

BOARD MEETING DATE: February 1, 2008

AGENDA NO. 17

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 2007.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

EC:RJ

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Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2007** and **December 2007 Hearing Board Cases**.

The total number of appeals filed during the period December 1 to December 31, 2007 is 0, and the total number of appeals filed during the period of January 1 to December 31, 2007 is 16.





	2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1110.1														0
1110.2														0
1110.2(d)(1)														0
1110.2(d)(1)(A)														0
1110.2(d)(1)(B)														0
1110.2(d)(1)(C)														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)(1)(B)(ii)														0
1110.2(f)														0
1110.2(f)(1)(A)														0
1110.2(f)(1)(E)														0
1113(c)(2)							1							1
1113(d)(3)							1							1
1118(d)(1)(2)														0
1118(d)(1)(3)														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(e)														0
1118(g)(1)					1									1
1118(g)(3)					9				1					10
1118(i)(5)(B)(i)					9									9
1118(j)(1)(A)(iii)					9									9
1118(j)(1)(B)(iii)					9									9
1118(j)(1)(C)									1					1
1121(c)(2)(C)												4		4
1121(c)(3)												4		4
1121(c)(6)												4		4
1121(c)(7)												4		4
1121(c)(8)												4		4
1121(e)(3)												4		4
1121(h)												4		4
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)			1											1
1125(c)(1)(C)														0
1125(c)(2)													1	1
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)												1		1







2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2012(j)(1)													0
2012(j)(2)													0
2012, Appen. A, Chp 3, Sec (A)(6)													0
2012 Appen. A, Attach C, Sections B.2.a. & B.2.b.													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		1											1
3002(c)											1		1
3002(c)(1)			4	1	3		1	5	7	8	1	2	32
3002(c)(2)		2											2
H&S 39152(b)													0
H&S 41510													0
H&S 41700			1					1	1				3
H&S 41701			1	1				1	2	5	1		11



## Report of December 2007 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. Anthony International Case #4797-1 (C. Engelhardt)	1145(c)(1)	Petitioner uses noncompliant coatings and is awaiting rule change.	Not Opposed/Granted	RV granted commencing 12/19/07 and continuing through 12/31/09, the FCD.	No net mitigated excess emissions
2. Carson Cogeneration Company Case #4324-3 (N. Feldman)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner cannot comply with condition specifying method of calculating emission limits for CO and PM10.	Opposed/Denied	Ex Parte EV denied.	N/A
3. Chevron Products Company Case #831-347 (B. Theis)	203(b) 2004(f)(1)	Due to extensive maintenance and system upgrades, the cogen train "B" diesel startup engine needs to exceed the 30-hours operation per year limit.	Not Opposed/Granted	Ex Parte EV granted for no more than 5 hours, which could be nonconsecutive, in a window of time between 12/12/07 and 1/11/08 or until the EV hearing currently scheduled for 12/18/07, whichever comes first.	PM 5.5 lbs/day VOC 7.0 lbs/day CO 185 lbs/day NOx 85.5 lbs/day SOx 1.15 lbs/day
4. ConocoPhillips Company Case #4900-85 (S. Soule)	203(b) 401(b)(1) 404(a) 405(a) 2004(f)(1)	Petitioner expects to exceed opacity on restart of FCCU after unplanned shutdown.	Not Opposed/Granted	Ex Parte EV granted commencing 12/4/07 and continuing for 30 days or until the EV hearing currently scheduled for 12/6/07, whichever comes first.	PM 0.5 ton/total for variance period Opacity TBD
5. Eastern Municipal Water District Case #4937-29 (C. Engelhardt)	203(b)	Engine that burns digester gas was rendered inoperative as a result of an underground natural gas explosion.	Not Opposed/Granted	Ex Parte EV granted commencing 12/14/07 and continuing for 30 days or until the SV hearing currently scheduled for 1/8/08, whichever comes first.	VOC TBD by 12/29/07
6. Lunday-Thagard Company Case #2033-20 (C. Engelhardt)	431.1(c)(2) 431.1(d)(1)	Treated vapors from new Sulfa Treat H2S Removal System unexpectedly failed to remove sulfur below level required by Rule 431.1.	Not Opposed/Granted	Ex Parte EV granted commencing 12/20/07 and continuing for 30 days or until the EV hearing currently scheduled for 1/9/08, whichever comes first.	SOx 28.32 lbs/day
7. Preproduction Plastics, Inc. Case #5577-2 (C. Engelhardt)	203(b) 1145(c)(1) 1145(g)(2) 3002(c)(1)	Paint used by petitioner for coating incubator plastic parts does not meet new VOC limits that become effective 1/1/08. Compliant paint has been developed but requires FDA approval before use on incubators. FDA approval expected 2/29/08.	Not Opposed/Granted	Ex Parte EV granted commencing 1/2/08 and continuing for 30 days or until the SV hearing currently scheduled for 1/23/08, whichever comes first.	VOC 11.5 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
8. SCAQMD vs. KUA Industries, Inc., dba Rancho Duarte Golf Course Case #5612-1 (C. Engelhardt)	203(b) 1150.1	Additional time needed to negotiate funding for new LFG collection/disposal system.	Stipulated/Issued	Mod. O/A issued commencing 12/19/07. The Hearing Board shall retain jurisdiction over this matter until 4/30/08.	N/A
9. SCAQMD vs. Mitsubishi Cement Corporation Case #5545-1 (Consent Calendar; No Appearance)	203(b)	Additional time needed because respondent recently discovered that use of parcel of land on which control system will be located will require full CEQA process.	Stipulated/Issued	Mod. O/A issued commencing 12/13/07. The Hearing Board shall retain jurisdiction over this matter until 6/19/09.	N/A
10. Ultramar Inc., dba Valero Wilmington Refinery Case #3845-73 (B. Theis)	203(b) 1146(c)(5) 2004(f)(1)	Petitioner will be in violation during planned turnaround for maintenance and catalyst replacement.	Not Opposed/Granted	SV granted commencing 1/18/08 and continuing through 3/23/08.	SOx 4,900 lbs/day up to 6 days CO 1,600 lbs/day divided over 3 days NOx 180 lbs/day for 1 day for Unit 56
11. Ultramar Inc., dba Valero Wilmington Refinery Case #3845-71 (Consent Calendar; No Appearance)	203(b) 401(b)(1) 407(a) 2004(f)(1)	An 11-day extension of time needed to complete some of the requirements of the variance issued 10/11/07.	Not Opposed/Granted	Mod/Var. granted to extend Condition Nos. 1, 5, 6, 9, 17, 18, 19 and 23 from 12/19/07 to 12/30/07.	N/A

### Acronyms

CEQA: California Environmental Quality Act  
CO: Carbon Monoxide  
EV: Emergency Variance  
FCCU: Fluid Catalytic Cracking Unit  
FCD: Final Compliance Date  
FDA: Food & Drug Administration  
H2S: Hydrogen Sulfide  
LFG: Landfill Gas  
MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance  
Mod. O/A: Modification of an Order for Abatement  
Mod/Var: Modification of a Variance  
NOx: Oxides of Nitrogen  
O/A: Order for Abatement  
PM10: Particulate Matter ≤ 10 microns  
RV: Regular Variance  
SOx: Oxides of Sulfur  
SV: Short Variance  
TBD: To be determined  
VOC: Volatile Organic Compounds