BOARD MEETING DATE: May 4, 2012
AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of March 1 through March 31, 2012.

COMMITTEE: Not Applicable
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 March 2012 Hearing Board Cases.

The total number of appeals filed during the period March 1 to March 31, 2012 is 0 ; and total number of appeals filed during the period of January 1 to March 31, 2012 is 3.






| Rules from which Variances and Order for Abatements were Requested in 2012 |  |  |  |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | 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)(7)(B) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1146.1(e)(1) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1150.1(d)(5) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1150.1(d)(6) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1150.1(e) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1150.1(e)(1)(C) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1150.1(e)(2) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1150.1(e)(2)(C) |  |  |  |  |  |  |  |  |  |  |  | 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) |  |  |  |  |  |  |  |  |  |  |  | 2 |
| 1146.1(c)(3) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1146.1(e) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1146.1(e)(1)(B) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1146.2 |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1146.2(c)(1) |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1147 |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1150.1 |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 1150.1(d)(C)(i) |  |  |  |  |  |  |  |  |  |  |  | 0 |





| Rules from which Variances and Order for Abatements were Requested in 2012 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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|  | 2012 | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total Action |
| 2004(b)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2004(b)(4) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2004(c)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2004(c)(1)(C) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2004(f)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 6 |
| 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 C |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2011(c)(2) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2011(c)(2)(A) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2011(c)(2)(B) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2011(c)(3)(A) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2011(e)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2011(f)(3) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2011(g) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2011(g)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2011(k) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2011 (k) Appen. A, Chap. 2, except E \& Attach C |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| $2011(\mathrm{k})$ 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 (k) Appen. A, Chap. 2, Sections A.3.,a.-c.,e.g. and B.1.-4 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012.0 |  |  |  |  |  |  |  |  |  |  |  |  |  | 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. 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) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| $2012(\mathrm{c})(2)(\mathrm{B})$ |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012(c)(3) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012(c)(3)(A) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |


| 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 |
| 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) |  | 1 |  |  |  |  |  |  |  |  |  |  |  | 1 |
| 2012(g)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012(g)(3) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012(h)(3) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012(h)(4) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012(h)(5) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012(h)(6) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012(i) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012(i)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012(i)(2) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012, Protocol (Appen. A) Chap. 2, Part A.1.a |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 2012, Protocol (Appen. A) Chap. 2, Part B. 4 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 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, |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| and B. 1-4 and Appendix A, Chapter 3, Section C. $2 \mathrm{a}, \mathrm{c}$ \& 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(a) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 3002(c) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| 3002(c)(1) |  | 5 |  |  |  |  |  |  |  |  |  |  |  | 5 |
| 3002(c)(2) |  |  |  |  |  |  |  |  |  |  |  |  |  | 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 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| H\&S 41701 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| H\&S 93115.6(c)(2)(C)(1) |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
| H\&S 42303 |  |  |  |  |  |  |  |  |  |  |  |  |  | 0 |
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## Report of March 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. City of Riverside Public Utilities Department Case No. 5336-2 (N. Sanchez) | $\begin{aligned} & \hline 203(\mathrm{~b}) \\ & 2004(\mathrm{f})(1) \end{aligned}$ | Two gas turbines with SCR will exceed NOx limit on startup after repairs. | Not Opposed/Granted | RV granted commencing $3 / 21 / 12$ and continuing through $11 / 1 / 12$, the FCD. | NH3: 8.4 lbs/day for Unit 1 NH3: 21.1 lbs/day for Unit 3 |
| 2. Paramount Petroleum Corporation Case No. 2914-113 (M. Reichert; Consent Calendar) | $\begin{aligned} & \text { 2012, App A, Att C, } \\ & \text { B.2 } \\ & 2012, \text { App A, Ch. 2, } \\ & \text { B.20 } \\ & 2012(\mathrm{c})(2) \\ & 2012(\mathrm{~g})(1) \\ & \text { 2012(g)(7) } \\ & \text { 2012, App A Ch 2, } \\ & \text { Para A } \\ & \text { 2012, App A, Ch 2, } \\ & \text { B.10, B.11, B.12, } \\ & \text { B.17 and B.18 } \\ & \hline \end{aligned}$ | Modification of final compliance date. <br> Petitioner has temporarily suspended operations and cannot conduct required RATA. | Not Opposed/Granted | MFCD/EXT granted commencing 3/29/12 and continuing through $9 / 30 / 12$, the FCD. | None |
| 3. SCAQMD vs. Khan H. Jackie, individually and dba Jackie Service Station Case No. 5862-1 (N. Sanchez) | $\begin{aligned} & \text { 203(a) } \\ & \text { 203(b) } \end{aligned}$ | Respondent operating GDF without valid permit to operate. | Not Stipulated/Issued | O/A issued commencing 3/28/12 and continuing through $4 / 4 / 12$. The Hearing Board shall retain jurisdiction over this matter until 12/31/12. | N/A |
| 4. SCAQMD vs. Los Angeles Department of General Services, Los Angeles Police Department., $77^{\text {th }}$ Street Police Station Case No. 5190-4 (N. Sanchez) | 1470(c)(3)(C)(iii) | Respondent operating noncompliant diesel ICE. | Stipulated/Issued | O/A issued commencing $3 / 14 / 12$ and continuing until $1 / 30 / 13$. The Hearing Board shall retain jurisdiction over this matter until 1/30/13. | N/A |
| 5. SCAQMD vs. Minh Tuan Hoang (a/k/a John Ngoc Hoang), individually and dba Orange County Body Works <br> Case No. 5861-1 <br> (N. Sanchez) | 203a | Respondent operating paint spray booth without valid permit to operate. | Not Stipulated/Issued | O/A issued commencing $3 / 6 / 12$ and continuing until $1 / 31 / 13$. The Hearing Board shall retain jurisdiction over this matter until 1/31/13. | 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 |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 6. SCAQMD vs. <br> Stationary Diesel- <br> Fueled ICE Facilities, <br> Does 101-300 <br> Case No. 5823-2 <br> (N. Sanchez; Consent Calendar) | 1470 | Respondents operating stationary diesel-fueled ICEs are in violation of the Tier 4 limit in Rule 1470. | Stipulated/Issued | Group O/A issued for Does 161-180 commencing 3/21/12 and continuing until 12/31/12. The Hearing Board shall retain jurisdiction over this matter until 12/31/12. | N/A |
| 7. SCAQMD vs. <br> Stationary Diesel- <br> Fueled ICE Facilities, <br> Does 101-300 <br> Case No. 5823-2 <br> (N. Sanchez; Consent Calendar) | 1470 | Respondents operating stationary diesel-fueled ICEs are in violation of the Tier 4 limit in Rule 1470. | Stipulated/Issued | Group O/A issued for Does 181-200 commencing 3/29/12 and continuing through until $12 / 31 / 12$. The Hearing Board shall retain jurisdiction over this matter until 12/31/12. | N/A |
| 8. Southern California Edison Company Case No. 1262-100 (M. Reichert; Consent Calendar) | $\begin{aligned} & \text { 203(b) } \\ & 3002(\mathrm{c})(1) \end{aligned}$ | Federal regulations require peaker units be tested at various loads to prove readiness to meet power grid demands. <br> Emissions reduction unit cannot maintain compliance at all required test loads. | Not Opposed/Granted | SV granted commencing $3 / 30 / 12$ and continuing through 6/30/12. | NOx: 287 lbs/day each peaker CO: 15.7 lbs/day each peaker |
| 9. Tesoro Refining \& Marketing Co Case Nos, 4982-81 thru 85 <br> (N. Feldman) |  | Appeal of permit descriptions for changed equipment. | Opposed/Denied | Appeal denied. The Hearing Board found that Appellant failed to demonstrate that the Executive Officer did not properly issue Section H of the Permit to Operate. | N/A |

## Acronyms

AOC: Alternative Operating Conditions
CO: Carbon Monoxide
EV: Emergency Variance
FCD: Final Compliance Date
GDF: Gasoline Dispensing Facility
H\&S: Health \& Safety Code
ICE: Internal Combustion Engine
I/P: Increments of Progress
IV: Interim Variance
MFCD/EXT: Modification Final Compliance Date and Extension of a Variance Mod. O/A: Modification of an Order for Abatement

NH3: Ammonia
NOV: Notice of Violation
NOx: Oxides of Nitrogen
N/A: Not Applicable
O/A: Order for Abatement
RATA: Relative Accuracy Test Audit
RV: Regular Variance
SCR: Selective Catalytic Reduction
SV: Short Variance
TBD: To be determined
VOC: Volatile Organic Compound

