

BOARD MEETING DATE: November 7, 2008

AGENDA NO. 18

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 2008.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

rj

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

The total number of appeals filed during the period September 1 to September 30, 2008 is 2, and the total number of appeals filed during the period of January 1 to September 30, 2008 is 13.

	2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1415(d)(3)														0
1418(d)(2)(A)														0
1421														0
1421(d)														0
1421(d)(1)(C)														0
1421(d)(1)(G)														0
1421(d)(3)(A)														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									1					1
1469(c)														0
1469(c)(8)														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														0
1470(c)(2)(C)(iv)														0
2004(b)(1)														0
2004(b)(4)														0
2004(c)(1)														0
2004(c)(1)(C)														0
2004(f)(1)		3	3	2	10	3	3	12	4	4				44
2004(k)														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 Appendix A														0
2011 Attachment C														0
2011(c)(2)														0
2011(c)(2)(A)										1				1
2011(c)(3)(A)										1				1
2011(e)(1)														0
2011(f)(3)														0
2011(g)														0
2011(g)(1)										1				1
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 Appen. A, Attach. C														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)			1			1				1				3

	2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2012(c)(2)(B)			1											1
2012(c)(3)														0
2012(c)(3)(A)										1				1
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)										1				1
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			1											1
2012, Protocol (Appen. A) Chap. 2, Part B.4			1											1
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														0
3002(c)						2								2
3002(c)(1)		1	2	1	4	3	2	5	2	3				23
3002(c)(2)														0
Regulation II								1						1
Regulation IX									1					1
Regulation X				1										1
Regulation XI								1						1
Regulation XIII								1						1
H&S 39152(b)														0
H&S 41510														0
H&S 41700														0
H&S 41701					3		1	1		1				6

Report of September 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. BP West Coast Products LLC Case #5357-48 (C. Engelhardt)	203(b) 2004(f)(1) 2011(c)(2)(A) 2011(c)(3)(A) 2011(g)(1) 2012(c)(2)(A) 2012(c)(3)(A) 2012(g)(1)	Petitioner seeks to continue gasoline bulk loading at terminal while replacing leaking bladders in two vapor-holding tanks are replaced.	Not Opposed/Granted	Ex Parte EV granted commencing 9/5/08 and continuing for 30 days or until the SV hearing currently scheduled for 9/18/08, whichever comes first.	None
2. ConocoPhillips Company Case #4900-87 (N. Feldman)	203(b) 463(c)(1) 463(c)(1)(D) 463(e)(4) 1178(g) 2004(f)(1)	External floating roof on storage tank malfunctioned allowing sour water and HCs to flow onto the rooftop. Petitioner cannot complete repairs within 72-hour grace period in Rule 1178.	Opposed/Granted	Ex Parte EV granted commencing 9/17/08 and continuing for 30 days or until the EV hearing currently scheduled for 9/23/08, whichever comes first.	VOC and Sulfur Compounds TBD by 10/2/08
3. Long Beach Generation, LLC Case #5098-8 (T. Barrera)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Petitioner seeks to operate power plant during limited circumstances while it continues to diagnose and correct problems with emissions control system, which occur while system is "ramping" up or down.	Not Opposed/Granted	RV granted commencing 9/11/08 and continuing through 3/31/09, the FCD.	NO _x up to 30.5 lbs/hr for a maximum of 170 hours; and up to 5.8 lbs/hr during periods of commercial operation.
4. SCAQMD vs. California Portland Cement Case #3221-19 (No Appearance; Consent Calendar)	218 407	Respondent installed equipment that reduced NO _x emissions at its kilns. However, operating the kilns to reduce NO _x causes an increase in CO emissions during certain conditions. The District seeks an order to require respondent to provide monitoring data using an upgraded CEMS, so that the District can determine whether it is appropriate to amend the relevant District rule.	Stipulated/Issued	O/A issued commencing 9/11/08; the Hearing Board shall retain jurisdiction over this matter until 1/15/10.	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
5. SCAQMD vs. Lunday-Thagard Company Case #2033-10A (No Appearance; Consent Calendar)	203(b) 431.1 462 2004(f)(1)	District seeks order to require refinery to install additional monitoring equipment and make other modifications to bring facility into compliance with District rules.	Stipulated/Issued	Mod. O/A issued commencing 9/11/08; the Hearing Board shall retain jurisdiction over this matter until 7/15/09.	N/A
6. St. Bernardine Medical Center Case #5661-1A (No Appearance; Consent Calendar)	202(a) 203(b) 3002(c)(1)	Petitioner seeks extension of variance to complete CEMS certification testing on one engine.	Not Opposed/Granted	MFC/EXT granted commencing 9/11/08 and continuing through 12/15/08.	None
7. Universal City Studios, LLC Case #4935-6 (No Appearance; Consent Calendar)	401(b)(1)(B) H&S §41701	Petitioner will stage a multi-day Halloween event using special effects fog-making machine and will exceed opacity limits.	Not Opposed/Granted	SV granted for 16 events occurring between 9/29/08 and 11/2/08.	Opacity up to 80%
8. Waste Management Disposal & Recycling Services Inc. (Bradley) Case #3824-10 (No Appearance; Consent Calendar)	203(b) 218(b)(2) 218.1(b)(4)(C) 1110.2(f)(1)(A)(iii)(I) 3002(c)(1)	Annual RATA test on CEMS serving ICE #1 cannot be done by due date of 9/30/08 due to insufficient gas supply to repair and test it.	Not Opposed/Granted	SV granted commencing 10/1/08 and continuing through 12/29/08.	None

Acronyms

CEMS: Continuous Emissions Monitoring System

CO: Carbon Monoxide

EV: Emergency Variance

FCCU: Fluid Catalytic Cracking Unit

FCD: Final Compliance Date

FDA: Food & Drug Administration

HC: Hydrocarbon

H₂S: Hydrogen Sulfide

ICE: Internal Combustion Engine

LFG: Landfill Gas

MFC/EXT: Modification of a Final Compliance Date and Extension of a Variance

Mod. O/A: Modification of an Order for Abatement

Mod/Var: Modification of a Variance

NO_x: Oxides of Nitrogen

O/A: Order for Abatement

PM₁₀: Particulate Matter ≤ 10 microns

RATA: Relative Accuracy Test Audit

RV: Regular Variance

SO_x: Oxides of Sulfur

SV: Short Variance

TBD: To be determined

VOC: Volatile Organic Compounds