

BOARD MEETING DATE: September 11, 2009

AGENDA NO. 11

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

RJ

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

The total number of appeals filed during the period June 1 to June 30, 2009 is 0; the total number of appeals filed during the period July 1 to July 31, 2009 is 1; and total number of appeals filed during the period of January 1 to July 31, 2009 is 14.

Report of June 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. Elsinore Valley Municipal Water District Case #5742-1 (T. Barrera)	203(b)	Petitioner had to shut down odor scrubber due to vibration in blower that could damage the equipment. Petitioner seeks to continue operation of waste water treatment operations pending repairs.	Not Opposed/Granted	Ex Parte EV granted commencing 6/12/09 and continuing for 30 days or until the SV hearing currently scheduled for 7/1/09, whichever comes first.	VOC 15.1 lbs/day
2. Exide Technologies, Inc. Case #3151-20 (Consent Calendar; No Appearance)	203(b) 221(b) 1420(g) 2004(f)(1)	Petitioner needs additional time to secure permission from several government entities for access to site for installation of lead monitoring station.	Not Opposed/Granted	SV granted commencing 6/8/09 and continuing through 7/6/09.	None
3. Exide Technologies, Inc. Case #3151-20 (Consent Calendar; No Appearance)	203(b) 221(b) 1420(g) 2004(f)(1)	Petitioner needs additional time to secure permission from several government entities for access to site for installation of lead monitoring station.	Not Opposed/Granted	RV granted commencing 7/6/09 and continuing through 11/20/09, the FCD.	None
4. Los Angeles County Fair Association DBA Fairplex Case #5739-1 (J. Panasiti)	203(b) 1110.2(e)(4)(B) 1110.2(f)(1)(A)	Petitioner operating three ICEs contrary to several permit conditions.	Not Opposed/Denied	SV denied.	N/A
5. Los Angeles Department of Water and Power Case #1263-58 (E. Sernel)	203(b) 2004(f)(1) 2012, Attachment C, B.2.a 3002(c)(1)	Petitioner will be unable to conduct RATA test of CEMS serving power generating boiler by 6/30/09 deadline.	Not Opposed/Granted	SV granted commencing 7/1/09 and continuing through 8/5/09.	None
6. Petroleum Management & Marketing, Inc. Case #5741-1 (T. Barrera)	203(b) 461(c)(1)	Drop tubes in underground gasoline storage tanks defective. New equipment installed, awaiting permit issuance.	Not Opposed/Granted	Ex Parte EV granted commencing 6/10/09 and continuing for 30 days or until the SV hearing currently scheduled for 7/7/09, whichever comes first.	VOC 84 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. Exide Technologies Inc. Case #3151-21 (J. Panasiti & T. Barrera)	203(b) 402 1420 2004(f)(1) 3002(c)(1)	Respondent operates secondary lead smelter that is discharging emissions which result in ambient concentrations of lead exceeding 1.5 micrograms per cubic meter averaged over 30 days beyond facility property line.	Stipulated/Issued	O/A issued commencing 6/25/09. The Hearing Board shall retain jurisdiction over this matter until 1/15/11.	N/A
8. SCAQMD vs. Gas Dispensing Facilities, Does 1-2600 Case #5732-1 (Consent Calendar; W. Wong)	203(b) 461(c)(3)	Respondents failed to install and operate Phase II Enhanced VRS at their GDFs.	Stipulated/Issued	Group O/A issued for Does identified in Petitioner's Exhibit G commencing on 6/3/09. The Hearing Board shall retain jurisdiction over this matter until 12/31/09.	N/A
9. SCAQMD vs. KIK Aerosol SoCal LLC Case #5698-1 (Consent Calendar; No Appearance)	Regulation II Regulation XI Regulation XIII	Aerosol packaging firm exceeding VOC limits. Respondent needs time to permanently discontinue noncompliant operations.	Stipulated/Issued	Mod. O/A issued commencing 6/30/09. The Hearing Board shall retain jurisdiction over this matter until 1/31/10.	N/A
10. SCAQMD vs. Los Angeles Trade-Technical College Case #5721-2 (Consent Calendar; No Appearance)	1146.2(c)(5)	Respondent operating older boiler in violation of applicable NO _x and CO limits.	Stipulated/Issued	O/A issued commencing 6/17/09. The Hearing Board shall retain jurisdiction over this matter until 10/31/09.	N/A
11. SCAQMD vs. Mitsubishi Cement Corporation Case #5545-1 (N. Feldman)	203(b)	Issuance of permit to construct air pollution control system is delayed by Port of Long Beach CEQA review process.	Stipulated/Issued	Mod. O/A issued commencing 6/17/09. The Hearing Board shall retain jurisdiction over this matter until 12/16/10.	N/A
12. SCAQMD vs. Riverside City – Water Quality Control Case #5674-3 (Consent Calendar; No Appearance)	203(b) 1110.2	Respondent operating cogen units burning digester gas in excess of 36 ppm NO _x limit.	Stipulated/Issued	O/A issued commencing 6/17/09. The Hearing Board shall retain jurisdiction over this matter until 9/30/09.	N/A

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13. SCAQMD vs. Warren E&P, Inc. Case #5649-2 (N. Feldman)	203(b)	Respondent is operating six micro turbines in conjunction with a flare. Micro turbines are exceeding the heat input rate limits and are awaiting issuance of new permits.	Stipulated/Issued	Mod. O/A issued commencing 6/17/09. The Hearing Board shall retain jurisdiction over this matter until 7/1/10.	N/A
14. Trigen-LA Energy Corporation/Bunker Hill Case #3447-71 (E. Sernel)	203(b) 1110.2(d)(1)(B)(ii) 2004(f)(1) 3002(c)(1)	Petitioner operates ICE serving space and water heating and air conditioning needs for several large buildings. ICE is exceeding VOC limits.	Not Opposed/Granted	RV granted commencing 6/30/09 and continuing through 5/31/10, the FCD.	VOC 1.849 lbs/hr
15. Ultramar, Inc. dba Valero Wilmington Refinery Case #3845-69 (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 did not meet FCD for submittal of test results for flare monitoring devices. Needs two additional weeks for submittal.	Not Opposed/Granted	MFCD/EXT granted commencing 6/30/09 and continuing through 7/22/09.	None

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
 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
 SOx: Oxides of Sulfur
 SV: Short Variance
 TBD: To be determined
 TOC: Total Organic Compounds
 VOC: Volatile Organic Compound
 VRS: Vapor Recovery Systems

Report of July 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. City of Los Angeles, Hyperion Treatment Plant Case #1212-31 (C. Engelhardt)	203(b) 431.1(c)(2) 3002(c)(1)	The gas handling system at the waste water treatment plant must be shut down for inspection and maintenance. Untreated digester gas must be flared.	Not Opposed/Granted	SV granted for a maximum of seven consecutive days in a window-of-time commencing 8/15/09 and continuing through 9/25/09. The variance shall commence on the date notice is given to the District pursuant to Condition 3.d and shall end on the date notice is given to the District pursuant to Condition 3.e. stated in the Order.	SO _x : 76 lbs/day for a maximum of 7 days.
2. Eastern Municipal Water District #4937-37 (T. Barrera)	203(b) 1110.2(d)(1)(B)(ii) 1110.2(d)(1)(D)	Permit condition No. 10 exempts two new natural gas fired internal combustion engines from compliance with Rule 1110.2(d) during the commissioning period. Petitioner needs more time than the allotted 150 hours for commissioning the internal combustion engines.	Not Opposed/Granted	Ex Parte EV granted commencing 7/31/09 and continuing through 8/29/09.	NO _x : TBD CO: TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
3. ExxonMobil Oil Corporation Case #1183-435 (C. Engelhardt)	203(b) 2004(f)(1)	Heater and hydrogen plant will be shut down for maintenance. Upon restart, ammonia injection to the SCR cannot commence until unit reaches proper temperature. Until proper temperature is reached and ammonia injection commences, the SCR cannot keep NO _x below the 9 ppm limit.	Not Opposed/Granted	SV granted in a window-of-time commencing 7/25/09 and continuing through 10/23/09. The variance shall commence upon notification to the District 15 days prior to the shutdown of Heater 24-F1, as specified in Condition No. 3 and shall terminate pursuant to Condition No. 7, when an application is submitted to the District to retire NO _x RTCs. SV granted from the NO _x limits in the rules, equipment description, and permit conditions in Section E of Facility P/O and shall include a maximum of ninety noncontinuous hours, commencing on the date for which notice is to be given to the District pursuant to Condition 5(b) and terminating on the date for which the District is given notice pursuant to Condition 5(d).	NO _x : 22 lbs/hr. Estimated to be 1,980 lbs based on 90 noncontinuous hours.
4. Kroger Company/Ralphs Grocery Company Case #5743-1 (T. Barrera)	203(b) 2004(f)(1)	Petitioner seeks to increase doughnut production beyond the permit limit to meet the increase in demand.	Not Opposed/Granted	Ex Parte EV granted commencing 7/29/09 and continuing for 30 days or until the SV hearing currently scheduled for August 14, 2009, whichever comes first.	PM: 0.44 lb/day

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5. Paramount Petroleum Corporation Case #2914-102 (N. Feldman)	202(b) 203(b) 2004(f)(1) 3002(c)(1)	Petitioner has observed sporadic exceedances of the 5 ppm NO _x limit on two SCRs serving several refinery heaters. Petitioner must continue to operate the equipment in order to troubleshoot and diagnose cause of the elevated NO _x .	Not Opposed/Granted	EV granted commencing 7/21/09 and continuing through 8/20/09.	NO _x : TBD Ammonia: TBD
6. Riverside City Water Quality Control Case #5674-4 (C. Engelhardt)	203(b)	Dome seal on a digester serving waste water treatment plant was compromised when power interruption resulted in elevated excess gas pressure that in turn resulted in fugitive emissions.	Not Opposed/Granted	Ex Parte EV granted commencing 7/24/09 and continuing for 30 days or until the EV hearing currently scheduled for 8/6/09, whichever comes first.	TBD by 8/13/09
7. SCAQMD vs. Frito-Lay North America, Inc. Case #5141-2 (N. Feldman)	203 1303 3002	Source test revealed petitioner's air pollution control equipment serving the corn chip line failed to demonstrate 95% control efficiency required to meet BACT per Rule 1303.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 1/12/10.	N/A
8. SCAQMD vs. Gas Dispensing Facilities, Does 1-2600 Case #5732-1 (W. Wong)	203(b) 461(c)(3)	Respondents failed to install and operate Phase II Enhanced Vapor Recovery systems at their gas dispensing facilities.	Stipulated/Issued	Group O/A issued for Does identified in Exhibit H, as Does 674 through 677, 679 through 687, 689 through 693, 696 through 706, 708 through 727, 729 through 752, 754 through 764, 766 through 785, excluding Doe 735, commencing 7/29/09 and continuing through 12/31/09. The Hearing Board shall retain jurisdiction over this matter until 7/31/10.	N/A

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Acronyms

- 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