

BOARD MEETING DATE: April 3, 2009

AGENDA NO. 14

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of February 1 through February 28, 2009.

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 2009** and **February 2009 Hearing Board Cases**.

The total number of appeals filed during the period February 1 to February 28, 2009 is 5, and the total number of appeals filed during the period of January 1 to February 28, 2009 is 5.

Report of February 2009 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. Air Products and Chemicals, Inc. Case No. 4276-11 (T. Barrera)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner cannot monitor NOx due to oxygen analyzer malfunction that could not be repaired within 96 hours allowed by Rule 2012.	Not Opposed/Granted	Ex Parte EV granted commencing 2/10/09 and continuing for 30 days or until the SV hearing currently scheduled for 2/24/09, whichever comes first.	None
2. Bicent (California) Malburg Case No. 5727-1 (J. Panasiti)	203(b) 2004(f)(1) 2005 3002(c)(1)	The Western Electricity Coordinating Council requires Petitioner to install and certify a power stabilizer system. Certification testing requires operation at specified loads that compromises ability to control NOx and CO.	Opposed/Dismissed	No action taken on the EV. SV scheduled for 3/12/09.	N/A
3. BP Pipeline (North America) Inc. & ARCO Terminal Services Corporation Case No. 4545-12 (Consent Calendar T. Barrera)	203(b) 3002(c)(1)	Petitioner cannot comply with terms and conditions of recently issued Title V permit.	Not Opposed/Granted	IV granted commencing 2/26/09 and continuing through 5/27/09.	None
4. Chevron Products Company Case No. 831-350 (J. Panasiti)	203(b) 401(b)(1) 407(a)(1) 2004(f)(1) H&S §41701	FCCU will be restarted after major turnaround. During the cold start there will be a period of system unbalance when excess emissions may occur.	Not Opposed/Granted	SV granted for subject equipment commencing on the date specified in the notice to be given pursuant to Condition No. 1A and continue for up to 3 consecutive days to occur between 2/1/09 and 2/18/09. SV granted for the regenerator and regenerator startup heater commencing on the date specified in the notice given pursuant to Condition No. 1B and continue for up to 3 days until the notice is given pursuant to Condition No. 1D. The variance shall occur between 2/4/09 and 2/18/09.	CO: 3,915 lbs/ total for the variance period Opacity: 55% in any one day

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5. County of Los Angeles Department of Public Works Case No. 5724-1 (N. Feldman)	203(b) 1303 1470	Snowfall and storm triggered landslides resulted in power outage. Emergency generator must be used beyond 200 hour/year limit until Southern California Edison restores power for Cogswell Dam operations.	Not Opposed/Granted	Ex Parte EV granted commencing 2/5/09 and continuing for 30 days or until the EV hearing subsequently rescheduled as a SV on 2/25/09, whichever comes first.	CO: TBD PM : TBD PM10: TBD VOC: TBD SOx: TBD NOx: TBD Due: 2/20/09
6. County of Los Angeles Department of Public Works Case No. 5724-1 (T. Barrera)	203(b)	Snowfall and storm triggered landslides resulted in power outage. Emergency generator must be used beyond 200 hour/year limit until Southern California Edison restores power for Cogswell Dam operations.	Not Opposed/Granted	SV granted commencing 2/25/09 and continuing for 90 days or until the RV hearing currently scheduled for 4/15/09, whichever comes first.	NOx: 4.51 lbs/hr SOx: 0.1 lb/hr VOC: 0.12 lb/hr PM10: 0.48 lb/hr. CO: 2.26 lbs/hr PM: 0.5 lb/hr
7. ExxonMobil Oil Corporation Case No. 1183-438 (E. Sernel)	203(b) 2004(f)(1)	Petitioner seeks extension of variance previously granted due to unexpected discovery of crack in regenerator standpipe. Fresh feed stopped to FCCU to prevent catastrophic release of catalyst to environment.	Not Opposed/Granted	Ex Parte EV granted commencing 2/24/09 and continuing for 30 days or until the EV hearing currently scheduled for 2/26/09, whichever comes first.	NOx: 1,050 lbs/ day
8. ExxonMobil Oil Corporation Case No. 1183-343 (Consent Calendar E. Sernel)	203(b) 468(b) 2004(f)(1)	Crude unit air preheater must be taken out of service and isolated from the SCR to conduct inspection and maintenance.	Not Opposed/Granted	SV granted commencing on the date specified in the notice to be given pursuant to Condition No. 2.a and continue for up to 10 consecutive days to occur between 2/3/09 and 6/1/09.	H2S: 34 lbs/day
9. Inland Empire Energy Center, LLC Case No. 5695-5 (T. Barrera)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	New combined cycle power plant cannot meet CO emission limits during startup/shutdown.	Not Opposed/Granted	SV granted commencing 2/24/09 and continuing for 90 days or until the RV currently scheduled for 3/31/09, whichever occurs first.	CO: 280 lbs/hr
10. Kaiser International Corporation Case No. 5110 (J. Panasiti)	N/A	Reconsideration of Hearing Board's decision to deny emission reduction credits for leased material transfer equipment per writ of mandate issued by court.	Opposed/Denied	Petition seeking review of the action of the Executive Officer denying the application for emission reduction credits of petitioner be denied as to the category of leased material transfer equipment at the former Kaiser facility subject to the Writ of Remand.	N/A

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11. SCAQMD vs. R&L Brosmer, Inc. Case No.5722-1 (Consent Calendar E. Sernel)	1110.2(c)(14)	Respondent must operate portable concrete batch plant beyond the one year at location permit limit.	Stipulated/Issued	O/A issued commencing 2/18/09 and continuing through 4/15/09. The Hearing Board shall retain jurisdiction over this matter until 4/15/09.	N/A

Acronyms

CARB: California Air Resources Board
 CO: Carbon Monoxide
 CEMS: Continuous Emissions Monitoring System
 EV: Emergency Variance
 FCCU: Fluid Catalytic Cracking Unit
 FCD: Final Compliance Date
 HC: Hydrocarbons
 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 Order for Abatement
 N/A : Not Applicable
 NH3: Ammonia
 NOV: Notice of Violation
 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