

BOARD MEETING DATE: June 4, 2010

AGENDA NO. 16

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of April 1 through April 30, 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 **April 2010 Hearing Board Cases**.

The total number of appeals filed during the period April 1 to April 30, 2010 is 1; and total number of appeals filed during the period of January 1 to April 30, 2010 is 9.

410(d)		0
430(b)(3)(A)(iv)		0
431.1	1	1
431.1		0
431.1(c)(1)		0
431.1(c)(2)	1	1
431.1(c)(3)(C)		0
431.1(d)(1)	1	1
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	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)		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	1	1
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	1		2
1150.1(d)(C)(i)				0
1150.1(d)(1)(C)(i)				0
1150.1(d)(4)			1	1
1150.1(d)(5)			1	1
1150.1(d)(6)			1	1
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)		1		1
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(b)(1)(C)		2		2
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	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

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	8	6	21
3002(c)(2)				0

Report of April 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. City of Burbank, Burbank Water and Power Case #1474-23 (No Appearance; Consent Calendar)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner may exceed NO _x and NH ₃ limits during diagnostic testing of SCR.	Not Opposed/Granted	SV granted for 18 hours within 10 consecutive days to occur between 4/6/10 and 7/5/10.	NO _x : 507.2 lbs/total NH ₃ : 15.6 lbs/total
2. Eastern Municipal Water District Case #4937-40 (N. Feldman)	203(b)	Secondary digester has developed leaks due to corrosion. Repairs will take six days.	Not Opposed/Granted	Ex Parte EV granted commencing 4/9/10 and continuing for 30 days or until the EV hearing currently scheduled for 4/22/10, whichever comes first.	H ₂ S: .538 lbs/day
3. 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 Slegers Dairy Case #5681-1 (No Appearance; Consent Calendar)	N/A	Correct record regarding exhibits in evidence.	Not Opposed/Granted	The Board vacated, admitted the Stipulation and Reissued the decision made by the Board on 1/26/10.	N/A
4. Lunday-Thagard Company Case #2033-27 (N. Feldman)	202(a) 202(b) 203(b) 2004(f)(1) 3002(c)(1)	Due to power failure, petitioner cannot vent its VOC tanks to incinerator.	Not Opposed/Granted	Ex Parte EV granted for 3 hours in a window of time between 4/13/10 and 4/16/10.	VOC: TBD
5. Quality Car Care Products, Inc. Case #5766-2 (T. Barrera)	203(b)	Carbon adsorber system damaged in fire. Petitioner seeks to operate with two remaining units.	Not Opposed/Granted	Ex Parte EV granted commencing 4/9/10 and continuing for 30 days or until the EV hearing currently scheduled for 4/22/10, whichever comes first.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. Quality Car Care Products, Inc. Case #5766-2 (J. Panasiti)	203(b)	Carbon adsorber system damaged in fire. Petitioner seeks to operate without any controls.	Not Opposed/Dismissed	IV dismissed.	N/A
7. Quality Car Care Products, Inc. Case #5766-3 (J. Panasiti)	203(b)	Carbon adsorber system damaged in fire. Petitioner seeks to operate with two remaining units.	Opposed/Denied	Ex Parte EV denied.	N/A
8. Tesero Refining and Marketing Company Case #4982-87 (T. Barrera)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner will exceed Rule 1198 VOC limit on restart of hydrogen generator.	Opposed/Denied	SV denied.	N/A
9. United States Government, Department of the Navy Case #4518-5 (N. Feldman)	203(b) 3002(c)(1)	Petitioner must exceed hours of operation limit for emergency generator due to prolonged power outage.	Not Opposed/Dismissed	EV changed to IV and dismissed for lack of good cause.	N/A
10. United States Government, Department of the Navy Case #4518-5 (N. Feldman)	203(b) 3002(c)(1)	Petitioner has exceeded hours of operation limit for emergency generator due to prolonged power outage. Petitioner must operate generator for testing and any unanticipated outages.	Not Opposed/Granted	RV granted commencing 4/20/10 and continuing through 12/31/10, the FCD.	NO _x : 2.13 lbs/hr HC: 0.18 lb/hr CO: 0.47 lb/hr PM: 0.04 lb/hr
11. Waste Management Disposal and Recycling Services, Inc. – Bradley Landfill and Recycling Center Case #3824-12A (No Appearance; Consent Calendar)	203(b) 1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6) 3002(c)(1)	Foul weather prevented meeting closure requirements by date specified in order.	Not Opposed/Granted	RV granted commencing 4/28/10 and continuing through 8/30/10, the FCD.	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