BOARD MEETING DATE: March 7, 2008 AGENDA NO. 15

REPORT: Hearing Board Report

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

of January 1 through January 31, 2008.

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 2008 and January 2008 Hearing Board Cases.

The total number of appeals filed during the period January 1 to January 31, 2008 is 5.

R	ules from	whic	h Vari	ances	and C	order f	or Aba	ateme	nts we	re Red	queste	ed in 2	8008	
	2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
# of HB Actions*														
Involving														
Rules 109														0
109(c)														0
109(c)(1)														0
201														0
201.1														0
202		1												1
202(a)		1												1
202(b)		1												1
202(c) 203		2												0 2
203(a)														0
203(b)		7												7
204		1												1
208														0
218														0
218.1														0
218.1(b)(1)(E)		1												0
218(b)(2) 218(d)(1)(B)		1												1 0
218(f)(2)														0
221(b)		1												1
301		-												0
301(8)														0
401		1												1
401(a)														0
401(b)		4												0
401(b)(1)		1												1
401(b)(1)(A) 401(b)(1)(B)														0
402														0
403(d)(1)														0
403(d)(1)(A)														0
403(d)(2)														0
404														0
404(a)														0
405 405(a)														0
405(b)														0
407(a)		1												1
407(a)(1)														0
407(a)(2)(A)														0
409		4												0
431.1(c)(2)		1 1												1 1
431.1(d)(1) 431.1(d)(1), Att A(1)		ı												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) 461(c)(1)(B)		1												0 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) 461(c)(2)(B)														0
461(c)(2)(C)														0
461(c)(3)(A)														0
.5.(5)(7)														

	2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
461(c)(3)(B)														0
461(c)(3)(C)														0
461(c)(3)(D)(ii)														0
461(c)(3)(E)														0
461(c)(3)(H)		1												0
461(c)(3)(M)		1												0
461(c)(4)(B) 461(c)(4)(B)(ii)														0
461(d)(5)(A)														0
461(e)(1)														0
461(e)(2)														0
461(e)(2)(A)		1												1
461(e)(2)(A)(i)														0
461(e)(2)(B)(i)		1												1
461(e)(2)(C)														0
461(e)(3)		1												1
461(e)(3)(A)														0
461(e)(3)(C)(i)(I)														0
461(e)(3)(D)														0
461(e)(3)(E)		1												0
461(e)(5)		1												0
461(e)(7)(c)(v) 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)														0
462(d)(1)(A)(i)														0
462(d)(1)(B)		1												1
462(d)(1)(C)														0
462(d)(1)(E)(ii)														0
462(d)(1)(F)														0
462(d)(1)(G)														
462(d)(2)(A)(i)														0
462(e)(1)														0
462(e)(1)(E) 462(e)(1)(E)(ii)														0
462(e)(2)(A)(i)														0
462(e)(4)														0
462(h)(1)														0
463														0
463(c)														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)(2)(C)														0
463(c)(3)														0
463(c)(3)(A)														0
463(c)(3)(B) 463(c)(3)(C)														0
463(d)(2)														0
463(e)(3)(C)														0
463(e)(4)														0
464(b)														0
468														0
468(a)														0
468(b)														0
1102														0
1102(c)(2)														0
1102(c)(5)														0
1104(c)(1)														0
1105.1(d)(1)(A)(i)														0
1105.1(d)(1)(A)(iii)														0
1106(c)(1)														0
1106.1(c)(1)														0
1106.1(c)(1)(A)														U

	2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1107(c)(1)														0
1107(c)(2)														0
1107(d)														0
1110.1 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
1110.2(e)(1)(B)(i)(III) 1110.2(e)(1)(B)(ii)														0
1110.2(e)(1)(b)(ii)														0
1110.2(f)(1)(A)														0
1110.2(f)(1)(E)														0
1113(c)(2)														0
1113(d)(3)														0
1118(d)(1)(2) 1118(d)(1)(2)														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)														0
1118(g)(1) 1118(g)(3)														0
1118(i)(5)(B)(i)														0
1118(j)(1)(A)(ii)														0
1118(j)(1)(B)(ii)														0
1118(j)(1)(C)														0
1121(c)(2)(C)														0
1121(c)(3) 1121(c)(6)														0
1121(c)(7)														0
1121(c)(8)														0
1121(e)(3)														0
1121(h)														0
1121(h)(1)														0
1121(h)(2) 1121(h)(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) 1122(e)(2)(B)														0
1122(e)(2)(C)														0
1122(e)(2)(D)														0
1122(e)(3)														0
1122(e)(4)(A)														0
1122(e)(4)(B)														0
1122(g)(3) 1122(j)														0
1124														0
1124(c)(1)(A)														0
1124(c)(1)(E)														0
1124(c)(4)														0
1125(c)(1)														0
1125(c)(1)(C) 1125(c)(2)														0
1128(c)(1)														0
1128(c)(2)														0
1130														0
1130(c)(1)														0
1130(c)(4)														0
1131 1131(d)														0
1131(u)														0

	2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1132(d)(2)														0
1132(d)(3)														0
1133(d)(8)														0
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)(C)														0
1135(c)(4)														0
1135(c)(4)(D)														0
1136														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														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)(B)														0
1146.1(c)(3)														0
1146.1(e)														0
1146.1(e)(1)(B)														0
1146.2														0
1146.2(c)(1)														0
1146.2(c)(3)														0
1148.1														0
1150.1														0
1150.1(d)(1)(C)(i)														0
1150.1(d)(4)														0
1150.1(d)(5)														0
1150.1(d)(6)														0
1150.1(d)(7)														0
1150.1(e)														0
1150.1(e)(1)														0
1150.1(e)(2)														0
1150.1(e)(3)														0
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														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)		4												0
1158		1												1
1158(d)(2)		1												1
1158(d)(5)														0
1158(d)(7)														0

	2008 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1158(d)(7)(A)(ii)													0
1158(d)(10)	1												1
1164(c)(1)(B)													0
1164(c)(2)													0
1166(c)(2)													0
1166(c)(2)(F)													0
1168													0
1168(c)(1)													0
1168(h)(2)													0
1171													0
1171(c)													0
1171(c)(1)													0
1171(c)(1)(A)(i)													0
1171(c)(1)(b)(i)													0
1171(c)(4)													0
1171(c)(5)													0
1171(c)(5)(A)(i)													0
1171(c)(6) 1173.0													0
1173.0 1173(c)													0
1173(d)(1)													0
1173(e)(1)													0
1173(f)(1)													0
													0
1173(i)(1)	4												
1175	1												1
1175(c)(2)	1 1												1
1175(c)(4)(B)	1												0
1175(c)(4)(B)(i) 1175(c)(4)(B)(ii)													0
1175(c)(4)(B)(ii)(I)													0
1175(c)(4)(B)(ii)(II)													0
1175(d)(4)(ii)(II)													0
1176													0
1176(e)													0
1176(e)(2)													0
1176(e)(2)(A)													0
1176(e)(2)(A)(ii)													0
1176(e)(6)(A)													0
1178(d)(1)(A)(xiii)													0
1178(d)(1)(A)(xiv)													0
1178(d)(1)(C)													0
1178(d)(3)(E)													0
1178(d)(4)(A)(i)													0
1186.1	1												1
1189(c)(2)													0
1189(c)(3)													0
1195.0													0
1195(d)(1)(D)													0
1303													0
1303(a)(1)													0
1401(d)(1)													0
1401(d)(1)(A)													0
1401(d)(1)(B)													0
1405(d)(3)(C)													0
1407(d) 1407(d)(1)													0
1407(d)(1) 1407(d)(2)													0
1407(d)(2) 1407(d)(4)													0
1407(d)(4)													0
1415(d)(3)													0
1418(d)(2)(A)													0
1421													0
1421(d)													0
1421(d)(1)(C)													Ö
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

200	8 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1421(h)(1)(C)													0
1421(h)(1)(E)													0
1421(h)(3)													0
1421(i)(1)(C)													0
1425(d)(1)(A)													0
1469													0
1469(c)													0
1469(c)(8) 1469(d)(5)													0
1469(e)(1)													0
1469(e)(2)													0
1469(g)(2)													0
1469(h)													0
1469(I)													0
1469(j)(4)(A)													0
1469(j)(4)(D)													0
1469(k)(3)(A)													0
1470													0
1470(c)(2)(C)(iv)													0
2004(b)(1)													0
2004(b)(4)													0
2004(c)(1)													0
2004(c)(1)(C)	3												0 3
2004(f)(1) 2004(k)	3												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 Appendix A													0
2011 Attachment C													0
2011(c)(2) 2011(c)(2)(A)													0
2011(c)(2)(A) 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, excep													0
2011(k) Appen. A, Chap. 2, Section			d B. 1-4										0
and Appen. A, Chap. 2, Section (4									0
2011(k) Appen. A, Chap. 2, Section	ns A.3.,a	c.,e.g.	and B.1	4									0
2012 Appen. A, Attach. C 2012 Appen. A, Attach. C, Section	B 2 a &	h											0
2012 Appen. A, Attach. C, Section	D.Z.a. X	D.											0
2012 Appen. A, Chap. 2													0
2012 Appen A, Chap. 2, Sec. A													0
2012 Appen A. Chap. 2. Sec. A1.g	ļ.												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(c)(2)(C)													0
2012(c)(3)													0
2012(c)(3)(A) 2012(c)(3)(B)													0
2012(c)(3)(B) 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)													0
2012(g)(3)													0
2012(h)(3)													0

	2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2012(h)(4)														0
2012(h)(5)														0
2012(h)(6)														0
2012(i)														0
2012(j)(1)														0
2012(j)(2)														0
2012, Appen. A, Chp 3, Sec (A	A)(6)													0
2012 Appen. A, Attach C, Sec	tions B	.2.a. &	B.2.b.											0
2012(m)														0
2012(m) Appen. A, Chp 2, exc	ept Se	ctions	E & Atta	ach C.										0
2012(m) Appen. A, Attach. C														0
2012(m) Appen. A, Chap. 2, S	ections	s 2.A.1	a-c, e.g	J,										0
and B. 1-4 and Appendix A, 0			ction C.:	2 a, c &	d									0
2012(m) Appen. A, Chap 3, Se	ection ((A)(6)												0
2012(m) Appen. A, Chap 5, Pa	ara G,	Table 5	B and A	Att. D										0
3002														0
3002(c)														0
3002(c)(1)		1												1
3002(c)(2)														0
H&S 39152(b)														0
H&S 41510														0
H&S 41700														0
H&S 41701														0

Report of January 2008 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. ARCO Terminal Services Corporation Case #4545-10 (B. Theis)	203(b) 221(b) 462(d)(1)(B)	Petitioner seeks to continue truck loading operations while the VOC monitor is out-of-service for repairs.	Not Opposed/Granted	Ex Parte EV granted commencing 1/9/08 and continuing for 30 days or until the SV hearing currently scheduled for 2/5/08, whichever comes first.	None.
2. City of Vernon, Light and Power Department Case #4957-5 (B. Theis)	202(a) 203(b) 218(b)(2) 2004(f)(1) 3002(c)(1)	A short circuit caused the failure of the CO monitor. The monitor cannot be repaired within the grace period allowed by the rule.	Not Opposed/Granted	Ex Parte EV granted commencing 1/9/08 and continuing until 2/8/08.	None.
3. Costco Wholesale Corporation/Costco Gasoline Case #5055-5 (B. Theis)	203(b) 461 461(c)(3)(M) 461(e)(5)	The in-station diagnostic system is malfunctioning.	Stipulated/Issued	O/A issued commencing 1/29/08. The Hearing Board shall retain jurisdiction over this matter until 1/29/09.	N/A
4. Eastern Municipal Water District Case #4937-30 (J. Panasiti)	203(b)	The wastewater reclamation facility must continue operating while the odor scrubber is out-of-service for repairs.	Not Opposed/Granted	Ex Parte EV granted commencing 1/30/08 and continuing for 30 days or until the EV hearing currently scheduled for 2/5/08, whichever comes first.	H2S: TBD by 2/14/08.
5. Insulfoam, LLC Case #5333-1 (C. Engelhardt)	202(c) 1175(c)(2) 1175(c)(4)(B) 3002(c)(2)	The variance extension is needed to complete testing of the mid-pentane bead.	Not Opposed/Granted	MFCD/EXT granted commencing 1/29/08 and continuing through 6/30/08.	VOC: TBD by 2/13/08 (Not to exceed 27 lbs/day and 81 lbs/mo.)
6. Lunday-Thagard Company Case #2033-17 (C. Englehardt)	202(b) 203(b) 204 2004(f)(1)	The extension of time is required to install, maintain and operate the various pieces of equipment at a small refinery.	Not Opposed/Granted	MFCD/EXT granted commencing 1/15/08 and continuing through 2/29/08. MFCD/EXT hearing currently scheduled for 2/27/08.	VOC: 2 lbs/day for Rules 202(b), 203(b), 2004(f)(1) None: Rule 204
7. Lunday-Thagard Company Case #2033-20 (C. Engelhardt)	431.1(c)(2) 431.1(d)(1)	The new Sulfur Treat H2S Removal System failed the test for total sulfur concentration.	Opposed/Dismissed	IV was dismissed for lack of good cause. RV is currently scheduled for 3/4/08.	N/A
8. Metropolitan Stevedore Company Case #5266-3 (B. Theis)	1158(d)(2)	Coal stored in open rail cars.	Not Opposed/Granted	IV granted commencing 1/30/08 and continuing for 90 days or until the RV hearing currently scheduled for 3/18/08, whichever comes first.	None.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
9. Onsite Krushing Case #5679-1 (B. Theis)	203 401	Respondent operates two unregistered and unpermitted portable generators.	Opposed/Dismissed	Ex Parte EV dismissed without prejudice for insufficient evidence.	N/A
10. Oxbow Carbon & Minerals, LLC Case #5604-2 (B. Theis) (Consent Calendar Item)	203(b) 1158(d)(2)	Petitioner requests a variance to allow the testing of crusting agents to suppress dust from petroleum coke.	Not Opposed/Granted	SV granted commencing 1/8/08 and continuing through 4/7/08.	PM: 0.0364 Total
11. SCAQMD vs. Alloush Faud dba Ultramax, et. al. Case #5666-1 (E. Sernel)	203 461(c)(1)(B) 461(e)2)(A) 461(e)(2)(B)(i) 461(e)(3)	Respondent has failed to install and test Phase II Onboard Refueling Vapor Recovery System modifications.	Not Stipulated/Issued	O/A issued commencing 1/8/08. The Hearing Board shall retain jurisdiction over this matter until 3/15/09.	N/A
12. SCAQMD vs. City of West Covina, California Case #5664-1 (B. Theis)	1186.1	Respondent failed to contract for alternative-fueled street sweepers required by Rule 1186.1.	Stipulated/Issued	O/A issued commencing 1/22/08. The Hearing Board shall retain jurisdiction over this matter until 1/16/09.	N/A
13. SCAQMD vs. Metropolitan Stevedore Company Case #5266-2 (B. Theis)	1158(d)(2) 1158(d)(10)	Coke is transferred and stored in uncontrolled conditions.	Not Stipulated/Issued	O/A issued commencing 1/15/08. The Hearing Board shall retain jurisdiction over this matter until 11/4/08.	N/A
14. Ultramar, Inc. dba Valero Wilmington Refinery Case #3845-74 (B. Theis)	203(b) 401(b)(1) 407(a) 2004(f)(1)	The heat exchanger gaskets are leaking VOC despite repeated replacements and repairs.	Opposed/Dismissed	Ex Parte EV dismissed without prejudice.	N/A

Acronyms

CO: Carbon Monoxide EV: Emergency Variance FCD: Final Compliance Date H&S: Health & Safety Code

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 ROG: Reactive Organic Gas

RV: Regular Variance SCR: Selective Catalyst Reduction

SOx: Oxides of Sulfur SV: Short Variance TBD: To be determined

VOC: Volatile Organic Compounds