

BOARD MEETING DATE: March 5, 2010

AGENDA NO. 20

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of January 1 through January 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 **January 2010 Hearing Board Cases**.

The total number of appeals filed during the period January 1 to January 31, 2010 is 3.

410(d)	0
430(b)(3)(A)(iv)	0
431.1	0
431.1	0
431.1(c)(1)	0
431.1(c)(2)	0
431.1(c)(3)(C)	0
431.1(d)(1)	0
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		0
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		0
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
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)	0
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(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)	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
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	10
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		0
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	7
3002(c)(2)		0

Report of January 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 #5357-36 (Consent Calendar Item) (T. Barrera)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1) 3002(c)(1)	Petitioner is unable to comply with certain provisions of Rule 1118, regarding flare monitoring systems.	Not Opposed/Granted	AOC granted commencing 10/28/09 and continuing through 01/20/10. The end date shall occur as listed in the table in the Increments of Progress.	None
2. BP West Coast Products, LLC Case #5357-57 (Consent Calendar Item) (J. Panasiti)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner cannot comply with the permit description for tanks and condensers serving sulfur recovery units. Petitioner must operate the sulfur recovery unit while waiting for the corrections to the permit.	Not Opposed/Denied	AOC denied.	N/A
3. BP West Coast Products Case #5357-61 (T. Barrera)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner seeks to restart the Sulfur Reduction Unit while bypassing the Tail Gas Unit contrary to the permit condition.	Not Opposed/Granted	SV granted for 72 consecutive hours commencing 1/28/10 and continuing through 2/15/10.	None
4. Chevron Products Company Case #831-352 (J. Panasiti)	203(b) 2004(f)(1) 3002(c)(1) 463(c)(1) 463(e)(4) 1178(d)(1)(B) 1178(d)(1)(C)	The roof seals on the floating roof tank are damaged by fire. Petitioner is unable to repair the seals within a 72 hour period allowed by Rules 463 and 1178.	Not Opposed/Granted	Ex Parte EV granted commencing 1/8/10 and continuing through 1/12/10.	VOC: 132 lbs/day
5. Chevron Products Company Case #831-353 (C. Engelhardt)	203(b) 2004(f)(1) 3002(c)(1) 463(c)(1)(D) 1178(d)(1)(A)(xiii) 1178(d)(1)(A)(xiv) 1178(d)(1)(C)	A leak in the floating roof tank allowed oil to accumulate on the roof's upper surface. Repair could not be completed within a 72 hour period allowed by Rules 463 and 1178.	Not opposed/Granted	Ex Parte EV granted commencing 1/20/10 and continuing for 30 days or until the SV hearing currently scheduled for 2/17/10, whichever comes first.	VOC: 53 lbs/day
6. ExxonMobil Oil Corporation Case #1183-443 (N. Feldman)	203(b) 2004(f)(1) 407(a)(1)	The refinery must shut down the incinerator to safely replace piping that is vulnerable to corrosion.	Not opposed/Granted	SV granted for 96 continuous hours in a window-of-time commencing 1/21/10 and continuing through 1/31/10.	CO: 30 lbs/total over 12 hour startup period.

7. ExxonMobil Oil Corporation Case No. 1183-444 (J. Panasiti)	203(b) 2004(f)(1) 468(b)	The refinery seeks to continue operating the sulfur accumulator pit while inspecting, trouble shooting and correcting problems associated with the intermittent venting of sulfur gasses.	Not Opposed/Granted	Ex Parte EV granted commencing 1/5/10 and continuing through 1/31/10 or until the EV hearing currently scheduled for 1/7/10, whichever comes first.	H2S: 67 lbs/day
8. ExxonMobil Oil Corporation Case #1183-444 (J. Panasiti)	203(b) 2004(f)(1)	The refinery seeks to continue to operate the sulfur accumulator pit while inspecting, trouble shooting and correcting problems associated with the intermittent venting of sulfur gasses.	Not Opposed/Granted	Ev granted commencing 1/7/10 and continuing through 1/22/10.	H2S: 67 lbs/day
9. Fair View Farms- Case #5665-1 Heritage Dairy #2- Case #5667-1 H&R Westra Dairy- Case #5668-1 TeeVee Dairy- Case #5669-1 Van Vliet Dairy- Case #5670-1 Vander Poel Dairy – Case #5671-1 Gerard Slagers Dairy - Case #5681-1 (N. Feldman)	N/A	The petitioners shut down their dairy operations and appealed the denial of ERCs.	Opposed/Upheld	Appeal Denial ERCs upheld.	N/A
10. Klune Industries, Inc. Case #5762-1 (J. Panasiti)	203(a) 1401	Laser metal cutting machines are operating without a HEPA filter.	Opposed/Dismissed	IV dismissed without prejudice for lack of good cause. SV currently scheduled for 2/10/10.	N/A
11. Pactiv Corporation Case #5551-2 (T. Barrera)	203(b) 1175(c)(2) 2004(f)(1) 3002(c)(1)	Petitioner seeks to operate foam manufacturing for 30 days while the thermal oxidizer is out of service for repairs.	Not Opposed/ Dismissed	EV dismissed without prejudice for lack of good cause. SV scheduled for 2/9/10.	N/A

12. SCAQMD vs. Frito Lay North America, Inc. Case #5141-2 (Consent Calendar Item) (N. Feldman)	203 1303 3002	Petitioner is unable to commence the installation of air pollution controls by the date specified in O/A due to a delay in obtaining city permits.	Stipulated/Issued	Mod. O/A issued. The Hearing Board shall retain jurisdiction over this matter until 3/15/10.	N/A
13. SCAQMD vs. Inland Empire Regional - #5657-3 (Consent Calendar Item) (E. Sernel)	203(b)	The biofilter serving the composting facility is unable to meet the VOC limits.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 8/1/10.	N/A
14. SCAQMD vs. KUA Industry, Inc. Case #5612-1 (C. Engelhardt)	203 1150.1	Progress report on status of landfill gas collection system improvements.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 4/30/10.	N/A
15. SCAQMD vs. Linn Western Operating, Inc. Case #5711-6 (C. Engelhardt)	203 2004 2012 3002	Gas from oil production fields are being flared contrary to the permit conditions.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 11/30/10.	N/A
16. San Diego Gas & Electric Co. Case #3607-11 (N. Feldman)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner must operate newly upgraded engines without being connected to newly installed catalytic control system for four hours in order to clear debris that might otherwise damage the control system catalyst.	Not Opposed/Granted	SV granted for four hours in a window-of-time commencing 1/21/10 and continuing through 2/19/10.	CO: 12.08 total VOC: 6.82 total
17. Tidelands Oil Production Case #4696-16 (Consent Calendar Item) (N. Feldman)	203(b)	Recently overhauled engine must be operated at low load for 2-4 days. During this time, the exhaust temperature will not reach the temperature required for proper catalyst operating.	Not Opposed/Granted	SV is granted for four weeks in a window-of-time from 1/22/10 and through 4/22/10.	VOC: TBD NOX: TBD

Acronyms

AOC: Alternative Operating Conditions
 CARB: California Air Resources Board
 CEMS: Continuous Emissions Monitoring System
 CO: Carbon Monoxide
 ERC: Emission Reduction Credit
 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
 HEPA: High Efficiency Particulate Absorbing
 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
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 System