

BOARD MEETING DATE: December 4, 2009

AGENDA NO. 20

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of October 1 through October 31, 2009.

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 2009** and **October 2009 Hearing Board Cases**.

The total number of appeals filed during the period October 1 to October 31, 2009 is 1; and total number of appeals filed during the period of January 1 to October 31, 2009 is 16.

Rules from which Variances and Order for Abatements were Requested in 2009

2009	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)	3	1	1					1		3	1		10
202(b)	2		2	1	1		1	2	1				10
202(c)													0
203					1		1						2
203(a)	2			1	1						1		5
203(b)	10	9	16	11	13	13	7	6	8	14	3		110
204													0
208													0
218													0
218.1													0
218.1(b)(4)(C)	1												1
218(b)(2)	1			1									2
218(c)(1)(A)	1									1			2
218(d)(1)(A)				1									1
218(d)(1)(B)				1									1
218(f)(2)													0
221(b)				1		2							3
221(c)													0
221(d)					1								1
301													0
301(8)													0
401													0
401(a)													0
401(b)			1										1
401(b)(1)		1							1	1			3
401(b)(1)(A)													0
401(b)(1)(B)													0
402	2					1							3
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)		1											1
407(a)(2)(A)													0
410(d)													0
430(b)(3)(A)(iv)													0
431.1													0
431								1					1
431.1(c)(1)													0
431.1(c)(2)							1						1
431.1(c)(3)(C)													0
431.1(d)(1)													0
431.1(d)(1), Att A(1)													0
442													0
444.0													0
444(a)													0
444(c)													0
444(d)													0
461.0													0
461(c)(1)						1							1

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)	1	5		1		1		8
461(c)(3)(A)			1					1
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)	1							1
462.0					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)	1							1
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						1		1
463(c)								0
463(c)(1)								0
463(c)(1)(A)(I)-(iv)								0
463(c)(1)(B)								0
463(c)(1)(C)								0
463(c)(1)(D)								0
463(c)(1)(E)								0
463(c)(2)								0
463(c)(2)(B)								0
463(c)(2)(C)								0
463(c)(3)								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)	1

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(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)				0
1178(d)(1)(A)(xiv)				0
1176(f)				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	1
1189(c)(3)				0
1195			1	1
1195(d)(1)(D)				0
1303	1		1	2
1303(a)(1)				0
1303(a)(2)				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				1
1420(g)		1	2	3
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

Report of October 2009 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. Chevron Products Company Case #831-343 (C. Engelhardt)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner is unable to complete all required testing of flare analyzers by date specified in previously issued variance.	Not Opposed/Granted	Ex Parte EV granted for I/P No. 4 commencing 10/5/09 and continuing through the Mod. I/P hearing currently scheduled for 10/27/09.	N/A
2. Chevron Products Company Case #831-343 (C. Engelhardt)	203(b) 1118(g)(3) 1118(i)(5)(B)(i) 1118(j)(1)(A)(ii) 1118(j)(1)(B)(ii) 2004(f)(1)	Petitioner unable to complete all required testing of flare analyzers by date specified in previously issued variance.	Not Opposed/Granted	Mod. I/P granted for I/P No. 4 commencing 10/28/09 and continuing through the 11/20/09.	N/A
3. City of Los Angeles, Department of General Services Case #5190-3 (C. Engelhardt)	203(b)	Wildfire destroyed power lines serving fire and police radio communications tower. Emergency generator used beyond 200-hour operating permit limit. Power lines restored. Petitioner must periodically operate generator for readiness testing and maintenance.	Not Opposed/Granted	RV granted commencing 10/29/09 and continuing through 12/31/09, the FCD.	VOC 0.25 lb/hr NO _x 6.8 lbs/hr SO _x 0.22 lb/hr CO 0.47 lb/hr PM ₁₀ 0.09 lb/hr
4. Eastern Municipal Water District Case #4937-39 (C. Engelhardt)	203(b)	Mist eliminator serving caustic scrubber must be replaced/repared. Until repair or replacement completed, scrubber must be shut down.	Not Opposed/Granted	Ex Parte EV granted commencing 10/2/09 and continuing for 30 days or until the EV hearing currently scheduled for 10/7/09, whichever comes first.	H ₂ S TBD by 10/18/09
5. Eastern Municipal Water District Case #4937-38 (T. Barrera)	203(b)	Mist eliminator serving caustic scrubber must be replaced/repared. Until repair or replacement completed, scrubber must be shut down.	Not Opposed/Granted	SV granted commencing 10/7/09 and continuing through 12/4/09 or the RV hearing currently scheduled for 11/17/09, whichever comes first.	H ₂ S .32 lb/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. Eastern Municipal Water District Case #4937-37 (E. Sernel)	202(a) 1110.2(d)(1)(B)(ii)	Petitioner awaiting delivery of equipment needed to control catalyst temperature to enable shorter startup times.	Not Opposed/Granted	RV granted commencing 10/13/09 and continuing through 1/22/10, the FCD.	NO _x TBD by 10/28/09
7. ExxonMobil Oil Corporation Case #1183-442 (C. Engelhardt)	203(b) 2004(f)(1)	Recently installed treatment system serving sulfur recovery unit has developed leaks and must be shut down to make repairs.	Not Opposed/Granted	EV granted commencing 10/1/09 and continuing through 10/5/09.	SO ₂ 5 lbs/day H ₂ S 5 lbs/day
8. Greka Oil & Gas, Inc. Case #5692-2 (C. Engelhardt)	463	VRS out of service due to compressor breakdown.	Opposed/Denied	Ex Parte EV denied.	N/A
9. Inland Empire Energy Center, LLC Case #5695-4 (T. Barrera)	202(a) 218(c)(1)(A) 2004(f)(1) 3002(c)(1)	Additional time beyond that provided for in permit is needed to complete commissioning process for two gas turbines.	Not Opposed/Granted	MFCD/EXT granted commencing 10/1/09 and continuing through 6/15/10.	NO _x 5,131 lbs/total for the variance period NH ₃ 575 lbs/total for the variance period CO 733 lbs/total for the variance period
10. Lifoam Industries, LLC Case #5465-5 (T. Barrera)	203(b) 2004(f)(1) 3002(c)(1)	Emission control system will be out of service for emergency repair of fan belt.	Not Opposed/Granted	Ex Parte EV granted commencing 10/22/09 and continuing for 30 days or until the EV hearing currently scheduled for 10/28/09, whichever comes first.	VOC 42 lbs/day
11. Paramount Petroleum Corporation Case #2914-87 (Consent Calendar; No Appearance)	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)	Delays associated with testing of flare monitoring system render petitioner unable to comply with final compliance date of previously issued variance.	Not Opposed/Granted	MFCD/EXT granted commencing 10/7/09 and continuing through 11/10/09.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
12. SCAQMD vs. Gas Dispensing Facilities, Does 1-2600 Case No. 5732-1 (Consent Calendar; W. Wong)	203(b) 461(c)(3)	Respondents operating gasoline dispensing facilities without required Phase II enhanced vapor recovery equipment.	Stipulated/Issued	O/A issued for Does 735, 786, 790 through 792, 795, 798 through 801 and 803 through 809 commencing 10/7/09. The Hearing Board shall retain jurisdiction over this matter until 12/31/09.	N/A
13. SCAQMD vs. MillerCoors LLC Case #4521-4 (Consent Calendar; No Appearance)	203(b) 2004(f)(1) 3002(c)(1)	Respondent operating scrubber in excess of H2S limits and operating biofilter and flare in excess of ROG and SO2 limits.	Stipulated/Issued	O/A issued commencing 10/7/09. The Hearing Board shall retain jurisdiction over this matter until 10/7/10.	N/A
14. Ultramar Inc., dba Valero Wilmington Refinery Case #3845-79 (E. Sernel)	202(a) 203(b) 401(b)(1) 2004(f)(1) 3002(c)(1) H&S Code §41701	Various refinery units will be shut down for scheduled maintenance and catalyst replacement. Flaring may occur during this time.	Not Opposed/Granted	SV and AOC granted commencing 11/6/09 and continuing through 12/14/09.	None
15. Vopak Terminal Long Beach Case #5527-4 (N. Feldman)	203(b)	Tear in roof of internal floating roof tank storing ultra low sulfur diesel fuel.	Not Opposed/Granted	Ex Parte EV granted commencing 10/1/09 and continuing for 30 days or until the SV hearing currently scheduled for 10/28/09, whichever comes first.	VOC TBD by 10/22/09
16. Vopak Terminal Long Beach Case #5527-4 (E. Sernel)	203(b)	Tear in roof of internal floating roof tank storing ultra low sulfur diesel fuel.	Not Opposed/Granted	SV granted commencing 10/28/09 and continuing through 12/29/09.	VOC 0.612 lb/day
17. Waste Management Disposal and Recycling Services, Inc. Case #3824-12 (C. Engelhardt)	203(b) 1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6) 3002(c)(1)	Petitioner unable to complete closure of landfill as required by existing variance due to unavailability of sufficient soil to complete the cover.	Not Opposed/Granted	MFCD/EXT granted commencing 10/28/09 and continuing through 3/31/10.	VOC 30 lbs/day

Acronyms

AOC: Alternative Operating Conditions
CARB: California Air Resources Board
CEMS: Continuous Emissions Monitoring System
CEQA: California Environmental Quality Act
CO: Carbon Monoxide
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
H₂S: Hydrogen Sulfide
ICE: Internal Combustion Engine
I/P: Increments of Progress
IA: Interim Authorization
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
NMOC: Non-Methane Organic Compounds
NOV: Notice of Violation
NO_x: Oxides of Nitrogen
O/A: Order for Abatement
PM: Particulate Matter
RATA: Relative Accuracy Test Audit
RECLAIM: Regional Clean Air Incentives Market
ROG: Reactive Organic Gas
RV: Regular Variance
SCR: Selective Catalytic Reduction
SO₂: Sulfur Dioxide
SO_x: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
TOC: Total Organic Compounds
VOC: Volatile Organic Compounds
VRS: Vapor Recovery System