

BOARD MEETING DATE: January 4, 2013

AGENDA NO. 9

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2012.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:

Receive and file this report.

Edward Camarena
Chairman of Hearing Board

DP

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2012** and **November 2012 Hearing Board Cases**.

The total number of appeals filed during the period November 1 to November 30, 2012 is 1; and total number of appeals filed during the period of January 1 to November 30, 2012 is 5.

Rules from which Variances and Order for Abatements were Requested in 2012														
	2012	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
1145(c)(2)														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(c)(2)(A)								1						1
1146.1(e)(1)														0
1150.1(d)(5)														0
1150.1(d)(12)								1						1
1150.1(e)														0
1150.1(e)(1)(C)														0
1150.1(e)(2)														0
1150.1(e)(2)(C)														0
1146					1									1
1146(c)(2)(A)												1		1
1146(c)(5)														0
1146(c)(1)(I)										1		1		2
1146.1														0
1146.1(a)(2)														0
1146.1(a)(8)														0
1146.1(b)														0
1146.1(c)(1)(G)				1										1
1146.1(c)(2)		2												2
1146.1(c)(3)														0
1146.1(e)														0
1146.1(e)(1)(B)														0
1146.2														0
1146.2(c)(3)						1								1
1146.2(c)(5)			1											1
1146.2(e)						1								1
1147)(c)(1)										1		1		2

Rules from which Variances and Order for Abatements were Requested in 2012														
	2012	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)(E)												1		1
1173(g)														0
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)														0
1176(e)(2)														0
1176(e)(2)(A)														0
1176(e)(2)(A)(ii)														0
1176(e)(2)(B)(v)														0
1178(d)(1)(A)(xiii)														0
1178(d)(1)(A)(xiv)														0
1178(d)(1)(B)														0
1176(f)(3)														0
1178(d)(1)(C)														0
1178(d)(3)(C)														0
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						1								1
1303(a)(1)												1		1

Rules from which Variances and Order for Abatements were Requested in 2012														
	2012	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1303(a)(2)														0
1401														0
1401(d)(1)														0
1401(d)(1)(A)														0
1401(d)(1)(B)														0
1405(d)(3)(C)														0
1407(d)														0
1407(d)(1)														0
1407(d)(2)														0
1407(d)(4)														0
1407(f)(1)														0
1415(d)(3)														0
1418(d)(2)(A)														0
1420							2							2
1420.1(g)(4)								1						1
1421(d)														0
1421(d)(1)(C)														0
1421(d)(1)(G)														0
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
1469(c)(11)(A)														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		1	1	2										4
1470(c)(2)(C)(i)(l)						1								1
1470(c)(2)(C)(iv)														0
1470(c)(3)(B)														0
1470(c)(3)(C)(iii)			1	1						2				4

Report of November 2012 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. ARCO Facility #1023 Case #5912-1 (K. Manwaring)	461	VRS at GDF failed blockage test.	Not Opposed/Granted	Ex Parte EV granted commencing 11/21/12 and continuing for 30 days or until the EV hearing currently scheduled for 11/27/12, whichever comes first.	VOC: TBD by 12/7/12
2. ARCO Facility #1023 Case #5912-1 (K. Manwaring)	461(e)(5)	VRS at GDF failed blockage test.	Not Opposed/Granted	EV granted commencing 11/29/12 and continuing through 12/21/12.	VOC: TBD by 12/14/12
3. Breitburn Operating, LP Case #4358-9 (Consent Calendar; No Appearance)	203(b) 1173(f)(1)(E) 1303(a)(1) 2004(f)(1) 3002(c)(1)	VRS must be shut down while new electric main gear is installed.	Not Opposed/Granted	SV granted for a continuous period of time not to exceed 48 hours in a window of time between 11/8/12 and 12/20/12.	VOC: TBD by 12/4/12
4. Chevron Products Company Case #831-360 (K. Manwaring)	203(b) 2004(f)(1) 3002(c)(1)	Two NH3 CEMS are at the end of their useful life and must be disconnected to replace them with units of newer and more reliable design. Refinery seeks to continue operations during replacement.	Not Opposed/Granted	SV granted commencing 12/17/12 and continuing through 1/24/13.	None
5. Convenience Retailers LLC 5642 Case #5909-1 (J. Panasiti)	461(e)(2)	VRS at GDF failed blockage test.	Not Opposed/Granted	Ex Parte EV granted commencing 11/14/12 and continuing for 30 days or until the EV hearing currently scheduled for 11/27/12, whichever comes first.	VOC: TBD by 11/29/12
6. Convenience Retailers LLC 5642 Case #5909-1 (K. Manwaring)	461(e)(2)	VRS at GDF failed blockage test.	Not Opposed/Denied	EV denied.	N/A
7. SCAQMD vs. California Hospital Medical Center Case #5826-1 (Consent Calendar; No Appearance)	1146(c)(2)(A)	Respondent cannot meet final compliance date due to delay in obtaining OSHPD approval for electrical system.	Stipulated/Issued	Mod. O/A issued commencing 11/29/12; the Hearing Board shall retain jurisdiction over this matter until 1/30/13.	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
8. SCAQMD vs. Elsinore Valley Municipal Water District Case #5742-2 (N. Sanchez)	203(a)	Operating portable ICE without permit.	Stipulated/Issued	O/A issued commencing 11/13/12; the Hearing Board shall retain jurisdiction over this matter until 3/31/13.	N/A
9. SCAQMD vs. Exiquio Parra Cazaeres (aka Humberto Parra), an individual, dba Humberto's Tree Service Case #5898-1 (M. Gardella & N. Feldman)	203(a)	Petitioner operating portable diesel ICE without valid CARB registration or District permit.	Not Stipulated/Issued	O/A issued commencing 11/29/12; the Hearing Board shall retain jurisdiction over this matter until 4/30/13.	N/A
10. SCAQMD vs. George Industries, Inc. Case #5905-2 (T. Barrera)	1147(c)(1) 1147(c)(10)	Operating powder coating oven in violation of NOx emission limit.	Stipulated/Issued	O/A issued commencing 11/29/12; the Hearing Board shall retain jurisdiction over this matter until 3/31/13.	N/A
11. SCAQMD vs. Sandfrog, LLC Case #5873-1 (N. Feldman)	203(a)	Respondent operates 560 bhp diesel ICE without valid permit to operate.	No Position/Denied	Mod. O/A denied.	N/A

Acronyms

AOC: Alternative Operating Conditions
 CARB: California Air Resources Board
 CEMS: Continuous Emissions Monitoring SystemS
 ESP: Electrostatic Precipitator
 EV: Emergency Variance
 FCD: Final Compliance Date
 GDF: Gasoline Dispensing Facility
 H&S: Health & Safety Code
 H2S: 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
 NH3: Ammonia
 NOx: Oxides of Nitrogen
 O/A: Order for Abatement
 OSHPD: Office of Statewide Health Planning and Development
 PM: Particulate Matter
 ROG: Reactive Organic Gas

RV: Regular Variance
SCR: Selective Catalytic Reduction
SO₂: Sulfur Dioxide
SO_x: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
VOC: Volatile Organic Compounds
VRS: Vapor Recovery System