule FCD.	Not Opposed/Granted	SV granted commencing 9/9/09 and continuing through 11/10/09.	PM ₁₀ : 15 to 16 lbs/day
5. ExxonMobil Oil Corporation Case #1183-442 (T. Barrera)	203(b) 2004(f)(1)	Multiple leaks have developed in a recently installed treatment system which serves the sulfur storage facility.	Not Opposed/Granted	Ex Parte EV granted commencing 9/25/09 and continuing for 30 days or until the EV hearing scheduled for 10/1/09, whichever comes first.	SO _x : 5 lbs/day H ₂ S: 5 lbs/day
6. Paramount Petroleum Corporation Case #2914-87 Consent Calendar (T. Barrera)	203(b) 1118(g)(3) 1118(i)(5)(B)(ii) 1118(j)(I)(A)(ii) 1118(j)(I)(B)(ii) 2004(f)(1)	Petitioner is waiting for the issuance of a uniform test protocol to proceed with the testing of the flare monitoring system.	Not Opposed/Granted	Modification I/P granted.	None

7. Paramount Petroleum Corporation Case #2914-104 (N. Feldman)	202(b) 203(b) 2004(f)(1) 3002(c)(1) 2011(c)(2)(B) 2012(c)(2)(B)	A power outage resulted in the failure of the CEMS. The CEMS couldn't be repaired within the 96 hour grace period in Rules 2011 and 2012.	Not Opposed/Granted	Ex Parte EV granted commencing 9/29/09 and continuing through midnight, 9/30/09.	None
8. Rexam PLC, Rexam Beverage Can Company Case #5290-7 (N. Feldman)	203(b) 2004(f)(1) 3002(c)(1)	Preliminary draft test results indicate that various equipment may exceed the VOC limits in aluminum drink can production lines.	Not Opposed/Granted	Ex Parte EV granted commencing 9/30/09 and continuing for 30 days or until the SV hearing currently scheduled for 10/27/09, whichever comes first.	VOC: TBD by 10/16/09
9. Waste Management Disposal & Recycling Services, Inc. Case #3824-13 (C. Engelhardt)	203(b) 3002(c)(1) 1110.2(d)(1)(C) 1150.1(d)(1)(C)(i)	Tests of ICEs serving the closed landfill revealed an exceedance of ROG limits.	Not Opposed/Granted	SV granted commencing 9/2/09 and continuing through 11/30/09.	ROG: TBD by 9/17/09 CO: TBD by 9/17/09
10. Universal City Studios, LLC Case #4935-7 (Consent Calendar) (J. Panasiti)	401(b)(1) H&S 41701	The Halloween event will use smoke producing materials that will exceed opacity limits.	Not Opposed/Granted	SV granted for up to twenty (20) events beginning on 9/28/09 and ending or before 11/2/09.	Opacity: TBD by 10/1/09

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

NH3: Ammonia

NOV: Notice of Violation

NOx: 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

SOx: Oxides of Sulfur

SV: Short Variance

TBD: To be determined

TOC: Total Organic Compounds

VOC: Volatile Organic Compound

VRS: Vapor Recovery System