REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of April 1 through April 30, 2012.

COMMITTEE: Not Applicable
RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

Two summaries are attached: Rules from Which Variances and Orders for Abatement Were Requested in 2012 and April 2012 Hearing Board Cases.

The total number of appeals filed during the period April 1 to April 30, 2012 is 0; and total number of appeals filed during the period of January 1 to April 30, 2012 is 3.

| Rules from which Variances and Order for Abatements were Requested in 2012 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | 2012 | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total Action |
| \# of HB Actions* |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Involving |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Rules |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 109 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 109(c) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 109(c)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 201 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 201.1 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 202 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 202(a) |  | 4 | 1 |  |  |  |  |  |  |  |  |  |  | 5 |
| 202(b) |  |  | 1 |  |  |  |  |  |  |  |  |  |  | 1 |
| 202(c) |  | 1 |  |  |  |  |  |  |  |  |  |  |  | 1 |
| 203 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 203(a) |  |  | 1 | 2 | 2 |  |  |  |  |  |  |  |  | 5 |
| 203(b) |  | 6 | 3 | 3 | 2 |  |  |  |  |  |  |  |  | 14 |
| 204 |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 |
| 208 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 218 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 218.1 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 218.1(b)(4)(C) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 218(b)(2) |  |  |  |  | 1 |  |  |  |  |  |  |  |  | 1 |
| 218(c)(1)(A) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 218(d)(1)(A) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 218(d)(1)(B) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 218(f)(2) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 221(b) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 221(c) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 221(d) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 222 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 401(a) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 401(b) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 401(b)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 401(b)(1)(A) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 401(b)(1)(B) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 402 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 403(d)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 403(d)(1)(A) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 403(d)(2) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 404 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 404(a) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 405 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 405(a) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 407 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 407(a) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 407(a) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 407(a)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 407(a)(2)(A) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |









| Rules from which Variances and Order for Abatements were Requested in 2012 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | 2012 | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total Action |
| 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 |
| $1421(\mathrm{e})(2)(\mathrm{c})$ |  |  |  |  |  |  |  |  |  |  |  |  |  | 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 |
| $1469(\mathrm{~g})(2)$ |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1469(h) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1469(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1469(j)(4)(A) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1469(i)(4)(D) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1469(k)(3)(A) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1470 |  | 1 | 1 | 2 |  |  |  |  |  |  |  |  |  | 4 |
| 1470(c)(8)(c)(iii)(II) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1470(c)(2)(C)(iv) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1470(c)(3)(B) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1470(c)(3)(C)(iii) |  |  | 1 | 1 |  |  |  |  |  |  |  |  |  | 2 |
| 1470(c)(9) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2004 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |


| Rules from which Variances and Order for Abatements were Requested in 2012 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | 2012 | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total Action |
| 2004(b)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2004(b)(4) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2004(c)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2004(c)(1)(C) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2004(f)(1) |  | 6 | 2 | 1 | 2 |  |  |  |  |  |  |  |  | 11 |
| 2004(f)(2) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 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 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 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 |
| 2012.0 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012 Attach. C, B.2.a |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012 Appen. A, Attach. C, Section B.2. |  |  |  | 1 |  |  |  |  |  |  |  |  |  | 1 |
| 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 |  |  |  | 1 |  |  |  |  |  |  |  |  |  | 1 |
| 2012 Appen A. Chap. 2. Sec. A1.g. |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012 Appen A, Chap. 2, Sec. B |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012, Appen A, Chap. 2, B. 10 |  |  |  | 1 |  |  |  |  |  |  |  |  |  | 1 |
| 2012, Appen A, Chap. 2, B. 11 |  |  |  | 1 |  |  |  |  |  |  |  |  |  | 1 |
| 2012, Appen A, Chap. 2, B. 12 |  |  |  | 1 |  |  |  |  |  |  |  |  |  | 1 |
| 2012, Appen A, Chap. 2, B. 17 |  |  |  | 1 |  |  |  |  |  |  |  |  |  | 1 |
| 2012, Appen A, Chap.2, B. 18 |  |  |  | 1 |  |  |  |  |  |  |  |  |  | 1 |
| 2012, Appen A, Chap.2, B. 20 |  |  |  | 1 |  |  |  |  |  |  |  |  |  | 1 |




## Report of April 2012 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 Burbank, Burbank Water and Power Case \#1474-25 (J. Voge) | $\begin{aligned} & \hline \hline 203(\mathrm{~b}) \\ & 218(\mathrm{~b})(2) \\ & 2012(\mathrm{c})(2) \\ & 2004(\mathrm{f})(1) \\ & 3002(\mathrm{c})(1) \\ & \hline \end{aligned}$ | Emissions will not be monitored while aging CEMS is replaced. | Not Opposed/Granted | SV granted commencing 4/17/12 and continuing through 7/16/12, the FCD. | None. |
| 2. ExxonMobil Oil Corporation Case \#1183-465 <br> (T. Barrera) | $\begin{aligned} & \text { 203(b) } \\ & \text { 2004(f)(1) } \\ & \text { 3002(c)(1) } \end{aligned}$ | Boiler will exceed the $\mathrm{NO}_{x}$ limit during start up after being down for repair. | Not Opposed/Granted | SV \& AOC granted for 30 nonconsecutive hours in a window-of-time commencing 4/18/12 and continuing through $5 / 2 / 12$. | NOx: 198 lbs during variance period. |
| 3. SCAQMD vs. J \& J Snack Foods Case \#5869-1 (J. Voge) | 203(a) | Respondent is operating deep fryers without the required BACT. | Stipulated/Issued | O/A issued commencing 4/17/12 and continuing through $4 / 17 / 13$. The Hearing Board shall retain jurisdiction over this matter until 4/17/13. | N/A |
| 4. SCAQMD vs. Kaiser Foundation Hospitals Case \#3765-5 (K. Manwaring) | 1146 | Respondent is operating noncompliant boilers. | Stipulated/Issued | O/A issued commencing 4/5/12 and continuing through $4 / 5 / 13$. The Hearing Board shall hold jurisdiction over this matter until $4 / 5 / 13$, or 30 days after respondent achieves final compliance, whichever occurs first. | N/A |
| 5. SCAQMD vs. Stationary Diesel-Fueled Internal Combustion Engine Facilities Does 101-300 Case \#5823-2 (N. Sanchez) | 203(a) | Respondents are operating stationary diesel-fueled ICEs in violation of the Tier 4 limit in Rule 1470. | Stipulated/Issued | Group O/A Issued for Does 201-218 commencing 4/17/12 and continuing through $12 / 31 / 12$. The Hearing Board shall retain jurisdiction over this matter until 12/31/12. | N/A |

## Acronyms

AOC: Alternative Operating Conditions
BACT: Best Available Control Technology
CEMS: Continuous Emissions Monitoring System
FCD: Final Compliance Date
ICE: Internal Combustion Engine
$\mathrm{NO}_{\mathrm{x}}$ : Oxides of Nitrogen
N/A: Not Applicable
O/A: Order for Abatement
SV: Short Variance

