

BOARD MEETING DATE: May 2, 2008

AGENDA NO. 17

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of March 1 through March 31, 2008.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

RJ

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Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2008** and **March 2008 Hearing Board Cases**.

The total number of appeals filed during the period March 1 to March 31, 2008 is 2, and the total number of appeals filed during the period of January 1 to March 31, 2008 is 8.

















## Report of March 2008 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. Al Roy Drilling, Inc. Case No. 5686-1 (J. Panasiti)	203(a)	Petitioner failed to obtain permit for portable diesel engine serving drilling rig.	Opposed/Denied	Ex Parte EV denied without prejudice for lack of good cause.	N/A
2. Black Hills Ontario LLC Case No. 5640-3 (B. Theis – Consent Calendar)	2012, App. A, Att. C, Section B.2	Petitioner can no longer legally operate equipment and therefore can not perform required RATA tests on CEMS.	Not Opposed/Granted	SV granted commencing 4/1/08 and continuing through 6/29/08.	None
3. City of Bell Gardens Case No. 5683-1 (B. Theis)	1186.1	Petitioner failed to contract for street sweeping services that use alternative fuel sweepers.	Opposed/Dismissed	IV dismissed without prejudice for lack of good cause. RV currently scheduled for 5/6/08.	N/A
4. ExxonMobil Oil Corporation Case No. 1183-423 (B. Theis)	203(b) 401(b)(1) 2004(f)(1)	FCCU will be restarted after shut down due to equipment failure. NOX, CO, PM and opacity limits are expected to be exceeded during restart.	Not Opposed/Granted	Ex Parte EV granted commencing on the date and time specified in the notice given to the Clerk of the Board pursuant to variance Condition No. 1.a., and shall continue for 69 consecutive hours.	NOx: 370 lbs/day CO : 400 lbs/day PM : Unable to determine  Opacity: Up to 55% excess
5. ExxonMobil Oil Corporation Case No. 1183-424 (C. Engelhardt)	203(b) 2004(f)(1) Regulation X	Petitioner needs to remove bladder tank from service to permit repair of the bladder vapor control system.	Not Opposed/Granted	Ex Parte EV granted commencing on 3/27/08 and continuing for 30 days or until the EV hearing currently scheduled for 4/10/08, whichever comes first.	VOC: 30.5 lbs/day
6. Kindred Hospital- Westminster Case No. 5687-1 (E. Sernel)	1146.2	Petitioner failed to retrofit two boilers serving autoclaves for low NOx.	Opposed/Denied	Ex Parte EV denied without prejudice for lack of good cause.	N/A
7. Onsite Krushing Case No. 5679-1 (J. Panasiti)	203(a) 401	Petitioner seeks to operate non permitable ICES.	Opposed/Denied	RV denied.	N/A
8. Penrose Landfill Gas Conversion, LLC Case No. 5490-3 (E. Sernel)	203(b) 1110.2 1150.1 3002(c)(1)	Tests of three ICES serving landfill gas collection and control system show failure to comply with VOC limit.	Opposed/Dismissed	IV dismissed without prejudice for lack of good cause. RV currently scheduled for 4/30/08.	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. Plains Exploration & Production Co. Case No. 5042-3 (N. Feldman)	203(b)	Gas production operation must flare its gas because one of its two customers cannot receive the gas due to transfer pipeline problems. Petitioner cannot sell its gas to its other customer because petitioner's equipment to clean the gas to meet its second customer specs is temporarily out of service.	Not Opposed/Granted	SV granted commencing on the date specified in the notice given pursuant to Condition No. 1 of the Order and continuing for 48 hours thereafter, occurring between 3/9/08 and 3/31/08.	NOx: 473.88 lbs/day VOC: 485.76 lb/day PM10: 133.32 lb/day SOx: 44.58 lbs/day CO: 2611.62 lbs/day
10. SCAQMD vs. KUA Industry, Inc., dba Rancho Duarte Golf Course Case No. 5612-1 (C. Engelhardt)	203(b) 1150.1	Respondent has revised and submitted a phased plan for control of landfill gases.	Stipulated/Issued	Mod. O/A issued commencing 3/6/08. The Hearing Board shall retain jurisdiction over this matter until 1/31/09.	N/A
11. Shepherd Academics/Oakridge Private School Case No. 5685-1 (B. Theis)	1150.1(d)(6)	Petitioner failed to properly maintain landfill gas collection system.	Opposed/Dismissed	EV dismissed without prejudice for lack of good cause.	N/A
12. U S A Waste of California Case No. 5139-2 (B. Theis – Consent Calendar)	1150.1(d)(1)(C)(i)	Due to a series of mechanical failures, petitioner was unable to conduct required testing of ICE that serves as part of control device to burn landfill gas.	Not Opposed/Granted	SV granted commencing 3/4/08 and continuing through 5/29/08.	TBD by 5/29/08

### Acronyms

App: Appendix  
CO: Carbon Monoxide  
ICEs: Internal Combustion Engines  
N/A: Not Applicable  
RV: Regular Variance  
VOC: Volatile Organic Compound

Att: Attachment  
EV: Emergency Variance  
IV: Interim Variance  
NOx: Oxides of Nitrogen  
SV: Short Variance

CEMS: Continuous Emissions Monitoring System  
FCCU: Fluid Catalytic Cracking Unit  
Mod. O/A: Modification Order for Abatement  
PM: Particulate Matter  
TBD: To Be Determined