

BOARD MEETING DATE: November 2, 2012

AGENDA NO. 20

REPORT: Hearing Board Report

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

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

SM:DP

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

The total number of appeals filed during the period September 1 to September 30, 2012 is 0; and total number of appeals filed during the period of January 1 to September 30, 2012 is 4.

Report of September 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. Etiwanda School District Case #5907-1 (N. Sanchez)	203(b)	Petitioner exceeded monthly fuel throughput permit limit for GDF.	Not Opposed/Denied	Ex Parte EV denied.	N/A
2. ExxonMobil Oil Corporation Case #1183-469 (J. Voge)	203(b) 2004(f)(1) 3002(c)(1)	Unexpected boiler fan failure resulted in boiler shutdown. On restart, NOx exceedance will occur until SCR reaches proper operating temperature.	Not Opposed/Granted	SV & AOC granted commencing 9/4/12 and continuing through 11/7/12.	NOx: 145 lbs/day
3. ExxonMobil Oil Corporation Case #1183-470 (T. Barrera)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	VRS must be disconnected to repair hole in molecular seal serving refinery flare.	Not Opposed/Granted	Ex Parte EV & AOC granted commencing 9/18/12 and continuing for 30 days, or until the EV & AOC hearing currently scheduled for 9/25/12, whichever comes first.	None
4. ExxonMobil Oil Corporation Case #1183-470 (K. Manwaring)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	VRS must be disconnected to repair hole in molecular seal serving refinery flare.	Not Opposed/Granted	EV & AOC granted commencing 9/25/12 and 9/18/12, respectively, and continuing through 10/18/12.	None
5. Hixson Metal Finishing Case #5418-2 (K. Manwaring)	1147(c)(1)	Petitioner operating curing oven in excess of Rule 1147 NOx limit.	Not Opposed/Granted	RV granted commencing 9/12/12 and continuing through 11/15/12, the FCD.	NOx: 1.68 lbs/day
6. La Cañada Union, Inc. Case #5893-1 (N. Sanchez)	N/A	Request for waiver of excess emission fees.	No Position/Granted	The Board reduced payment of excess emission fees for ex parte EV period from 8/9/12 through 9/6/12.	N/A
7. Magnolia Power Project, SCPPA Case #5601-5 (N. Sanchez)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner will exceed NOx and CO limits upon next startup which will exceed monthly startup limit.	Not Opposed/Granted	Ex Parte EV granted commencing 9/28/12 and continuing through 10/1/12.	NOx: 359 lbs per startup CO: 568 lbs per startup
8. SCAQMD vs. Baxter Healthcare Corporation Case #5899-1 (N. Sanchez)	203(a) Title 13 Code of Regulations §2452	Respondent operating diesel portable ICE without permit to operate.	Stipulated/Issued	O/A issued commencing 9/20/12; the Hearing Board shall retain jurisdiction over this matter until 4/30/13.	N/A

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
9. SCAQMD vs. Cellco Partnership dba Verizon Wireless Telecom Inc. Case #5900-1 (N. Sanchez)	1470(c)(3)(C)(iii)	Respondent operating multiple diesel ICEs near schools without required PM controls.	Stipulated/Issued	O/A issued commencing 9/19/12; the Hearing Board shall retain jurisdiction over this matter until 3/31/13.	N/A
10. SCAQMD vs. Verizon California, Inc. and MCI Communications Services, Inc. dba Verizon Business Case #5660-4 (N. Sanchez)	1470(c)(3)(C)(iii)	Respondent operating multiple diesel ICEs near schools without required PM controls.	Stipulated/Issued	O/A issued commencing 9/19/12; the Hearing Board shall retain jurisdiction over this matter until 1/15/14.	N/A
11. SCAQMD vs. Warren E&P, Inc. Case #5649-4 (K. Manwaring)	203(a) 203(b)	Respondent cannot comply with O/A condition requiring gas re-injection due to delay in approval from California Div. of Oil, Gas and Geothermal Resources.	Stipulated/Issued	Mod. O/A issued commencing 9/20/12; the Hearing Board shall retain jurisdiction over this matter until 7/1/14.	N/A
12. Universal City Studios, LLC Case #4935-10 (Consent Calendar; No Appearance)	401(b)(1)(B) H&S Code §41701	Simulated smoke for a Halloween production will exceed the opacity standard.	Not Opposed/Granted	SV granted commencing 9/17/12 and continuing through 11/1/12.	Opacity: Up to 80%
13. Valley Chevron Case #5904-1 (T. Barrera)	203(b) 461(e)(5)	GDF failed vent back pressure test.	Not Opposed/Granted	Ex Parte EV granted commencing 9/20/12 and continuing for 30 days, or until the SV hearing currently scheduled for 10/17/12, whichever comes first.	VOC: TBD by 10/10/12
14. Western Medical Center – Santa Ana Case #5892-1 (K. Manwaring)	1146(c)(1)(l)	Medical center operating non-compliant boilers.	Not Opposed/Granted	RV granted commencing 1/1/13 and continuing through 8/31/13, the FCD.	NOx: 9.8 ppm for Boiler #1 NOx: 5.28 ppm for Boiler #2

Acronyms

AOC: Alternative Operating Conditions
CO: Carbon Monoxide
ESP: Electrostatic Precipitator
EV: Emergency Variance
FCD: Final Compliance Date

GDF: Gasoline Dispensing Facility
H&S: Health & Safety Code
H2S: Hydrogen Sulfide
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
NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM: Particulate Matter
ROG: Reactive Organic Gas
RV: Regular Variance
SCR: Selective Catalytic Reduction
SO2: Sulfur Dioxide
SOx: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
VOC: Volatile Organic Compounds
VRS: Vapor Recovery System

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
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)(2)(A)								1						1
1146.1(e)(1)														0
1150.1(d)(5)														0
1150.1(d)(12)								1						1
1150.1(e)														0
1150.1(e)(1)(C)														0
1150.1(e)(2)														0
1150.1(e)(2)(C)														0
1146					1									1
1146(c)(3)(A)														0
1146(c)(5)														0
1146(c)(1)(I)										1				1
1146.1														0
1146.1(a)(2)														0
1146.1(a)(8)														0
1146.1(b)														0
1146.1(c)(1)(G)													1	1
1146.1(c)(2)													2	2
1146.1(c)(3)														0
1146.1(e)														0
1146.1(e)(1)(B)														0
1146.2														0
1146.2(c)(3)													1	1
1146.2(c)(5)													1	1
1146.2(e)													1	1
1147)(c)(1)											1			1

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
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)														0
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)														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)(2)(B)(v)														0
1178(d)(1)(A)(xiii)														0
1178(d)(1)(A)(xiv)														0
1178(d)(1)(B)														0
1176(f)(3)														0
1178(d)(1)(C)														0
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														0
1303(a)(1)														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
1303(a)(2)														0
1401														0
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							2							2
1420.1(g)(4)								1						1
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		1	1	2										4
1470(c)(2)(C)(i)(l)						1								1
1470(c)(2)(C)(iv)														0
1470(c)(3)(B)														0
1470(c)(3)(C)(iii)			1	1						2				4

