

BOARD MEETING DATE: December 3, 2004

AGENDA NO. 20

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of October 1 through October 31, 2004.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

EC:RJ

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2004** and **October 2004 Hearing Board Cases**.

The total number of appeals filed during the period October 1 to October 31, 2004 is 2, and the total number of appeals filed during the period of January 1 to October 31, 2004 is 12.

Rules from which Variances and Order for Abatements were Requested in 2004

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
# of HB Actions*																	
Involving																	
Rules																	
109														0			
109(c)(1)				1										1			
201														0			
202		1						2						3			
202(a)		1	1	2		1		2	2	1	2			12			
202(b)										1	1			2			
202(c)														0			
203				1			1	2						4			
203(a)		1	2	4	3	2	1	1	1	1	2			18			
203(b)		8	9	11	4	10	11	10	12	6	12			93			
208														0			
218														0			
218(b)(2)						1								1			
218.1(b)(1)(E)					1									1			
221(b)														0			
401														0			
401(a)														0			
401(b)														0			
401(b)(1)		3	1	1	1				1					7			
401(b)(1)(A)								1						1			
401(b)(1)(B)						1								1			
402			1				1	2		2				6			
403(d)(1)					1									1			
403(d)(2)														0			
404														0			
404(a)		2						1						3			
404(b)														0			
405														0			
405(a)		2						1						3			
405(b)														0			
407(a)		1			1									2			
407(a)(1)											1			1			
407(a)(2)(A)														0			
409														0			
431.1(c)(1)														0			
431.1(d)(1)														0			
442														0			
444														0			
444(a)														0			
444(c)														0			
444(d)														0			
461				1										1			
461(c)(1)														0			
461(c)(1)(A)				1										1			
461(c)(1)(B)				1										1			
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)(A)														0			
461(c)(3)(D)(ii)														0			
461(c)(3)(E)														0			
461(c)(3)(M)														0			
461(c)(4)(B)														0			
461(c)(4)(B)(ii)														0			
461(e)(1)														0			
461(e)(2)														0			
461(e)(2)(A)(i)				1										1			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
461(e)(2)(B)(i)														0			
461(e)(2)(C)														0			
461(e)(3)														0			
461(e)(4)														0			
461(e)(5)														0			
461(e)(7)														0			
462(c)(1)(A)(ii)														0			
462(c)(1)(E)														0			
462(c)(3)(B)														0			
462(c)(4)(B)(i)														0			
462(c)(7)(A)(ii)														0			
462(d)						1								1			
462(d)(1)						1								1			
462(d)(1)(A)						1	2		2					5			
462(d)(1)(A)(ii)				1										1			
462(d)(1)(C)						1	2		2					5			
462(d)(1)(E)(ii)				1										1			
462(d)(1)(F)														0			
462(d)(2)(A)(i)														0			
462(e)(1)						1								1			
462(e)(1)(E)						1	2		1					4			
462(e)(1)(E)(ii)				1										1			
462(e)(2)(A)(i)														0			
462(e)(4)														0			
462(h)(1)				2			2		2					6			
463(c)														0			
463(c)(1)(A)														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)(3)						2					2			4			
463(c)(3)(A)										1				1			
463(c)(3)(B)														0			
463(c)(3)(C)						1	2		2					5			
463(d)(2)														0			
463(e)(3)(C)														0			
463(e)(4)						1								1			
464(b)(1)														0			
468														0			
468(a)				1										1			
468(b)				1										1			
475(b)														0			
1103														0			
1104(c)(1)														0			
1106(c)(1)														0			
1106.1(c)(1)														0			
1106.1(c)(1)(A)														0			
1107(c)(2)														0			
1107(c)(7)														0			
1107(d)														0			
1110.1														0			
1110.2								1						1			
1110.2(d)														0			
1110.2(d)(1)(B)									2					2			
1110.2(e)(1)(A)														0			
1113(c)(2)														0			
1118(d)										1				1			
1118(d)(1)(2)														0			
1118(d)(1)(3)														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(e)										1				1			
1118(f)										1				1			
1121														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
1122(c)(2)(A)														0			
1122(c)(2)(E)														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)(4)(A)														0			
1122(e)(4)(B)														0			
1122(g)(3)														0			
1124														0			
1124(c)(1)(A)														0			
1124(c)(1)(E)														0			
1124(c)(4)														0			
1125(c)(1)														0			
1128(c)(1)														0			
1128(c)(2)														0			
1130											1			1			
1130(c)														0			
1131														0			
1130(c)(4)														0			
1132(d)(2)														0			
1132(d)(3)														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)(C)														0			
1135(c)(4)														0			
1135(c)(4)(D)														0			
1135(e)														0			
1137		1	1								1			3			
1137(d)(2)					1					1				2			
1145(c)(2)														0			
1145(c)(6)				1		1		1						3			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146		1												1			
1146(c)(3)(A)								1	1					2			
1146(c)(4)														0			
1146.1														0			
1146.1(c)(1)		2						1	1					4			
1146.1(c)(2)(B)														0			
1146.1(c)(3)														0			
1146.1(e)(1)(B)														0			
1146.2				1										1			
1146.2(c)(1)														0			
1146.2(c)(3)					1	1								2			
1150.1														0			
1150.1(d)(1)(C)(i)														0			
1150.1(d)(4)						1								1			
1150.1(d)(5)						1								1			
1150.1(d)(6)						1								1			
1150.1(d)(7)														0			
1150.1(e)														0			
1150.1(e)(1)						1								1			
1150.1(e)(2)						1								1			
1150.1(e)(3)						1								1			
1150.1(e)(1)(C)														0			
1150.1(e)(2)(C)														0			
1150.1(e)(3)(C)											1			1			
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			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
1151(c)(1)(B)														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)				1										1			
1153.0														0			
1153(c)(1)(B)														0			
1158														0			
1158(d)(2)														0			
1158(d)(5)														0			
1158(d)(7)														0			
1158(d)(7)(A)(ii)														0			
1158(d)(8)														0			
1164(c)(1)(B)														0			
1164(c)(2)														0			
1166(c)(2)														0			
1166(c)(2)(F)							1							1			
1168							1							1			
1168(c)(1)														0			
1168(c)(2)														0			
1171							1				1			2			
1171(c)(1)										1				1			
1171(c)(1)(A)(i)														0			
1171(c)(1)(b)(i)														0			
1171(c)(4)										1				1			
1171(c)(5)														0			
1171(c)(5)(A)(i)				1		1		1						3			
1171(c)(6)				1										1			
1173(c)														0			
1173(d)														0			
1173(d)(1)										1	2			3			
1173(d)(1)(D)				1										1			
1173(d)(1)(D)(iii)														0			
1173(f)(1)														0			
1173(g)(1)				1										1			
1175(c)(2)				1		1	1	2						5			
1175(c)(4)(B)														0			
1175(c)(4)(B)(ii)														0			
1175(c)(4)(B)(ii)(II)				1		1	1	2						5			
1176(e)(1)														0			
1176(e)(2)											2			2			
1176(e)(2)(B)														0			
1176(e)(3)(A)														0			
1176(e)(6)														0			
1178(d)(1)(B)														0			
1189(C)(1)														0			
1189(c)(1)														0			
1193(d)(1)(B)						1	1							2			
1303														0			
1303(a)(1)		1												1			
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			
1421														0			
1421(d)														0			
1421(d)(1)(C)														0			
1421(d)(1)(G)								2						2			
1421(d)(3)(A)														0			
1421(e)(1)(A)(vii)										1				1			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
1421(e)(3)(B)										1				1			
1421(h)(1)(A)										1				1			
1421(h)(1)(B)										1				1			
1421(h)(1)(C)										1				1			
1421(h)(1)(E)										1				1			
1421(h)(3)										1				1			
1421(i)(1)(C)										1				1			
1425(d)(1)(A)														0			
1469						1								1			
1469(c)														0			
1469(c)(2)														0			
1469(d)(1)														0			
1469(e)(1)														0			
1469(e)(2)														0			
1469(h)														0			
1469(l)														0			
1189(c)(3)														0			
2004								2						2			
2004(b)(1)		1						1						2			
2004(c)(1)(C)														0			
2004(d)														0			
2004(f)(1)											1			1			
2004(f)(1)		8	7	7	3	7	9	9	6	5	8			69			
2004(k)														0			
2009(b)(2)						1								1			
2009(c)														0			
2009(f)(1)														0			
2009(f)(2)						1								1			
2009.1														0			
2009.1(c)														0			
2009.1(f)(1)														0			
2009.1(f)(2)														0			
2009.1(f)(3)														0			
2011 Appendix A														0			
2011 Attachment C														0			
2011(c)(2)			2	1				1	1					5			
2011(c)(2)(A)														0			
2011(c)(3)(A)														0			
2011(e)(1)			2	1				1	1					5			
2011(f)(3)														0			
2011(g)														0			
2011(k)														0			
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 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 Appen. A, Attach. C										1				1			
2012 Appen. A, Attach. C, Chap. 2, Sec. B														0			
2012 Appen A														0			
2012 Appen A, Chap. 2											2			2			
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. 2, Sec. E														0			
2012(c)(2)			2	1	1			1	1		1			7			
2012(c)(2)(A)		1					1				1			3			
2012(c)(2)(C)										1	2			3			
2012(c)(3)														0			
2012(c)(3)(A)		1					1							2			
2012(c)(3)(B)														0			
2012(c)(10)														0			
2012(d)(2)		1						1						2			
2012(d)(2)(A)														0			
2012(d)(2)(D)														0			
2012(e)(2)(B)		1						1						2			
2012(g)(1)		1	2	1			1	1	1		1			8			
2012(g)(3)														0			
2012(h)(3)														0			
2012(h)(4)														0			
2012(h)(5)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
2012(h)(6)		1												1			
2012(i)		1												1			
2012(j)(1)		1						1						2			
2012(j)(2)								1						1			
2012, Appen. A, Chp 3, Sec (A)(6)								1						1			
2012(m)		1					1							2			
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(c)(1)		3	1	2	1	1	3	3	1	1	1			17			
3002(c)(2)								1						1			
H&S 41700														0			
H&S 41701		3	1		1			1	1					7			

Report of October 2004 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. Bradley Landfill and Recycling Center Case #3824-7 (B. Theis)	1150.1(e)(3)(C)	Landfill surface emission exceedances could not be corrected within the time allowed by Rule 1150.1.	Opposed/Denied	Ex Parte denied. EV hearing currently scheduled for 11/2/04.	
2. Chevron USA, Inc. Case #831-322 (B. Theis)	203(b)	Petitioner must replace carbon in the vapor recovery system (VRS) and desires to continue operating while the carbon is replaced and other maintenance tasks are completed. Petitioner will use a permitted thermal oxidizer to control emissions during the carbon replacement/maintenance outage.	Not Opposed/Granted	SV granted commencing on the date of the shutdown of the John Zink VRS pursuant to the notice given in Condition No. 1 and shall extend for a period of 14 consecutive days or until the VRS is restarted, whichever occurs first. The variance shall occur between 12/1/04 and 1/1/05, the FCD.	NO _x : 2.4 lbs/day (mitigated to zero) CO: 180 lbs/day
3. City of Burbank, Burbank Water & Power Case #1474-18 (B. Theis)	203(b) 2004(f)(1) 2012(c)(2)(C)	CEMS malfunction could not be repaired within the 96-hour breakdown period.	Not Opposed/Granted	Ex Parte granted commencing 10/1/04 and continuing for 30 days or until the SV hearing currently scheduled for 10/27/04, whichever comes first.	None.
4. Equilon Enterprises LLC Case #4982-53 (B. Theis)	203(b) 2004(f)(1)	Three-way switching valve failed causing the SCR to be bypassed. Valve could not be repaired or replaced within the time allotted by District rules.	Not Opposed/Granted	Ex Parte granted commencing October 28, 2004 and continuing for 30 days or until the EV hearing currently scheduled for 11/3/04, whichever comes first.	NO _x : 95 lbs/day
5. ExxonMobil Oil Corporation Case #1183-385 (C. Engelhardt)	203(b) 2004(f)(1) 2012(c)(2) 2012(g)(1)	Two heaters must be taken offline for repairs. This will cause a drop in temperature to the SCR causing it to shut down and bypass the CEMS.	Not Opposed/Granted	Ex Parte granted commencing 10/27/04 and continuing for 24 hours or 10/28/04, the FCD.	NO _x : 750 lbs/total
6. Kaiser Aluminum & Chemical Corporation Case #4507-1 (E. Sernel)	203(b) 2004(f)(1) 3002(c)(1)	Explosion in one of the two furnaces requires petitioner to use the other furnace in excess of the monthly throughput limit.	Not Opposed/Granted	EV granted commencing 10/28/04 and continuing through 10/31/04, the FCD.	NO _x : 24 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
7. Orsini/Palmer Boston Street Properties Case #5485-2 (A. Mednick)	203(a)	Diesel generator's BACT certificate expired prior to submittal of the application for permit. Generator does not meet current BACT.	Not Opposed/Denied	IV denied. A RV hearing is currently scheduled for 11/18/04.	
8. Poly Pak America, Inc. Case #4727-3 (A. Mednick)	203(b) 1130 1171	Over pressure rendered control equipment inoperative.	Opposed/Dismissed	IV dismissed. A SV hearing is currently scheduled for 11/9/04.	
9. SCAQMD vs. Chevron Products Company Case #831-323 (N. Feldman)	407(a)(1)	Petitioner will exceed the limit specified in Rule 407 during startup of the new hydrogen plant. The emissions will be lower after startup than the unit it will replace.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter for 120 days from the date specified in the notice given to the District.	
10. SCAQMD vs. Hampton Distribution Companies dba Lane Stanton Vance Lumber Company & Custom Mills Case #5443-2 (C. Engelhardt)	1137	Extension of time for final compliance is needed because of delays in obtaining a required city building permit for control equipment.	Stipulated/Issued	Mod. O/A Issued. Hearing Board shall retain jurisdiction over this matter until 1/11/05 unless the order is amended or modified.	
11. SCAQMD vs. Paramount Petroleum Corporation #2914-72 (E. Sernel)	202(a) 202(b) 203(b) 2004(f)	Four heaters and two incinerators have been operating in excess of the heat input rates described in the facility permit.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 4/30/09.	
12. SCAQMD vs. Petro Diamond Terminal Company #3678-4 (C. Engelhardt)	203(b)	Respondent has been exceeding monthly and annual product throughput and annual vessel throughput limits.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 3/1/05.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
13. SCAQMD vs. Zamora's Mexican Food Products Case #5344-3 (C. Engelhardt)	203(a)	Respondent failed to follow through with the requirements of the previously issued O/A.	Not Stipulated/Issued	Mod. O/A issued. Hearing Board shall retain jurisdiction over this matter unless the Order is amended, modified or terminated by the Hearing Board.	
14. Signal Hill Petroleum Case #2166-5 (A. Mednick)	202(a) 2004(f)(1) 463(c)(3) 1173(d) 1176(e)(2)	Compressor serving the gas plant and VRS failed. The replacement compressor also failed.	Not Opposed/Granted	Ex Parte granted commencing 10/22/04 and continuing for 30 days or until the EV hearing scheduled for 10/27/04, whichever occurs first.	VOC: 485 lbs/day
15. Signal Hill Petroleum Case #2166-6 (A. Mednick)	203(b) 463(c)(3) 1173(d) 1176(e)(2)	Compressor serving the gas plant and VRS failed. The replacement compressor also failed.	Not Opposed/Granted	Ex Parte granted commencing 10/22/04 and continuing for 30 days or until the EV hearing scheduled for 10/27/04, whichever occurs first.	VOC: 201 lbs/day
16. Smurfit Newsprint Corporation Case #4773-3 (C. Engelhardt)	203(b) 2004(f)(1) 2012, Appendix A, Attachment C 2012(c)(2)(C)	Two CEMS units have failed and petitioner seeks to continue operating while repairs are made.	Not Opposed/Granted	Ex Parte granted commencing 10/1/04 and continuing for 30 days or until the SV hearing currently scheduled for 10/27/04, whichever occurs first.	None.
17. Smurfit Newsprint Corporation Case #4773-3 (C. Engelhardt)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012 Appendix A, Attachment C	CEMS failure could not be corrected within the 96-hour limit provided in Rule 2012.	Not Opposed/Granted	SV granted commencing 10/27/04 and continuing through 12/1/04, the FCD.	None.
18. Thums Long Beach Company Case #2515-15 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner will need to shut down the VRS in order to replace aging pipe lines.	Not Opposed/Granted	SV granted for 24 hours, commencing on the date and time specified in the notice to be given in accordance with variance condition No. 1. The variance will occur between 10/21/04 and 1/10/05.	VOC: 5.9 lbs/hr. for 24 hours

Key to Acronyms

EV: Emergency Variance
IV: Interim Variance
SV: Short Variance
RV: Regular Variance
H&S: Health & Safety Code

TBD: To be determined
FCD: Final Compliance Date
MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance
PM: Particulate Matter

VOC: Volatile Organic Compound
CO: Carbon Monoxide