

BOARD MEETING DATE: October 2, 2009

AGENDA NO. 24

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:

Receive and file this report.

Edward Camarena
Chairman of Hearing Board

RJ

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

The total number of appeals filed during the period August 1 to August 31, 2009 is 1; and the total number of appeals filed during the period of January 1 to August 31, 2009 is 15.

Report of August 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 #5357-36 (Consent Calendar; No Appearance)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner may not comply with certain terms and conditions of initial Title V permit because several refinery processes operate differently than reflected in draft Proposed Title V permit.	Not Opposed/Granted	Mod. I/P granted to extend I/P Nos. 4, 5 & 6 from 8/4/09 to 12/28/09.	N/A
2. Cannon Pacific Services, Inc. Case #5745-1 (T. Barrera)	1186.1	Engine failure on compliant street sweeper; must use noncompliant street sweeper to fulfill obligations until engine is repaired.	Not Opposed/Granted	EX Parte EV granted commencing 8/18/09 and continuing until the EV hearing currently scheduled for 8/20/09, whichever comes first.	TBD by 9/2/09
3. Eastern Municipal Water District Case #4937-36A (Consent Calendar; No Appearance)	203(b)	Petitioner must disconnect old chemical odor scrubber to install new biofilter system.	Not Opposed/Granted	SV granted for 7 consecutive days in a window of time between 8/13/09 and 10/31/09.	H ₂ S TBD by 8/28/09
4. Eastern Municipal Water District Case #4937-37 (E. Sernel)	202(a) 1110.2(d)(1)(B)(ii)	Petitioner needs additional time to install automatic water flow valves in order to meet 30-minute limit to begin urea injection to SCR.	Not Opposed/Granted	IV granted commencing 8/31/09 and continuing through 10/28/09 or until the RV hearing currently scheduled for 9/23/09, whichever comes first.	NO _x TBD by 10/28/09 CO TBD by 10/28/09
5. Kroger Co./Ralphs Grocery Co. Case #5743-1 (N. Feldman)	203(b) 2004(f)(1)	Petitioner seeks to increase doughnut production beyond the permit limit to meet the increase in demand.	Opposed/Denied	SV denied.	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
6. Lunday-Thagard Company Case #2033-17 (Consent Calendar; No Appearance)	202(b) 203(b) 2004(f)(1)	Petitioner cannot meet requirements of previously granted variance because monthly throughput limits applicable to a number of tanks requires issuance of amended permit. Permit has not yet been issued because Rule 1303(b)(4) prevents issuance of permit that would result in increase of potential to emit when operating under O/A.	Not Opposed/Granted	MFCD/EXT granted commencing 8/27/09 and continuing through 2/15/10.	VOC 2 lbs/day
7. Paramount Petroleum Corporation Case #2914-102 (Consent Calendar; No Appearance)	202(b) 203(b) 2004(f)(1) 3002(c)(1)	Petitioner needs additional time to troubleshoot, adjust and/or repair NOx treatment system for three heaters serving hydro-processing unit.	Not Opposed/Granted	SV granted commencing 8/19/09 and continuing through 10/19/09.	NOx TBD by 10/19/09 NH3 TBD by 10/19/09
8. SCAQMD vs. First Student Inc., a Subsidiary of FirstGroup America and dba Laidlaw Education Services Case #5648-2 (E. Engelhardt)	1195	Respondent is required to remove 94 noncompliant school buses from District by 9/1/09.	Stipulated/Issued	O/A issued commencing 8/20/09. The Hearing Board shall retain jurisdiction over this matter until 1/31/12.	N/A
9. SCAQMD vs. Lunday-Thagard Company Case #2033-10A (Consent Calendar; No Appearance)	203(b) 431.1 462 2004(f)(1) 2011 Reg IX, 40 CFR Part 60, Subpart J	Current O/A must be amended to change dates for testing and submission of data for SOx CEMS certification. This in turn will allow for issuance of Title V permit.	Stipulated/Issued	Mod. O/A issued commencing 8/20/09. The Hearing Board shall retain jurisdiction over this matter until 2/15/10.	N/A

Acronyms

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
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
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
RV: Regular Variance
SCR: Selective Catalytic Reduction
SO_x: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
TOC: Total Organic Compounds
VOC: Volatile Organic Compound
VRS: Vapor Recovery Systems