

BOARD MEETING DATE: January 9, 2009

AGENDA NO. 8

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

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

The total number of appeals filed during the period November 1 to November 30, 2008 is 1, and the total number of appeals filed during the period of January 1 to November 30, 2008 is 15.







	2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)							1							1
1135(c)(3)(C)														0
1135(c)(4)														0
1135(c)(4)(D)														0
1136														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														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				1		1								2
1146.2(c)(1)														0
1148.1(d)(6)												1		1
1150.1				2										2
1150.1(d)(C)(i)												1		1
1150.1(d)(1)(C)(i)				1		2		1						4
1150.1(d)(4)							1					1		2
1150.1(d)(5)												1		1
1150.1(d)(6)				1			1					1		3
1150.1(d)(7)														0
1150.1(e)														0
1150.1(e)(1)							1					1		2
1150.1(e)(2)														0
1150.1(e)(3)												1		1
1150.1(e)(1)(C)														0
1150.1(e)(2)(C)														0
1150.1(e)(3)(B)							1							1
1150.1(e)(3)(C)							1							1





	2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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	1			4
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	5	1		29
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	1			7



## Report of November 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. Breitburn Operating, LP Case #4358-6 (N. Feldman)	203(b) 463(c) 1148.1(d)(6)	Petitioner cannot operate vapor recovery system due to power interruption resulting from wildfire.	Not Opposed/Granted	Ex Parte EV granted commencing 11/18/08 and continuing for 30 day or until the SV hearing currently scheduled for 12/18/08, whichever comes first.	VOC 360 lbs/day
2. Eastern Municipal Water District Case #4937-33 (Consent Calendar; No Appearance)	203(b) 1110.2(f)(1)(C)(i)	Petitioner cannot complete the testing of all of its 31 ICEs by 11/18/08 as required.	Not Opposed/Granted	RV granted commencing 11/18/08 and continuing through 6/30/09, the FCD.	None
3. Exide Technologies Case #3151-18 (T. Barrera & J. Panasiti)	N/A	Petitioner alleged Executive Officer improperly revised permit condition.	Opposed/Upheld	The Hearing Board revoked the revised permit condition and reinstated the prior permit condition.	N/A
4. ExxonMobil Oil Corporation Case #1183-430 (Consent Calendar; No Appearance)	203(b) 2004(f)(1)	Emergency flares must be taken out of service (one at a time) for maintenance, repair and upgrade during refinery turnaround.	Not Opposed/Granted	SV granted commencing 1/1/09 and continuing through 1/31/09.	None
5. Linn Western Operating Inc. Case #5711-1 (T. Barrera)	203(b) 463(c)(3) 2004(f)(1)	Wildfire resulted in shutdown of vapor recovery system and CEMS.	Not Opposed/Granted	Ex Parte EV granted commencing 11/20/08 and continuing for 30 day or until the SV hearing currently scheduled for 12/18/08, whichever comes first.	VOC TBD by 12/18/08
6. Linn Western Operating Inc. Case #5711-2 (T. Barrera)	203(b) 463(c)(3) 2004(f)(1)	Wildfire resulted in shutdown of vapor recovery system and CEMS.	Not Opposed/Granted	Ex Parte EV granted commencing 11/20/08 and continuing for 30 day or until the SV hearing currently scheduled for 12/18/08, whichever comes first.	VOC TBD by 12/18/08
7. Linn Western Operating Inc. Case #5711-3 (N. Feldman)	203(b) 463(c)(3) 2004(f)(1)	Wildfire resulted in shutdown of vapor recovery system and CEMS.	Not Opposed/Granted	Ex Parte EV granted commencing 11/20/08 and continuing for 30 day or until the SV hearing currently scheduled for 12/18/08, whichever comes first.	VOC TBD by 12/18/08

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
8. Linn Western Operating Inc. Case #5711-4 (T. Barrera)	203(b) 463(c)(3) 2004(f)(1)	Wildfire resulted in shutdown of vapor recovery system and CEMS.	Not Opposed/Granted	Ex Parte EV granted commencing 11/20/08 and continuing for 30 day or until the SV hearing currently scheduled for 12/18/08, whichever comes first.	VOC TBD by 12/18/08
9. Linn Western Operating Inc. Case #5711-5 (T. Barrera)	203(b) 463(c)(3) 2004(f)(1)	Wildfire resulted in shutdown of vapor recovery system and CEMS.	Not Opposed/Granted	Ex Parte EV granted commencing 11/20/08 and continuing for 30 day or until the SV hearing currently scheduled for 12/18/08, whichever comes first.	VOC TBD by 12/18/08
10. Lunday-Thagard Company Case #2033-17 (Consent Calendar; No Appearance)	202(b) 203(b) 2004(f)(1)	Parties have resolved all issues, except for the quantity of offsets, petitioner will be required to purchase to support throughput increases. Additional time needed to resolve this issue.	Not Opposed/Granted	MFCD/EXT granted commencing 11/25/08 and continuing through 3/10/09.	VOC 1 lb/day
11. OC Waste & Recycling Case #5710-1 (T. Barrera)	203(b) 1150.1(d)(C)(i) 1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6) 1150.1(e)(1) 1150.1(e)(3)	Wildfire destroyed header pipeline that collects landfill gas and directs it to disposal system.	Not Opposed/Granted in part/Denied in part	Ex Parte EV granted commencing 11/21/08 and continuing for 30 day or until the SV hearing currently scheduled for 12/10/08, whichever comes first. The variance is denied as to Rule 402.	VOC TBD by 12/7/08
12. Quemetco, Inc. Case #4630-10 (C. Engelhardt)	203(b) 3002(c)(1)	Fire destroyed new wet ESP thereby delaying source test and submittal of report.	Not Opposed/Granted	SV granted commencing 12/3/08 and continuing through 1/17/09.	None
13. Signal Hill Petroleum Inc. Case #2166-16 (T. Barrera)	203(b) 2004(f)(1)	Source test revealed natural gas-fired turbine exceeding VOC limit.	Not Opposed/Granted	Ex Parte EV granted commencing 11/20/08 and continuing for 30 day or until the IV hearing currently scheduled for 12/3/08, whichever comes first.	VOC 14.5 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
14. Verizon California Inc. Case #5660-3 (N. Feldman)	203(b)	Wildfire caused use of emergency generator to be used beyond the 200-hour per year permit limit.	Not Opposed/Granted	Ex Parte EV granted commencing 11/18/08 and continuing for 30 days or until the SV hearing currently scheduled for 12/11/08, whichever comes first.	None

### Acronyms

CARB: California Air Resources Board  
 CEMS: Continuous Emissions Monitoring System  
 CO: Carbon Monoxide  
 ESP: Electrostatic Precipitator  
 EV: Emergency Variance  
 FCCU: Fluid Catalytic Cracking Unit  
 FCD: Final Compliance Date  
 GDF: Gasoline Dispensing Facility  
 H&S: Health & Safety Code  
 H<sub>2</sub>S: 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  
 NH<sub>3</sub>: Ammonia  
 NOV: Notice of Violation  
 NO<sub>x</sub>: Oxides of Nitrogen  
 O/A: Order for Abatement  
 PM: Particulate Matter  
 PM<sub>10</sub>: Particulate Matter ≤ 10 microns  
 RV: Regular Variance  
 SCR: Selective Catalytic Reduction  
 SO<sub>x</sub>: Oxides of Sulfur  
 SV: Short Variance  
 TBD: To be determined  
 TOC: Total Organic Compounds  
 VOC: Volatile Organic Compound  
 VRS: Vapor Recovery System