BOARD MEETING DATE: November 5, 2004   AGENDA NO. 15

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period
                 of September 1 through September 30, 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 **September 2004 Hearing Board Cases**.

The total number of appeals filed during the period September 1 to September 30, 2004 is
0, and the total number of appeals filed during the period of January 1 to September 30,
2004 is 10.

	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				10
202(b)									1				1
202(c)													0
203			1			1	2						4
203(a)	1	2	4	3	2	1	1	1	1				16
203(b)	8	9	11	4	10	11	10	12	6				81
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)(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
461(e)(2)(B)(i)													0

2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
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
1122(c)(2)(A)													0

2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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(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											2
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)													0
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
1151(c)(1)(B)													0
1151(c)(8)													0

2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
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)(1)									1				1
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)													0
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
1421(e)(3)(B)									1				1
1421(h)(1)(A)									1				1
1421(h)(1)(B)									1				1

2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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)	8	7	7	3	7	9	9	6	5				61			
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)																
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													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. 2, Sec. E													0			
2012(c)(2)		2	1	1			1	1					6			
2012(c)(2)(A)	1					1							2			
2012(c)(2)(C)										1				1			
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					7			
2012(g)(3)													0			
2012(h)(3)													0			
2012(h)(4)													0			
2012(h)(5)													0			
2012(h)(6)	1												1			
2012(i)	1												1			
2012(j)(1)	1						1						2			
2012(j)(2)							1						1			

2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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				16
3002(c)(2)							1						1
H&S 41700													0
H&S 41701	3	1		1			1	1					7

Report of September 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. BP West Coast Products LLC Case #5357-16 (C. Engelhardt)	203(b) 1118(d) 1118(e) 1118(f) 2004(f)(1)	A series of unexpected breakdowns of emergency flare monitoring display and recording system caused petitioner to believe the cumulative 48 hour per quarter breakdown allowance in Rule 1118 would be exceeded by the end of the quarter.	Opposed/Dismissed	IV dismissed.	
2. K2M Mobile Treatment Services, Inc. Case #4808-2 (N. Feldman)	203(b)	Above ground petroleum product storage tank exceeds permitted 500 ppm VOC in head space. Petitioner seeks to use unpermitted equipment for control.	Opposed/Denied	Ex Parte EV denied.	
3. Pasadena City, DWP Case #2244-21 (N. Feldman)	203(b) 2004(f)(1) 2012(c)(2)(C) 2012, Appendix A, Attachment C	CEMS NOx data not being correctly reported; petitioner could not repair within 96 hours per breakdown rule.	Not Opposed/Granted	Ex Parte EV granted commencing 9/10/04 and continuing for 30 days or until the EV hearing currently scheduled for 9/22/04, whichever comes first.	None
4. SCAQMD vs. Frank's Auto Body & Paint Case #5473-1 (B. Theis)	402 1171(c)(1) 1171(c)(4)	District requested modification of O/A to set date specific to install control system or shut down offending equipment.	Not Stipulated/Issued	Mod. O/A issued commencing 9/14/04 and continuing through 6/17/06. The Board shall retain jurisdiction over this matter until 6/17/06.	
5. SCAQMD vs. Freddie Atmi, individually and dba Third Cleaners; Freddie Atmi, individually and dba World Cleaners Case #5486-1 (E. Sernel)	203(b) 1421(e)(1)(A)(vii) 1421(e)(3)(B) 1421(h)(1)(A) 1421(h)(1)(B) 1421(h)(1)(C) 1421(h)(1)(E) 1421(h)(3) 1421(i)(1)(C)	Respondent has been operating dry cleaning equipment in violation of requirements for extended time period despite numerous NOVs.	Not Opposed/Issued	O/A issued commencing 9/23/04. Respondent shall immediately cease and desist the operation of its dry cleaning facility until such time as compliance is achieved with District Rules 203 and 1421. The Board shall retain jurisdiction over this matter indefinitely unless the Order is terminated by the Respondent achieving compliance.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
6. SCAQMD vs. Gregory S. Kearns, individually and dba Sunny Fresh Cleaners Case #5475-1 (C. Engelhardt)	203(a)	Respondent operating dry cleaning equipment that cannot be issued a permit. Respondent plans to purchase compliant dry cleaning machine.	Not Stipulated//Issued	O/A issued commencing 9/1/04 and continuing through 3/1/05. The Board shall retain jurisdiction over this matter until 3/1/05.	
7. SCAQMD vs. Magnetic Corporation Case #5462-2 (B. Theis)	203(b)	O/A modified to extend compliance date due to delays in testing.	Stipulated/Issued	Mod. O/A issued commencing 9/8/04 and continuing through 9/7/05. The Board shall retain jurisdiction over this matter until 9/7/05.	
8. SCAQMD vs. Stock Building Supply of California, Inc. Case #5459-1 (C. Engelhardt)	402 1137(d)(2)	O/A modified to provide for extension of compliance date due to respondents delay in getting corporate approval to purchase control equipment made necessary when cost of equipment exceeded previously approved amount.	Stipulated/Issued	Mod. O/A issued commencing 9/1/04 and continuing through 4/30/05. The Board shall retain jurisdiction over this matter until 4/30/05.	
9. Signal Hill Petroleum Case #2166-4 (N. Feldman)	202(a) 2004(f)(1)	Due to an incorrect valve on recently installed simple cycle gas turbine, petitioner is unable to commission the turbine within 240 hours in 30 days from initial start up as required by permit condition.	Not Opposed/Granted	SV granted commencing 9/15/04 and continuing through 11/16/04, the FCD.	None
10. Southern California Edison Company Case #1262-83 (A. Mednick)	202(b) 2004(f)(1) 3002(c)(1)	Petitioner could not conduct quarterly ammonia slip test due to equipment being down for repair.	Not Opposed/Granted	SV granted commencing 10/1/04 and ending 30 days after the initiation of fuel flow, but no later than 12/1/04, the FCD.	None
11. The Termo Company Case #3014-7 (E. Sernel)	463(c)(3)(A) 1173(d)(1)	While doing repairs and retrofitting of facility, petitioner discovered fugitive leaks from three crude oil storage tanks. Leaks not previously discovered because insulation prevented their observation.	Not Opposed/Granted	Ex Parte EV granted commencing 9/3/04 and continuing for 30 days or until the EV hearing currently scheduled for 9/9/04, whichever comes first.	VOC 13 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
12. Thums Long Beach Company Case #2515-14 (Consent Calendar; No Appearance)	203(b) 2004(f)(1)	Petitioner needs to shutdown vapor recovery equipment during upgrade of the vapor recovery units.	Not Opposed/Granted	SV granted commencing on the date specified in the notice given to the District pursuant to Condition No. 1 and shall last for three hours within the period of 9/22/04 through 10/30/04, the FCD.	VOC 1.38 lbs/hr over 3 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
O/A: Order for Abatement
MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance
NMOC: Non-Methane Organic Compound
I/P: Increments of Progress