BOARD MEETING DATE: July 7, 2006 AGENDA NO. 16

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period

of May 1 through May 31, 2006.

COMMITTEE: Not Applicable

RECOMMENDED ACTION: Receive and file this report.

Edward Camarena Chairman of Hearing Board

r

Two summaries are attached: Rules From Which Variances and Orders for Abatement Were Requested in 2006 and May 2006 Hearing Board Cases.

The total number of appeals filed during the period May 1 to May 31, 2006 is 1, and the total number of appeals filed during the period of January 1 to May 31, 2006 is 6.

		Rules	from	which	Varia	ances	and O	rder fo	or Aba	temen	its we	re Rec	ueste	d in 2006
	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
# of HB Actions*														
Involving														
Rules 109				1										1
109(c)														0
109(c)(1)														0
201														0
201.1														0
202														0
202(a)		1	3		2									6
202(b)														0
202(c)			1			1								2
203														0
203(a)		1	3	3	1	1								9
203(b)		16	6	12	9	7								50
208														0
218														0
218.1														0
218.1(b)(1)(E)														0
218(d)(1)(B)														0
218(f)(2)														0
221(b)														0
301														0
401		1												1
401(a)														0
401(b) 401(b)(1)		1			1									2
401(b)(1)(A)		'			1									0
401(b)(1)(B)														0
402		1			2	1								4
403(d)(1)														0
403(d)(1)(A)		1												1
403(d)(2)						1								1
404(a)		1												1
404(b)														0
405														0
405(a)		1												1
405(b)		4												0
407(a)		1												1
407(a)(1) 407(a)(2)(A)														0
409						1								1
431.1(c)(2)						•								0
431.1(d)(1)														0
442														0
444														0
444(a)														0
444(c)														0
444(d)														0
461														0
461(c)(1)		2	1	4										0
461(c)(1)(A)		3	1	1										5 5
461(c)(1)(B) 461(c)(1)(C)		J	<u> </u>	ı										0
461(c)(1)(E)														0
461(c)(1)(E) 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)			1	1										2
461(c)(3)(C)														0
461(c)(3)(D)(ii)														0
461(c)(3)(E)														0

	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
461(c)(3)(H)														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)		3	1	1										5
461(e)(2)(A)(i)														0
461(e)(2)(B)(i)		3	1	1										5
461(e)(2)(C)		•	4	0										0
461(e)(3)		3	1 1	2										6 2
461(e)(3)(A) 461(e)(3)(C)(i)(I)			'	1										1
461(e)(3)(D)				1										1
461(e)(3)(E)				1										1
461(e)(7)(c)(v)				1										1
462(c)(3)(B)														0
462(c)(4)(B)(i)														0
462(c)(7)(A)(ii)														0
462(d)														0
462(d)(1)														0
462(d)(1)(A)			1											1
462(d)(1)(A)(i)														0
462(d)(1)(C)			1											1
462(d)(1)(E)(ii)														0
462(d)(1)(F)														0
462(d)(2)(A)(i)														0
462(e)(1)														0
462(e)(1)(E)			1											1
462(e)(1)(E)(ii)														0
462(e)(2)(A)(i)														0
462(e)(4)			1											0
462(h)(1) 463			1			1								1
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)					1									1
463(c)(3)(A)														0
463(c)(3)(B)														0
463(c)(3)(C)			1											1
463(d)(2)														0
463(e)(3)(C)														0
463(e)(4)														0
464(b) 468														0
468(a)														0
468(b)														0
1102														0
1102(c)(2)														0
1102(c)(5)			1											1
1104(c)(1)			-											0
1106(c)(1)														0
1106.1(c)(1)														0
1106.1(c)(1)(A)														0
1107(c)(1)														0
1107(c)(2)														0
1107(d)														0
1110.1														0
1110.2														0
1110.2(d)(1)														0
1110.2(d)(1)(A)														0
1110.2(d)(1)(B)														0
1110.2(d)(1)(C)														0
1110.2(e)(1)(A)														0
1110.2(e)(1)(B)(i)(II)														0

	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1110.2(e)(1)(B)(i)(III)														0
1110.2(e)(1)(B)(ii)														0
1110.2(f)(1)(A)														0
1110.2(f)(1)(B) 1110.2(f)(1)(E)														0
1113(c)(2)														0
1115(c)(3)														0
1118(d)(1)(2)														0
1118(d)(1)(3)														0
1118(d)(2)														0
1118(d)(3)														0
1118(d)(4)(B) 1118(d)(5)(A)														0
1118(d)(5)(B)														0
1118(e)														0
1118(f)														0
1121														0
1121(c)(2)(C)														0
1121(c)(3)														0
1121(c)(6) 1121(e)(3)														0
1122(c)(2)(A)														0
1122(c)(2)(E)														0
1122(d)(1)(A)														0
1122(d)(1)(B)														0
1122(d)(3)														0
1122(e)(2)(A)														0
1122(e)(2)(B) 1122(e)(2)(C)														0
1122(e)(2)(D)														0
1122(e)(3)		1												1
1122(e)(4)(A)														0
1122(e)(4)(B)														0
1122(g)(3)														0
1122(j)				1										1
1124 1124(c)(1)(A)														0
1124(c)(1)(E)														0
1124(c)(4)														Ö
1125(c)(1)														0
1125(c)(1)(C)														0
1128(c)(1)														0
1128(c)(2)														0
1130 1130(c)(1)														0
1130(c)(4)														0
1131														0
1131(d)														0
1132(d)(2)														0
1132(d)(3)														0
1134(c)														0
1134(c)(1) 1134(d)														0
1134(d)(1)														0
1134(d)(2)(B)(ii)														Ö
1134(f)														0
1134(g)(2)														0
1135(c)(3)														0
1135(c)(3)(C)														0
1135(c)(4)														0
1135(c)(4)(D) 1136														0
1136(c)(1)(A)(i)														0
1137(d)(2)														0
1145(c)(1)														0
1145(c)(2)														0
1145(c)(6)														0
1145(h)(1)(E)														0
1146 1146(c)(3)(A)														0
1146(c)(3)(A)														U

	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1146(c)(5)						1								1
1146.1														0
1146.1(a)(2)														0
1146.1(a)(8)														0
1146.1(b)														0
1146.1(c)(1) 1146.1(c)(2)(B)														0
1146.1(c)(2)(b)														0
1146.1(e)														0
1146.1(e)(1)(B)														0
1146.2														0
1146.2(c)(1)														0
1146.2(c)(3)														0
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) 1150.1(e)(6)(A)(ii)														0
1150.1(e)(0)(A)(iii)(I)														0
1150.1(f)(1)(H)(i)														0
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)														0
1153(c)(1)														0
1153(c)(1)(B)														0
1158														0
1158(d)(2)		1												1
1158(d)(5)														0
1158(d)(7) 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)														0
1168														0
1168(c)(1)						1								1
1168(h)(2)				1										1
1171														0
1171(c)														0
1171(c)(1)		1												1
1171(c)(1)(A)(i)														0
1171(c)(1)(b)(i)		4												0
1171(c)(4)		1												1
1171(c)(5)														0
1171(c)(5)(A)(i) 1171(c)(6)														0
1171(c)(b) 1173(c)														0
1173(d)(1)														0
1173(d)(1)(D)														0
1173(d)(1)(D)(iii)														0
1173(d)(1)(E)						1								1
1175				1										1
1175(c)(2)			1		1	1								3
1175(c)(4)(B)			1		-	1								2
\ / \ / \ /														

	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1175(c)(4)(B)(i)		1												1
1175(c)(4)(B)(ii)														0
1175(c)(4)(B)(ii)(I)														0
1175(c)(4)(B)(ii)(II)					1									1
1175(d)(4)(ii)(II)														1
1176(e)														0
1176(e)(2) 1176(e)(2)(A)(ii)					1									1
1176(e)(2)(A)(II) 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)(3)														0
1193(d)(1)(B)														0
1303														0
1303(a)(1)														0
1401(d)(1) 1401(d)(1)(A)														0
1401(d)(1)(A)														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) 1421(d)(1)(C)														0
1421(d)(1)(G)														0
1421(d)(3)(A)														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) 1425(d)(1)(A)														0
1469														0
1469(c)														0
1469(c)(8)														0
1469(d)(5)														0
1469(e)(1)														0
1469(e)(2)														0
1469(h)														0
1469(I)														0
1469(j)(4)(A)			1											1
1469(j)(4)(D) 1469(k)(3)(A)			1											<u> </u>
1189(c)(3)			I											0
2004(b)(1)														0
2004(b)(4)														0
2004(c)(1)														0
2004(c)(1)(C)														0
2004(f)(1)		5	4	8	5	6								28
2004(k)														0
2009(b)(2)														0
2009(c)														0
2009(f)(1)														0
2009(f)(2) 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

	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2011 Attachment C														0
2011(c)(2)				1										1
2011(c)(2)(A)														0
2011(c)(3)(A)						1								1
2011(e)(1)				1										1
2011(f)(3)														0
2011(g)														0
2011(k)														0
2011(k) Appen. A, Chap. 2, 6	except E	& Atta	ch C											0
2011(k) Appen. A, Chap. 2, S				d B. 1-4										0
and Appen. A, Chap. 2, Sec				u D										0
2011(k) Appen. A, Chap. 2, 3				and B 1	-4									0
2012 Appen. A, Attach. C	500110110	7 t.O.,a.	0.,0.9.	ana D. i										0
2012 Appen. A, Attach. C, Se	action R	22 8 1	h	1										1
2012 Appen. A, Attach. C, 36	ection b.	.z.a. & i	<b>J.</b>											0
2012 Appen. A, Chap. 2														0
	. ^													
2012 Appen A, Chap. 2, Sec														0
2012 Appen A. Chap. 2. Sec														0
2012 Appen A, Chap. 2, Sec														0
2012 Appen A, Chap. 2, Sec	:. E													0
2012(c)(2)				1										1
2012(c)(2)(A)				1	1									2
2012(c)(2)(C)														0
2012(c)(3)														0
2012(c)(3)(A)			1			1								2
2012(c)(3)(B)			1											1
2012(c)(10)														0
2012(d)(2)														0
2012(d)(2)(A)														0
2012(d)(2)(D)														0
2012(e)(2)(B)														0
2012(g)(1)				1										1
2012(g)(3)				•										0
2012(h)(3)														0
2012(h)(4)														0
2012(h)(5)														0
2012(h)(6)														0
· / · /														-
2012(i)														0
2012(j)(1)														0
2012(j)(2)	(A)(O)													0
2012, Appen. A, Chp 3, Sec		0 0	D.C.I											0
2012 Appen. A, Attach C, Se	ections B	.2.a. &	B.2.b.			1								1
2012(m)														0
2012(m) Appen. A, Chp 2, ex		ctions l	E & Atta	ach C.										0
2012(m) Appen. A, Attach. C														0
2012(m) Appen. A, Chap. 2,			_											0
and B. 1-4 and Appendix A,	•		ction C.	2 a, c &	d									0
2012(m) Appen. A, Chap 3,														0
2012(m) Appen. A, Chap 5, I	Para G,	Table 5	B and A	Att. D										0
3002(c)														0
3002(c)(1)		1	4	2		2								9
3002(c)(2)					2									2
H&S 39152(b)														0
H&S 41510														0
H&S 41700					2	1								3
H&S 41701		1			1									2
1100 41701		- 1												۷

## **Report of May 2006 Hearing Board Cases**

Case Name and	Rules	Reason for Petition	District Position/	Type and Length of Variance or	Excess Emissions
Case No.			Hearing Board Action	Order	
City of Los Angeles,     Hyperion Treatment Plant     Case #1212-27     (B. Theis)	203(b) 431.1(c)(2)	Unscrubbed digester gas will be flared during shutdown of wastewater treatment plant for preventive maintenance.	Not Opposed/Granted	SV granted commencing 5/22/06 and continuing through 5/26/06, the FCD.	SO <sub>X</sub> 51 lbs/day
2. Magnolia Power Project, SCPPA Case #5601-1 (B. Theis)	203(b) 2004(f)(1) 2012 Appendix A, Attach. C, Sec. B.2.a. and B.2.b. 2012(c)(2)(A) 3002(c)(1)	Extended outage of combined cycle generator for repairs precluded the completion of the RATA and NH3 slip tests required before the end of the first quarter.	Not Opposed/Granted	SV granted commencing 5/9/06 and continuing through 7/15/06, the FCD.	None
3. Paramount Petroleum Corporation Case #2914-80 (A. Mednick)	203(b) 2004(f)(1) 2011(c)(3)(A) 2012(c)(3)(A)	Petitioner's CEMS failed and cannot comply with reporting requirements of Rules 2011 and 2012.	Not Opposed/Granted	Ex Parte EV granted commencing 5/23/06 and continuing for 30 days or until the SV hearing, whichever comes first.	None
4. Premier Industries, Inc. (dba Insulfoam) Case #5333-1 (A. Mednick)	202(c) 1175(c)(2) 1175(c)(4)(B) 3002(c)(1)	Status report on testing to develop data to demonstrate compliance feasibility.	Not Opposed/Granted	MFCD/EXT granted commencing 5/19/06 and continuing through 12/8/06.	ROG TBD
5. SCAQMD vs. Arvinyl Metal Laminates Corp. Case #4474-2 (B. Theis)	1168(c)(1)	Supplier of compliant adhesive will discontinue production. Respondent cannot find satisfactory alternative for laminating operations.	Stipulated/Issued	O/A issued commencing 5/9/06; the Hearing Board shall retain jurisdiction over this matter until 5/9/07.	
6. SCAQMD vs. Chevron Products Company Case #831-332 (Consent Calendar; No Appearance)	203(b) 1173(d)(1)(E) 2004(f)(1)	Respondent is operating gas fuel and pilot gas vent lines that are not equipped with double valves or are not otherwise sealed as required by Rule 1173.	Stipulated/Issued	O/A issued commencing 5/18/06; the Hearing Board shall retain jurisdiction over this matter until 7/31/06.	
7. SCAQMD vs. Hydro Systems Case #5563-3 (C. Engelhardt)	203(a)	Respondent manufactures fiberglass tubs and does not comply with BACT requirements for VOC control.	Stipulated/Issued	O/A issued commencing 5/30/06; the Hearing Board shall retain jurisdiction over this matter until 1/15/07.	

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. Kosei Maekawa, individually and dba Pollo a La Brasa Whittier; and Ivan Maekawa, individually and dba Pollo a La Brasa Whittier Case #5603-1 (C. Engelhardt)	402 H&S §41700	Respondent operates restaurant with wood burning ovens causing nuisance odors.	Stipulated/Issued	O/A issued commencing 5/25/06; the Hearing Board shall retain jurisdiction over this matter until 2/1/08.	
9. Signal Hill Petroleum West Unit/Gas Plant Case #2166-11 (C. Engelhardt)	203(b) 2004(f)(1)	Natural gas-fired turbine failed to return into compliance when restarted after shutdown for maintenance.	Not Opposed/Granted	IV granted commencing on 5/9/06 and continuing through 7/26/06 or until the RV hearing currently scheduled for 6/15/06, whichever comes first.	NOx 90.3 lbs/day
10. Southern California Gas Company Case #137-64 (C. Engelhardt)	203(b) 2004(f)(1)	Central energy plant cannot be operated in tandem mode as designed. Petitioner has appealed permit but needs to operate pending resolution.	Not Opposed/Granted	RV granted commencing on 5/2/06 and continuing through 5/1/07, the FCD.	None
11. Sukut Construction, Inc. Case No. #5553-1 (A. Mednick)	403(d)(2)	Grading contractor cannot comply with dust control requirements.	Opposed/Denied	RV denied.	
12. Ultramar Inc. dba Valero Wilmington Refinery Case #3845-66 (C. Engelhardt)	203(b) 1146(c)(5) 2004(f)(1)	Petitioner needs to shut down certain equipment to replace catalyst serving two hydrotreaters. This will result in excess sulfur in fuel gas and excess flaring.	Opposed/Granted	SV granted commencing 5/30/06 and continuing through 7/31/06, the FCD.	PM 84.9 lbs/day NOx 170.7 lbs/day ROG 158.1 lbs/day CO 928.7 lbs/day SOx as SO <sub>2</sub> 17.4 lbs/day
13. Westway Terminals Company Case #5050-6 (C. Engelhardt)	463	Petitioner failed to replace seals in internal floating roof tank with secondary seal as required by Rule 1178.	Opposed/Denied	Ex Parte EV denied.	

**Acronyms** 

CO: Carbon Monoxide
EV: Emergency Variance
FCD: Final Compliance Date
H&S: Health & Safety Code
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 PM: Particulate Matter RV: Regular Variance SOx: Oxides of Sulfur SV: Short Variance TBD: To be determined

TOC: Total Organic Compounds VOC: Volatile Organic Compound