

BOARD MEETING DATE: December 5, 2008

AGENDA NO. 12

REPORT: Hearing Board Report

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

The total number of appeals filed during the period October 1 to October 31, 2008 is 1, and the total number of appeals filed during the period of January 1 to October 31, 2008 is 14.







	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
1146.2(c)(3)														0
1148.1														0
1150.1				2										2
1150.1(d)(1)(C)(i)				1		2		1						4
1150.1(d)(4)							1							1
1150.1(d)(5)														0
1150.1(d)(6)				1			1							2
1150.1(d)(7)														0
1150.1(e)														0
1150.1(e)(1)							1							1
1150.1(e)(2)														0
1150.1(e)(3)														0
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			28
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 October 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 #5357-49 (J. Panasiti)	203(b) 462(d)(I)(A)(i) 462(e)(I)(E)(i)(II)	Petitioner seeks to delay the date of the Rule 462 test because it is not possible to conduct a test under conditions required by the rule while the City is conducting road construction in the immediate area. In addition, CARB must be present for the test, and petitioner must coordinate CARB availability with the City road construction schedule.	Not Opposed/Granted	SV shall commence on 11/17/08 and shall last until 30 days after petitioner obtains notice that road construction is complete and that CARB is available for the Source Test; or on 2/6/09 if notice is obtained within the holiday season between 12/15/08 and 1/5/09, whichever occurs first.	None
2. BP West Coast Products, LLC Case #5357-50 (No Appearance) (Consent Calendar Item)	203(b) 1118(c)(4) 1118(c)(5) 2004(f)(1)	Petitioner seeks additional time to complete emission control projects, because several pieces of equipment were delivered late by contractors and were defective when delivered. In addition, petitioner encountered delays in obtaining City approvals due to City staffing shortages. Petitioner will mitigate excess emissions by accelerating emission control installations and modifications, beyond what is required by District rules, on equipment not covered by the variance.	Not Opposed/Granted	SV granted commencing 1/1/09 and continuing through 2/28/09, the FCD.	SO <sub>x</sub> : TBD by 11/6/08.
3. City of Burbank, Burbank Water & Power Case #1474-21 (No Appearance) (Consent Calendar Item)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner seeks to operate the turbine for a limited number of hours, in order to diagnose the cause of the ammonia slip problem. Once problem is diagnosed, petitioner will complete the repairs.	Not Opposed/Granted	IV granted commencing 10/8/08 and continuing for 90 days or until the RV hearing currently scheduled for 11/20/08, whichever comes first.	NH <sub>3</sub> : 18 lbs/total for the variance period.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
4. ExxonMobil Oil Corporation Case #1183-429 (T. Barrera)	203(b) 2004(f)(1)	Petitioner seeks to operate the Fuel Gas Treating Unit without two specified amine contactors, while maintenance is performed on the amine contactors. Petitioner will treat emissions with alternative equipment during the maintenance turnaround.	Not Opposed/Granted	SV shall commence upon start-up of the Fuel Gas Treating Unit, as specified in the notice to be given to the Clerk of the Board pursuant to Condition No. 2 and shall continue up to seven consecutive days to be completed by no later than 12/1/08, the FCD.	None
5. Hickman Williams & Company Case #5684-1 (No Appearance) (Consent Calendar Item)	1158(d)(2) 1158(d)(3) 1158(d)(10) 1158(d)(12)	Petitioner seeks to store calcined petroleum coke in Flexible Intermediate Bulk Containers, under specified conditions designed to ensure no emissions, until the product can be shipped offsite.	Not Opposed/Granted	RV granted commencing 10/8/08 and continuing through 8/31/09, the FCD.	None
6. Inland Empire Energy Center Case #5695-4 (T. Barrera)	202(a) 218(c)(1)(A) 2004(f)(1) 3002(c)(1)	Petitioner sought additional time to complete commissioning of new power generation plant, because one of the units experienced damage during the commissioning process.	Not Opposed/Granted	SV granted commencing 11/8/08 and continuing through 2/6/09 for Unit 1; and commencing 10/20/08 and continuing through 1/18/09 for Unit 2.	NO <sub>x</sub> : (Unit 1, 22.8/hr., Unit 2, 26.8/hr. based on 7,002 lbs/hr.): TBD by 10/21/08  NH <sub>3</sub> : (Unit 1, 1.6/hr., Unit 2, 2.3/hr. based on 575 lbs/hr): TBD by 10/21/08  CO: (Unit 1, 2.6/hr., Unit 2, 3.7/hr. based on 927 lbs/hr): TBD by 10/21/08
7. Paramount Petroleum Corporation Case #2914-93 (N. Feldman)	203(b) 2004(f)(1) 2012(c)(2)(A)	Petitioner seeks to use bypass stacks during refinery turnaround. Petitioner seeks to use bypass stacks primarily during maintenance period when no fuel will be combusted, as well as for two hours during startup following the turnaround.	Not Opposed/Granted	SV granted commencing 10/31/08 and continuing through 1/29/09, the FCD.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
8. SCAQMD vs. Inland Empire Utilities Agency Case #5209-1 (No Appearance) (Consent Calendar Item)	203(b) 1110.2 3002(c)(1)	District seeks an order requiring respondent to conduct source tests and to continue cooperating with permit revision process, so that permits can be modified to accurately address the *use of manure biogas to power engines at respondent's wastewater treatment plan.	Stipulated/Issued	O/A issued commencing 10/7/08. The Hearing Board shall retain jurisdiction over this matter until 3/31/09.	N/A
9. SCAQMD vs. Providence Holy Cross Medical Center Case #5701-2 (No Appearance) (Consent Calendar Item)	203(a)	District seeks order requiring Respondent to bring two boilers into compliance with BACT standards.	Stipulated/Issued	O/A issued commencing 10/07/08. The Hearing Board shall retain jurisdiction over this matter until 6/30/09.	N/A
10. SCAQMD vs. Southern California Edison Case #1262-93 (No Appearance) (Consent Calendar Item)	202(a) 3002(c)(1)	Parties jointly sought to extend order while the parties cooperate in revising respondent's permit to reflect startup conditions and annual operating hour requirements.	Stipulated/Issued	Mod. O/A issued commencing 10/8/08. The Hearing Board shall retain jurisdiction over this matter until 1/28/09.	N/A
11. Southern California Gas Company Case #137-66 (T. Barrera)	203(b) 2004(f)(1) 463(c)(3)	VRS cannot be operated due to power interruption as a result of a wildfire.	Not Opposed/Granted	Ex Parte EV granted commencing 10/15/08 and continuing for 30 days or until the EV hearing currently scheduled for 10/23/08, whichever comes first.	VOC: TBD by 10/30/08
12. The Aerospace Corporation Case #5707-1 (J. Panasiti)	203(b) 1470(c)(8)(C)(iii)(II) 1470(c)(9) H&S 93115.6(c)(2)(C)(1) (f)	Petitioner operates four ICES that do not comply with permit conditions imposed more than a year prior to seeking variance.	Opposed/Dismissed	IV dismissed without prejudice for lack of good cause. An RV hearing is currently scheduled for 11/25/08.	N/A
13. The Termo Company Case #3014-11 (N. Feldman)	203(b) 2004(f)(1) 3002(c)(1)	VRS cannot be operated due to power interruption as a result of a wildfire.	Not Opposed/Granted	Ex Parte EV granted commencing 10/16/08 and continuing for 30 days or until the SV hearing currently scheduled for 11/6/08, whichever comes first.	VOC: 86.1 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. UC Regents University of California, Los Angeles Case #5708-1 (N. Feldman)	203(b) 1303(a)(2) 2004(f)(1)	Boiler serving two hospitals is exceeding CO limits.	Not Opposed/Granted	Ex Parte EV granted commencing 10/15/08 and continuing for 30 days or until the EV hearing currently scheduled for 11/4/08, whichever comes first.	CO: TBD by 10/30/08
15. Ultramar, Inc., dba Valero Wilmington Refinery Case #3845-78 (C. Engelhardt)	203(a) 203(b) 401(b)(1) 2004(f)(1) H&S 41701	Petitioner seeks to allow it to operate in violation of specified rules during certain portions of maintenance turnaround and during FCCU restart. Maintenance turnaround is necessary to install new ESP equipment, as required by Rule 1105.1. New ESP project is expected to reduce emissions and provide an overall air quality benefit.	Not Opposed/Granted	SV shall commence on the date to be specified in the notice to be given to the District and shall occur between 10/17/08 and 12/4/08, the FCD.	PM: .025 tons/ total for entire variance period.  NO <sub>x</sub> : 0.89 tons/ total for entire variance period  ROG: 0.83 tons/ total for entire variance period.  CO: 7.57 tons/ total for entire variance period.  SO <sub>x</sub> as CO <sub>2</sub> : 0.17/total for entire variance period  Opacity: Up to 73% for up to 8 hours total for entire variance period.
16. Vopak Terminal Los Angeles, Inc. Case #5527-2 (J. Panasiti)	463(c) 463(d) 463(g)	Petitioner received a shipment of soda ash contaminated with benzene into storage tanks not designed or permitted for storage of benzene.	Not Opposed/Granted	Ex Parte EV granted commencing 10/24/08 and continuing for 30 days or until 11/23/08, whichever comes first.	VOC: 89 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
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**Acronyms**

BACT: Best Available Control Technology  
 CARB: California Resource Board  
 CEMS: Continuous Emissions Monitoring System  
 CO: Carbon Monoxide  
 CO2: Carbon Dioxide  
 ESP: Electrostatic Static Precipitator  
 EV: Emergency Variance  
 FCCU: Fluid Catalytic Combustion Unit  
 FCD: Final Compliance Date  
 ICE: Internal Combustion Engine  
 IV: Interim Variance  
 Mod. O/A: Modification Order for Abatement  
 NH3: Ammonia  
 NO<sub>x</sub>: Oxides of Nitrogen  
 O/A: Order for Abatement  
 PM: Particulate Matter  
 RV: Regular Variance  
 SO<sub>x</sub>: Oxides of Sulfur  
 SV: Short Variance  
 TBD: To Be Determined  
 VRS: Vapor Recovery System  
 VOC: Volatile Organic Compounds