

BOARD MEETING DATE: May 7, 2010

AGENDA NO. 15

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

SM

Two summaries are attached: **Rules from Which Variances and Orders for Abatement Were Requested in 2010** and **March 2010 Hearing Board Cases**.

The total number of appeals filed during the period March 1 to March 31, 2010 is 1; and total number of appeals filed during the period of January 1 to March 31, 2010 is 8.

410(d)		0
430(b)(3)(A)(iv)		0
431.1	1	1
431.1		0
431.1(c)(1)		0
431.1(c)(2)	1	1
431.1(c)(3)(C)		0
431.1(d)(1)	1	1
431.1(d)(1), Att A(1)		0
442		0
444		0
444(a)		0
444(c)		0
444(d)		0
461		0
461(c)(1)		0
461(c)(1)(A)		0
461(c)(1)(B)		0
461(c)(1)(C)		0
461(c)(1)(E)		0
461(c)(1)(F)(i)		0
461(c)(1)(F)(iv)		0
461(c)(1)(F)(v)		0
461(c)(1)(H)		0
461(c)(2)		0
461(c)(2)(A)		0
461(c)(2)(B)		0
461(c)(2)(C)		0
461(c)(3)		0
461(c)(3)(A)		0
461(c)(3)(B)		0
461(c)(3)(C)		0
461(c)(3)(D)(ii)		0
461(c)(3)(E)		0
461(c)(3)(H)		0
461(c)(3)(M)		0
461(c)(4)(B)		0
461(c)(4)(B)(ii)		0
461(d)(5)(A)		0
461(e)(1)		0
461(e)(2)		0
461(e)(2)(A)		0
461(e)(2)(A)(i)		0
461(e)(2)(B)(i)		0
461(e)(2)(C)		0
461(e)(3)		0
461(e)(3)(A)		0
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
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
463(e)(5)(C)		0
463(g)		0
464(b)		0
468		0
468(a)		0
468(b)	1	1
1102		0
1102(c)(2)		0
1102(c)(5)		0

1103(d)(2)		0
1105.1(d)(1)(A)(i)		0
1105.1(d)(1)(A)(iii)		0
1106(c)(1)		0
1106.1(c)(1)		0
1106.1(c)(1)(A)		0
1107(c)(1)		0
1107(c)(2)		0
1107(c)(7)		0
1107(d)		0
1110.1		0
1110.2	1	1
1110.2(c)(14)		0
1110.2(d)(1)		0
1110.2(d)(1)(A)		0
1110.2(d)(1)(B)(ii)		0
1110.2(d)(1)(C)		0
1110.2(d)(1)(D)		0
1110.2(d)(1)(E)		0
1110.2(e)(1)(A)		0
1110.2(e)(1)(B)(i)(II)		0
1110.2(e)(1)(B)(i)(III)		0
1110.2(e)(4)(B)		0
1110.2(f)		0
1110.2(f)(1)(A)		0
1110.2(f)(1)(A)(iii)(I)		0
1113(c)(2)		0
1113(d)(3)		0
1118(c)(4)		0
1118(c)(5)		0
1118(d)(1)(2)		0
1118(d)(1)(2)		0
1118(d)(2)		0
1118(d)(3)		0
1118(d)(4)(B)		0
1118(d)(5)(A)		0
1118(d)(5)(B)		0
1118(d)(10)		0
1118(d)(12)		0
1118(e)		0
1118(g)(1)	1	1
1118(g)(3)		0
1118(i)(5)(B)(i)	1	1
1118(i)(5)(B)(ii)		0
1118(j)(1)(A)(ii)	1	1
1118(j)(1)(B)(ii)	1	1
1118(j)(1)(C)		0
1121(c)(2)(C)		0
1121(c)(3)		0
1121(c)(6)		0

1121(c)(7)	0
1121(c)(8)	0
1121(e)(3)	0
1121(h)	0
1121(h)(1)	0
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)				0
1146(d)(6)				0
1146.1				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)				0
1150.1	1	1		2
1150.1(d)(C)(i)				0
1150.1(d)(1)(C)(i)				0
1150.1(d)(4)				0
1150.1(d)(5)				0
1150.1(d)(6)				0
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)				0
1150.1(e)(1)(C)		1		1
1151.1(e)(2)(B)(C)				0
1150.1(e)(2)(C)				0
1150.1(e)(3)(B)				0
1150.1(e)(3)(B)(C)				0

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
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)	0
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
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)	1
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)		2		2
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)		1		1
1178(d)(1)(A)(xiv)		1		1
1178(d)(1)(B)		1		1
1176(f)				0
1178(d)(1)(C)		1		1
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		1		1
1303(a)(1)				0
1303(a)(2)				0
1401		1	1	1
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				0
1420(g)				0
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(c)(11)(A)					0
1469(d)(5)					0
1469(e)(1)					0
1469(e)(2)					0
1469(g)(2)					0
1469(h)					0
1469(l)					0
1469(j)(4)(A)					0
1469(j)(4)(D)					0
1469(k)(3)(A)					0
1470					0
1470(c)(8)(c)(iii)(II)					0
1470(c)(2)(C)(iv)					0
1470(c)(3)(B)					0
1470(c)(3)(C)					0
1470(c)(9)					0
2004		1			1
2004(b)(1)					0
2004(b)(4)					0
2004(c)(1)					0
2004(c)(1)(C)					0
2004(f)(1)		10	3	7	20
2004(k)					0
2005					0
2009(b)(2)					0
2009(c)					0
2009(f)(1)					0
2009(f)(2)					0
2009.1					0
2009.1(c)					0
2009.1(f)(1)					0
2009.1(f)(2)					0
2009.1(f)(3)					0
2011			1		1
2011 Attachment C					0
2011(c)(2)					0
2011(c)(2)(A)					0
2011(c)(2)(B)					0
2011(c)(3)(A)					0
2011(e)(1)					0
2011(f)(3)					0

2011(g)			0
2011(g)(1)			0
2011(k)			0
2011(k) Appen. A, Chap. 2, except E & Attach C			0
2011(k) Appen. A, Chap. 2, Section A.3 a-c, A.5 and B. 1-4 and Appen. A, Chap. 2, Section C.2.a, c & d			0
2011(k) Appen. A, Chap. 2, Sections A.3.,a.-c.,e.g. and B.1.-4			0
2012	1		1
2012 Attach. C, B.2.a			0
2012 Appen. A, Attach. C, Section B.2			0
2012 Appen. A, Attach. C, Section B.2.a. & b.			0
2012 Appen. A			0
2012 Appen. A, Chap. 2			0
2012 Appen A, Chap. 2, Sec. A			0
2012 Appen A, Chap. 2, Sec. A1.g.			0
2012 Appen A, Chap. 2, Sec. B			0
2012 Appen A, Chap. 4.A.4			0
2012(c)(2)			0
2012(c)(2)(A)			0
2012(c)(2)(B)			0
2012(c)(3)			0
2012(c)(3)(A)			0
2012(c)(3)(B)			0
2012(c)(10)			0
2012(d)(2)			0
2012(d)(2)(A)			0
2012(d)(2)(D)			0
2012(e)(2)(B)			0
2012(g)(1)			0
2012(g)(3)			0
2012(h)(3)			0
2012(h)(4)			0
2012(h)(5)			0
2012(h)(6)			0
2012(i)			0
2012(j)(1)			0
2012(j)(2)			0
2012, Protocol (Appen. A) Chap. 2, Part A.1.a			0
2012, Protocol (Appen. A) Chap. 2, Part B.4			0
2012(m)			0
2012(m) Appen. A, Chp 2, except Sections E & Attach C.			0
2012(m) Appen. A, Attach. C			0
2012(m) Appen. A, Chap. 2, Sections 2.A.1 a-c, e.g. and B. 1-4 and Appendix A, Chapter 3, Section C.2 a, c & d			0
2012(m) Appen. A, Chap 3, Section (A)(6)			0
2012(m) Appen. A, Chap 5, Para G, Table 5B and Att. D			0
3002	2		2
3002(c)			0
3002(c)(1)	7	8	15
3002(c)(2)			0

Report of March 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 #5357-57 (J. Panasiti)	203(b) 2004(f)(1) 3002(c)(1)	An extension of the FCD is needed until revisions to the permit conditions are issued by the District.	Not Opposed/Granted	MFCD/EXT granted commencing 3/2/10 and continuing through 5/8/10.	H ₂ S: 1 to 2.5 lbs/mo.
2. ExxonMobil Oil Corporation Case #1183-445 (E. Sernel)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Refinery turnaround for maintenance and catalyst replacement. Upon restart and until the catalyst reaches the required inlet temperature to allow for NH ₃ injection, there will be NO _x exceedances and noncompliance with various permit conditions.	Not Opposed/Granted	SV & AOC granted commencing 3/10/10 and continuing through 6/7/10, FCD.	AOC: None SV: TBD by 6/7/10
3. Free Flow Packaging International, Inc. Case #3664-3 (N. Feldman)	203(b) 3002(c)(1) 1175(b)(1)(C)	The source test revealed that the regenerative thermal oxidizer efficiency is less than that required by Rule 1175.	Not Opposed/Granted	Ex Parte EV granted commencing 3/23/10 and continuing for 30 days or until the EV hearing currently scheduled for 3/25/10, whichever comes first.	VOC: TBD by 4/9/10
4. Free Flow Packaging International, Inc. Case #3664-3 (J. Panasiti)	203(b) 3002(c)(1) 1175(b)(1)(C)	The source test revealed that the regenerative thermal oxidizer efficiency is less than that required by Rule 1175.	Not Opposed/ Dismissed	EV dismissed for lack of good cause. SV scheduled for 4/28/10.	N/A
5. Lunday-Thagard Company Case #2033-17 (Consent Calendar) (C. Engelhardt)	202(b) 203(b) 2004(f)(1)	Clarification of the variance ending date.	Not Opposed/Granted	MFCD/EXT clarified to correct FCD from 4/15/10 to 6/30/10.	VOC: 2 lbs/day

6. Lunday-Thagard Company Case #2033-25 (Consent Calendar) (C. Engelhardt)	202(a) 202(b) 203(b) 2004(f)(1) 3002(c)(1)	Petitioner must shut down the incinerator serving as the control system for storage tanks and wastewater systems in order to perform preventive maintenance.	Not Opposed/Granted	SV granted commencing 3/17/10 and continuing through 3/24/10.	VOC: TBD by 3/26/10
7. Praxair, Inc. Case #4616-15 (E. Sernel)	203(b)	Petitioner cannot comply with the permit descriptions and conditions in the recently issued permit.	Not Opposed/Granted	SV granted commencing 3/2/10 and continuing through 5/30/10.	Benzene: 0.01 lb/day Toluene: 0.03 lb/day Xylenes: 0.04 lb/day Methanol: 0.65 lb/day Acetaldehyde: 0.84 lb/day
8. SCAQMD v. Allied Waste Company, Inc., and Republic Services, Inc. dba Sunshine Canyon Landfill Case #3448-13 (C. Engelhardt) (N. Feldman)	402 H&S Code 41700	Landfill operations are creating an odor nuisance in the adjoining community.	Stipulated/Issued	O/A issued. Hearing Board shall retain jurisdiction over this matter until 3/01/12.	N/A
9. SCAQMD vs. ARCO Terminal Services Company Case #4545-13 (Consent Calendar Item) (T. Barrera)	203(b) 3002(c)(1)	The permit imposes the Rule 463 vent system intended for gasoline storage tanks. Petitioner does not store gasoline in the tanks.	Stipulated/Issued	O/A issued. Hearing Board shall retain jurisdiction over this matter until 11/04/10.	N/A
10. SCAQMD vs. Domenno Keedoon Case #5753-1 (Consent Calendar Item) (N. Feldman)	203(b) 2004(f)(1) 431.1(c)(2) 431.1(d)(1)	Used oil, wastewater and anti-freeze recycling facility is operating without permits and exceeding the sulfur emission limits of Rule 431.1.	Stipulated/Issued	O/A Issued. Hearing Board shall retain jurisdiction over this matter until 3/31/10.	N/A
11. SCAQMD vs. KUA Industry, Inc. dba Rancho Duarte Golf Course Case #5612-1 (C. Engelhardt)	203(a) 1150.1	Respondent seeks the termination of the O/A.	Not Stipulated/Issued	Mod. O/A issued. Hearing Board shall retain jurisdiction over this matter until 6/30/11.	N/A

12. SCAQMD vs. Mountain Management, LLC; Newcombs Ranch Inn Case #5764-2 (N. Feldman)	203(b) 1110.2 1401	The recent major wildfire destroyed power lines serving the remote mountain restaurant and its employees who reside onsite. Respondent must operate the emergency diesel generator beyond the permitted hourly limit until power is restored.	Stipulated/Issued	O/A issued. Hearing Board shall retain jurisdiction over this matter until 1/1/11.	N/A
13. SCAQMD vs. Paramount Petroleum Corporation Case #2914-90 (Consent Calendar Item) (N. Feldman)	Regulation IX	The FCD must be adjusted because of the delay in the District's issuance of the permit which caused a delay in the start of the construction for the emission control project.	Stipulated/Issued	Mod. O/A issued. Hearing Board shall retain jurisdiction over this matter until 5/31/10.	N/A
14. SCAQMD vs. Windsor Foods, LP Case #5751-1 (C. Engelhardt)	203(a) 2004(f)(1)	The frozen food maker cannot meet the timetable for compliance with the existing O/A.	Stipulated/Issued	Mod. O/A issued. Hearing Board shall retain jurisdiction over this matter until 6/30/11.	N/A
15. Tesoro Refining and Marketing Company Case #4982-86 (C. Engelhardt)	203(b) 2004(f)(1) 3002(c)(1) 401(b)(1)	A power outage resulted in the shutdown of various refinery units. The unstable conditions during shutdown and restart caused flaring that will continue to occur until all units are restarted and restored to normal operating conditions.	Not Opposed/Granted	Ex Parte EV granted commencing 3/12/09 and continuing for 30 days or until the EV variance hearing currently scheduled for 3/17/10, whichever comes first.	CO: 25 lbs/day Opacity: Up to 80%
16. United States Government Department of the Navy Case #4518-5 (T. Barrera)	203(b) 3002(c)(1)	Petitioner has exceeded the 200 hour/year usage limit of the ICE serving the emergency generator.	Not Opposed/Granted	Ex Parte EV granted commencing 3/10/10 and continuing for 30 days or until the EV hearing currently scheduled for 4/6/10, whichever comes first.	TBD by 4/6/10

Acronyms

AOC: Alternative Operating Conditions

CAL ISO: California Independent System Operator

EV: Emergency Variance

FCD: Final Compliance Date

ICE: Internal Combustion Engine

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

NOx: Oxides of Nitrogen

O/A: Order for Abatement

ROG: Reactive Organic Gas

RV: Regular Variance

SV: Short Variance

TBD: To be determined

VOC: Volatile Organic Compounds