

BOARD MEETING DATE: November 4, 2016

AGENDA NO. 16

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 2016.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

DG

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Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2016** and **September 2016 Hearing Board Cases**.

The total number of appeals filed during the period September 1 to September 30, 2016 is 0; and total number of appeals filed during the period of January 1 to September 30, 2016 is 3.

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
<b># of HB Actions Involving Rules</b>														
109														0
109(c)														0
109(c)(1)														0
201														0
201.1														0
202														0
202(a)						1	2	1	1					5
202(b)														0
202(c)		1												1
203				1			1							2
203(a)			1				1	1		1				4
203(b)		4	3	4	5	8	5	2	4	4				39
204														0
208														0
218(c)(1)(B)(i)														0
218.1														0
218.1(b)(4)(C)														0
218(b)(2)														0
218(c)(1)(A)														0
218(d)(1)(A)														0
218(d)(1)(B)														0
219														0
219(s)(2)														0
221(b)			1											1
221(c)														0
221(d)			1											1
222														0
222(d)(1)(C)														0
222(e)(1)														0
401														0
401(b)														0
401(b)(1)							1			1				2
401(b)(1)(A)					1									1
401(b)(1)(B)									1	1				2
402		1	1		2	1	1		1	1				8
403														0
403(d)(1)														0
403(d)(1)(A)														0
404														0
404(a)					1									1
405														0
405(a)					1									1
405(b)														0
405(c)														0
407					1									1
407(a)(1)														0

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
409														0
410					1									1
430(b)(3)(A)(iv)														0
431.1														0
431.1														0
431.1(c)(1)														0
431.1(c)(2)														0
431.1(c)(3)(C)														0
431.1(d)(1)														0
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)				1			1	1						3
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

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
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)		1		3	1	1		1						7
461(e)(6)(d)							1							1
462														0
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)(5)														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)														0
463(c)(1)(A)(i)-(iv)														0
463(c)(1)(B)														0
463(c)(1)(C)														0
463(c)(1)(D)														0
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)														0
463(e)(5)(C)														0
464(b)(1)(A)					1			1						2

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
464(b)(2)								1						1
464(b)(3)					1			1						2
468														0
468(a)														0
468(b)														0
1102														0
1102(c)(2)														0
1102(e)(1)														0
1102(f)(1)														0
1105.1														0
1105.1(d)(1)														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														0
1110.1														0
1110.2				1	1	1	1							4
1110.2(c)(14)														0
1110.2(d)														0
1110.2(d)(1)(A)														0
1110.2(d)(1)(B)					1									1
1110.2(d)(1)(B), Table II						1		1	1					3
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)(c )														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

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1118(d)(12)														0
1118(e)														0
1118(f)(1)(C)														0
1118(g)(1)			1											1
1118(g)(3)														0
1118(g)(5)			1											1
1118(g)(5)(A)														0
1118(i)(5)(B)(i)														0
1118(i)(5)(B)(ii)														0
1118(j)(1)(A)(ii)														0
1118(j)(1)(B)(ii)														0
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
1123										1				1
1124														0
1124(c)(1)(A)														0
1124(c)(1)(E)														0
1124(c)(4)(A)														0
1125(c)(1)														0
1125(c)(1)(C)														0
1125(d)(1)														0
1128(c)(1)														0
1128(c)(2)														0
1130														0

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
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
1136(c)(1)(A)(i)														0
1137(d)(2)														0
1145														0
1145(c)(1)														0
1145(c)(2)														0
1145(g)(2)														0
1145(h)(1)(E)														0
1146														0
1146(c)(1)(A)														0
1146(c)(1)(G)										1				1
1146(c)(1)(I)														0
1146(c)(2)														0
1146(c)(2)(A)														0
1146(d)(8)														0
1146.1														0
1146.1(a)(2)														0
1146.1(a)(8)														0
1146.1(b)(3)														0
1146.1(c)(1)														0
1146.1(c)(2)														0
1146.1(d)(4)														0
1146.1(d)(6)														0
1146.1(e)(1)														0
1146.1(e)(1)(B)														0
1146.1(e)(2)														0
1146.2														0

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1146.2(c)(1)														0
1146.2(c)(4)														0
1146.2(c)(5)														0
1146.2(e)														0
1147								1		1				2
1147(c)(1)														0
1147(c)(10)									1					1
1147(c)(14)(A)														0
1147(c)(14)(B)														0
1150.1(d)(1)(C)(i)														0
1150.1(d)(4)														0
1150.1(d)(5)														0
1150.1(d)(10)														0
1150.1(d)(11)														0
1150.1(d)(12)														0
1150.1(d)(13)														0
1150.1(d)(14)														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)														0
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



Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
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
1166, Part 12														0
1168														0
1168(c)(1)														0
1169(c)(13)(ii)														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)(B)														0
1173(g)(1)		1	1		1									3
1175														0
1175(c)(2)														0
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)														0
1175(d)(4)(ii)(II)														0
1176														0
1176(e)														0
1176(e)(1)									1					1
1176(e)(2)						1		1						2
1176(e)(2)(A)														0
1176(e)(2)(A)(i)														0
1176(e)(2)(B)(v)														0
1176(f)(3)														0
1177(d)(2)(D)														0
1178(d)(1)(A)(xiii)														0
1178(d)(1)(A)(xiv)														0
1178(d)(1)(B)														0
1178(d)(1)(C)														0
1178(d)(3)(C)														0

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
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(a)														0
1303(a)(1)														0
1303(b)(1)														0
1401														0
1401(d)														0
1401(d)(1)(A)														0
1401(d)(1)(B)														0
1402(e)(3)						1								1
1407(d)														0
1407(d)(1)														0
1407(d)(2)														0
1407(d)(5)														0
1407(f)(1)														0
1415(d)(3)														0
1418(d)(2)(A)														0
1420(d)(1)														0
1420.1(d)			1											1
1420.1(n)(2)(D)						1								1
1420.1(n)(2)(E)						1								1
1420.1(k)(13)(B)														0
1420.2(e)(1)(A)		1												1
1420.2(f)(1)		1												1
1420.2(f)(3)		1												1
1420.2(j)(2)		1												1
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
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														0
1469(c)														0
1469(c)(8)														0

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1469(c)(11)(A)														0
1469(c)(13)(ii)														0
1469(d)(5)														0
1469(e)(1)														0
1469(e)(7)						1	1							2
1469(g)(2)														0
1469(h)														0
1469(i)														0
1469(j)(4)(A)														0
1469(j)(4)(D)														0
1469(k)(3)(A)														0
1470														0
1470(c)(2)(C)(i)(I)														0
1470(c)(2)(C)(iv)														0
1470(c)(3)(B)(ii)														0
1470(c)(3)(C)(iii)							1							1
1470(c)(4)														0
1470(c)(4)(B)				1			1							2
1470(c)(5)														0
1470(d)(2)(B)														0
1470(e)(2)(A)														0
2004(c)(1)														0
2004(c)(1)(C)														0
2004(f)(1)		2	2		5	4	2	3	3	2				23
2004(f)(2)														0
2004(k)														0
2005														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														0
2011 Attachment														0
2011(c)(2)						1								1
2011(c)(2)(A)					2									2
2011(c)(2)(B)														0
2011(c)(3)(A)					2									2
2011(e)(1)					2									2
2011(f)(3)														0
2011(g)														0
2011(g)(1)														0
2011(k)														0

Rules from which Variances and Orders for Abatement were Requested in 2016														
	2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
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														0
and Appen. A, Chap. 2, Section C.2.a, c & d														0
2011, Attachment C, Section B, Paragraph 2						1								1
2012 Chapter 2														0
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. A(1)														0
2012 Appen A, Chap. 2, Sec. B														0
2012, Appen. A, Protocol 2012, Chap. 2, B.5.														0
2012, Appen A, Chap. 2, B.5.a														0
2012, Appen A, Chap. 2, B.10														0
2012, Appen A, Chap. 2, B.11														0
2012, Appen A, Chap. 2, B.12														0
2012, Appen A, Chap. 2, B.17														0
2012, Appen A, Chap.2, B.18														0
2012, Appen A, Chap.2, B.20														0
2012, Chapter 2, E.2.b.i.														0
2012, Chapter 2, E.2.b.ii.														0
2012 Appen A, Chap. 4.A.4														0
2012(B)(5)(e)														0
2012(c)(2)(A)		1			2									3
2012(c)(2)														0
2012(c)(3)														0
2012(c)(3)(A)					2									2
2012(c)(3)(B)														0
2012(c)(10)														0
2012(d)(2)														0
2012(d)(2)(A)														0
2012(d)(2)(D)														0
2012(f)(2)(A)														0
2012(g)(1)		1			2									3
2012(g)(3)														0
2012(g)(7)														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

Rules from which Variances and Orders for Abatement were Requested in 2016													
2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
2012, Protocol, (Appen A) Chap. 2, Part B.5.e													0
2012 Chapter 2, B.5.f													0
2012(m)													0
2012(m) Table 2012-1, and Appen. A, Chp 2, & Attachment 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
2202													0
3002													1
3002(c)													0
3002(c)(1)		2	3	1	4	5	2	3	2	3			25
3002(c)(2)													0
3004													0
Regulation II													0
Regulation IX													0
Regulation IX, 40 CFR Part 60, Subpart J													0
Regulation XI													0
Regulation XIII													0
H&S 39152(b)													0
H&S 41510													0
H&S 41700		1	1		1	1	1		1	1			7
H&S 41701					1		1		1	2			5
H&S 93115.6(c)(2)(C)(1)													0
H&S 42303													0
Title 13 Code of Regulations §2452													0

## Report of September 2016 Hearing Board Cases

Case Name and Case No. (SCAQMD Attorney)	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. Phillips 66 Company Case No. 4900-101 (K. Manwaring)	203(b) 1123 2004(f)(1) 3002(c)(1)	FGR equipment must be shut down for maintenance. Four pressurized butane tanks will not be connected to FGR per permit.	Not Opposed/Granted	SV granted commencing upon notice to be given pursuant to Condition #1 and will terminate 30 days after the end of the turnaround of which notice will be given in Condition #16, but in no event longer than 90 days.	N/A
2. Sunshine Gas Producers Case No. 5880-5 (V. Tyagi)	203(b) 3002(c)(1)	LFG regeneration flare exceeds NOx and CO limits.	Not Opposed/Granted	Due to insufficient notice the SV was converted to an IV and an RV was scheduled. IV granted commencing forthwith and continuing through to the RV hearing currently scheduled for 11/17/16, but in no event later than 12/20/16.	NOx: 2.06 lbs/day
3. Torrance Refining Company Case No. 6060-3 (K. Manwaring)	203(b) 2004(f)(1) 3002(c)(1) 401(b)(1) H&S Code §41701	Power outage shut down FCCU. Restart of FCCU and related equipment will result in excess emissions.	Not Opposed/Granted	Ex Parte EV and AOC granted commencing for a 48 hour startup period between 9/21/16 and 10/2016.	NOx and Opacity: TBD by 10/20/16
4. Verizon Wireless, Magic Mountain Peak Case No. 6063-1 (Consent Calendar; No Appearance)	203(b)	Wildfire resulted in protracted outage. Petitioner operated emergency generator in excess of 200 annual hour permit limit.	Not Opposed/Granted	RV granted commencing 9/29/2016 and continuing through 12/31/2016.	<u>Tier 4 Engine</u> NOx: .81 lb/day PM10: .13lb/day THC: .073 lb/day  <u>Stand-by Generator</u> NOx: 30.79 lbs/day PM10: 1.65 lbs/day THC: 2.28 lbs/day
5. SCAQMD vs. Anita's Mexican Foods Corp. Case No. 6017-2 (B. Gilchrist)	203(a) 1147	Oven/fryer cannot meet 30 ppm NOx limit.	Stipulated/Extended	Mod. O/A extended from 9/21/2016 through 1/31/2017. Mod. O/A hearing continued to 1/25/2017.	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
6. SCAQMD vs. Southern California Gas Company Case No. 137-76 (N. Feldman/N. Sanchez)	402 H&S Code §41700	Status report on compliance with Order for Abatement for underground natural gas storage facility.	Status Report/No Action Taken	Status hearing held; next scheduled hearing 1/18/17.	N/A
7. SCAQMD vs. Vacmet, Inc. Case No. 6064-1 (N. Feldman)	401(b)(1)(B) H&S Code §41701	Coating operation does not have required Title V permit.	Stipulated/Issued	O/A issued commencing forthwith and continuing through 1/31/2017. The Hearing Board shall retain jurisdiction over this matter until 3/31/2017.	Opacity: TBD by 10/1/16

### Acronyms

AOC: Alternative Operating Conditions  
 CEMS: Continuous Emissions Monitoring System  
 CO: Carbon Monoxide  
 ESP: Electrostatic Precipitator  
 EV: Emergency Variance  
 FCD: Final Compliance Date  
 FCCU: Fluid Catalytic Cracking Unit  
 FGR: Flare Gas Recovery  
 H&S: Health & Safety  
 ICE: Internal Combustion Engine  
 IV: Interim Variance  
 LFG: Landfill Gas  
 MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance  
 Mod. O/A: Modification of an Order for Abatement  
 NG: Natural Gas  
 NOV: Notice of Violation  
 NOx: Oxides of Nitrogen  
 O/A: Order for Abatement  
 PM: Particulate Matter  
 RATA: Relative Accuracy Test Audit  
 RV: Regular Variance  
 SOx: Oxides of Sulfur  
 SV: Short Variance  
 TBD: To be determined  
 THC: Total HydroCarbons  
 VOC: Volatile Organic Compounds