

BOARD MEETING DATE: December 3, 2010

AGENDA NO. 19

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of October 1 through October 31, 2010.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

SM

Three summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2010 and October 2010 Hearing Board Cases.**

The total number of appeals filed during the period October 1 to October 31, 2010 is 1; and total number of appeals filed during the period of January 1 to October 31, 2010 is 12.

Rules from which Variances and Order for Abatements were Requested in 2010

| | 2010 | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total Action |
|----------------------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------------|
| 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 | | | | | | 2 |
| 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) | | | | | | | | | | 1 | | | | 1 |
| 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 | | | | | | 2 |
| 463(e)(5)(C) | | | | | | | | | | | | | | 0 |
| 464(b)(1)(A) | | | | | | | 1 | | | | | | | 1 |
| 464(b)(2) | | | | | | | 1 | | | | | | | 1 |

Report of October 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. Chevron Products Company Case #831-356 (J. Panasiti) | 203(b) 2004(f)(1) 3002(c)(1) | The caustic scrubber serving the sulfuric acid tank must be disconnected for inspection and maintenance while the acid tank remains in service. | Not Opposed/Granted | SV granted commencing 10/18/10 and continuing through 11/07/10. | None. |
| 2. Evergreen Cemetery Case #5785-1 (J. Panasiti) | 1147 | The crematory does not comply with Rule 1147 NO _x limit. | Opposed/Denied | RV denied. | N/A |
| 3. ExxonMobil Oil Corporation Case #1183-449 (K. Manwaring) | 203(b) 2004(f)(1) 3002(c)(1) | The flare must be disconnected from refinery storage tanks and taken out of service for maintenance and repair. | Not Opposed/Granted | AOC & SV is granted for 14 consecutive days in a window-of-time beginning 11/29/10 and continuing through 12/13/10. | None. |
| 4. Free-Flow Packaging International, Inc. Case #3664-4 (T. Barrera) | 203(b) 3002(c)(1) | The boiler cannot comply with the 50 ppm CO permit condition. | Opposed/Denied | SV denied. | N/A |
| 5. San Diego Gas & Electric Company Case #3607-12 (K. Manwaring) | 203(b) 1110.2(d)(1)(B)(ii) 2004(f)(1) 3002(c)(1) | Petitioner cannot conduct testing to demonstrate technically achievable VOC limit pending District's approval of the test plan. Otherwise, petitioner exceeds the current limit. | Not Opposed/Granted | M/E granted commencing 11/02/10 and continuing through 10/7/11. | ROG: Actual emissions generated TBD as follows: 11/3/10 thru 12/31/10 due 1/31/11; 1/1/11 thru 3/31/11 due 4/30/11; 4/1/11 thru 6/30/11 due 7/31/11; 7/1/11 thru 9/7/11 due 9/7/11. |

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|---|---|---|--|--|--|
| 6. Santana Cycles, Inc. Case #4403-4 (J. Panasiti) | 203(b) 1171 California Health & Safety Code Section 42303 | Petitioner uses coatings with excess VOC content. | Not opposed/Denied | RV denied. | N/A |
| 7. SCAQMD vs. ARCO Terminal Services Corporation Case #4545-13 (No Appearance) (Consent Calendar Item) (T. Barrera) | 203(b) 3002(c)(1) | Respondent no longer requires VOC emission controls on storage tanks because the tanks no longer store gasoline. Respondent is waiting for the District to approve the final permit change. | Stipulated/Issued | Mod. O/A issued. The Hearing Board shall retain jurisdiction over this matter until 1/15/11. | N/A |
| 8. SCAQMD v Flavorchem Corporation Case #5791-1 (K. Manwaring) | 203(a) | Respondent operates a spray dryer without a VOC emission control system. | Stipulated/Issued | O/A issued. The Hearing Board shall retain jurisdiction over this matter until 10/14/11. | N/A |
| 9. Southern California Gas Company Case #137-68 (K. Manwaring) | 203(b) 1110.2(d)(1)(B)(ii) 2004(f)(1) 3002(c)(1) | Petitioner cannot conduct testing to demonstrate technically achievable VOC limit pending the District's approval of the test plan. Otherwise, petitioner exceeds the current limit. | Not Opposed/Granted | M/E granted commencing 11/2/10 and continuing through 10/7/11. | ROG: Actual emissions generated TBD as follows: 11/3/10 thru 12/31/10 due 1/31/11; 1/1/11 thru 3/31/11 due 4/30/11; 4/1/11 thru 6/30/11 due 7/31/11; 7/1/11 thru 9/7/11 due 9/7/11. |

Acronyms

AOC: Alternative Operating Conditions
CEMS: Continuous Emissions Monitoring System
CFR: Code of Federal Regulations
CO: Carbon Monoxide
EV: Emergency Variance
FCCU: Fluid Catalytic Cracking Unit

FCDFCD: Final Compliance Date
HC: HC: Hydrocarbons
ICE: ICE: Internal Combustion Engine
I/P: Increments of Progress
IV: Interim Variance

MFC/EXT: Modification of a Final Compliance
and Date/Extension of a Variance
Mod. O/A: Modification of Order for Abatement
N/A: Not Applicable
NH3: Ammonia
NOV: Notice of Violation

| Case Name and Case No. | Rules | Reason for Petition | District Position/ Hearing Board Action | Type and Length of Variance or Order | Excess Emissions |
|------------------------|-------|---------------------|--|---|---------------------|
|------------------------|-------|---------------------|--|---|---------------------|

NOx: Oxides of Nitrogen
 O/A: Order for Abatement
 PM: Particulate Matter
 RV: Regular Variance
 SCR: Selective Catalytic Reduction
 SO2: Sulfur Dioxide
 SOx: Oxides of Sulfur
 SV: Short Variance
 TBD: To be determined
 VOC: Volatile Organic Compounds