

BOARD MEETING DATE: August 6, 2004

AGENDA NO. 18

REPORT: Hearing Board Report

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

The total number of appeals filed during the period June 1 to June 30, 2004 is 0, and the total number of appeals filed during the period of January 1 to June 30, 2004 is 5.

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												1			
202(a)		1	1	2		1								5			
202(b)														0			
202(c)														0			
203				1			1							1			
203(a)		1	2	4	3	2	1							13			
203(b)		8	9	11	4	10	11							53			
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									6			
401(b)(1)(A)														0			
401(b)(1)(B)						1								1			
402			1				1							2			
403(d)(1)					1									1			
403(d)(2)														0			
404														0			
404(a)		2												2			
404(b)														0			
405														0			
405(a)		2												2			
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							3			
462(d)(1)(A)(ii)			1											1			
462(d)(1)(C)						1	2							3			
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							3			
462(e)(1)(E)(ii)			1											1			
462(e)(2)(A)(i)														0			
462(e)(4)														0			
462(h)(1)			2				2							4			
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)(2)(B)														0			
463(c)(3)						2								2			
463(c)(3)(B)														0			
463(c)(3)(C)						1	2							3			
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														0			
1110.2(d)														0			
1110.2(d)(1)(B)														0			
1110.2(e)(1)(A)														0			
1113(c)(2)														0			
1118(d)(1)														0			
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)														0			
1118(f)														0			
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														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			
1145(c)(2)														0			
1145(c)(6)				1		1								2			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146		1												1			
1146(c)(3)(A)														0			
1146(c)(4)														0			
1146.1														0			
1146.1(c)(1)		2												2			
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			
1168.0								1						1			
1168(c)(1)														0			
1168(c)(2)														0			
1171.0								1						1			
1171(c)(1)														0			
1171(c)(1)(A)(i)														0			
1171(c)(1)(b)(i)														0			
1171(c)(1)(i)														0			
1171(c)(5)														0			
1171(c)(5)(A)(i)				1		1								2			
1171(c)(6)				1										1			
1173(c)														0			
1173(d)(1)(c)														0			
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							3			
1175(c)(4)(B)														0			
1175(c)(4)(B)(ii)														0			
1175(c)(4)(B)(ii)(II)				1		1	1							3			
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)(x)														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)(3)(A)														0			
1425(d)(1)(A)														0			
1469								1						1			
1469(c)														0			
1469(c)(2)														0			
1469(d)(1)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1469(e)(1)														0		
1469(e)(2)														0		
1469(h)														0		
1469(l)														0		
1189(c)(3)														0		
2004(b)(1)		1												1		
2004(c)(1)(C)														0		
2004(d)														0		
2004(f)(1)		8	7	7	3	7	9							41		
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										3		
2011(c)(2)(A)														0		
2011(c)(3)(A)														0		
2011(e)(1)			2	1										3		
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, Sec. B.2														0		
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									4		
2012(c)(2)(A)		1					1							2		
2012(c)(2)(B)														0		
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		
2012(d)(2)(A)														0		
2012(d)(2)(D)														0		
2012(e)(2)(B)		1												1		
2012(g)(1)		1	2	1			1							5		
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		
1.0		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)														1		
2012(m) Appen. A., Chap 5, Para G, Table 5B and Att. D														1		
3002(c)(1)		3	1	2	1	1	3							11		
H&S 41700														0		
H&S 41701		3	1		1									5		

Report of June 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. Ashland, Inc. Case No. 4796-5 (B. Theis)	203(b) 462(d)(1)(B) 462(c) 462(e)(1)(E) 462(h)(1) 463(c)(3)(C) 2004(f)(1)	Variance protection sought while District reviews application for change in permit to allow operation of afterburner with one burner tip.	Not Opposed/Granted	SV granted commencing 6/8/04 and continuing through 8/8/04, the FCD.	VOC: TBD
2. City of Los Angeles Case No. 5190-2 (N. Feldman)	1193(d)(1)(B)	Petitioner idled 180 dual fuel solid waste collection trucks because of serious throttle sticking problems and has been using older trucks in their place. Petitioner seeks to operate the newer dual fuel trucks in single, diesel fuel mode only thereby temporarily avoiding the throttle problem while the manufacturer seeks a permanent solution. Use of the dual fuel vehicles in diesel mode only violates R1193.	Not Opposed/Granted	SV granted commencing 6/2/04 and continuing through 8/9/04, the FCD.	NOx: 2462 lbs/mo.
3. Equilon Enterprises LLC dba Shell Oil Products U.S. Case No. 4982-47 (B. Theis)	203(b) 462(d)(1)(A) 462(c) 462(e)(1)(E) 462(h)(1) 463(c)(3)(C) 2004(f)(1)	Variance protection sought while District reviews application for change in permit to allow operation of afterburner with one burner tip.	Not Opposed/Granted	SV granted commencing 6/8/04 and continuing through 8/8/04, the FCD.	VOC: TBD
4. Equilon Enterprises LLC dba Shell Oil Products, U.S. Case No. 4982-48 (B. Theis)	203(b) 2004(f)(1)	Electrical short caused damage to induced draft fan serving SCR for four heaters. Repairs will take more than 24-hour breakdown period allowed by District rules.	Not Opposed/ Granted	Ex Parte granted commencing 6/8/04 and continuing through 6/18/04 or until the EV hearing currently scheduled for 6/15/04, whichever comes first.	NOx: TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
5. ExxonMobil Oil Corporation Case No. 1183-380 (Consent Calendar)	203(b) 2004(f)(1)	CO boiler listed as an air pollution control device in the permit must be temporarily shut down in order to perform required maintenance.	Not Opposed/Granted	SV granted commencing upon the date specified for shutdown of the CO Boiler in the notice given pursuant to Condition No. 1 of the Hearing Board's Order and continuing for 60 days thereafter.	CO: TBD
6. ExxonMobil Oil Corporation Case No. 1183-381 (A. Mednick)	203(b) 2004(f)(1)	Recently refurbished flare has failed and must be taken out of service for repair.	Not Opposed/Granted	Ex Parte granted commencing 6/4/04 and continuing for 30 days or until the EV hearing currently scheduled for 6/15/04, whichever comes first.	None
7. Harbor Cogeneration Company Case No. 3802-9 (B. Theis)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(3)(A) 2012(g)(1) 2012(m) 2012, App. A, CH. 2sections A.1.a, A.1.b, A.1.c, A.1.e, A.1.g, A.3, B.1, B.2, B.3, B.4 & C.2	CEMS serving natural gas fired combined cycle turbine generator failed and could not be repaired promptly.	Not Opposed/Granted	Ex Parte granted commencing 6/9/04 and continuing for 30 days or until the SV hearing currently scheduled for 6/30/04, whichever comes first.	None
8. Jacuzzi Whirlpool Bath Case No. 5216-2 (C. Engelhardt)	203(b) 3002(c)(1)	Catalyst bed damaged possibly due to excess exhaust fan vibration.	Not Opposed/Granted	Ex Parte granted commencing 6/16/047 and continuing through 6/24/04. EV scheduled for 6/24/04.	None
9. Life-Like Products, LLC Case No. 5465-1 (N. Feldman)	203(b) 1175(c)(2) 1175(c)(4)(B)(ii) (II) 2004(f)(1)	Polyester foam manufacturing operation exceeds VOC limits of R1175.	Not Opposed/Granted	RV granted commencing 6/2/04 and continuing through 1/31/05, the FCD.	VOC: 155 lbs/day
10. Magnetic Metal Corporation Case No. 5462-1 (B. Theis)	203(b)	Respondent's afterburner serving transformer core manufacturing process does not meet 95% overall control efficiency required in R1168.	Opposed/Denied	SV denied.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
11. Project Navigator, LTD. Case No. 5476-1 (C. Engelhardt)	203(b) 1166(c)(2)(F)	Lab results required for shipping manifest of VOC contaminated waste not completed in time to ship waste prior to R1150/1166 excavation permit.	Not Opposed/Granted	Ex Parte granted commencing 6/15/04 and continuing through 6/24/04. EV scheduled for 6/24/04.	None
12. SCAQMD vs Francisco Sanchez, individually and dba Frank's Auto Body and Paint; San Clemente Body Shop, Inc., a California corporation, dba Frank's Auto Body & Paint Case No. 5473-1 (B. Theis)	402 1171	Respondent operates an auto body and painting business and (1) uses solvent with VOC content in excess of R1171 limits and (2) releases air contaminants which have violated R402, public nuisance.	Stipulated/Issued	O/A issued commencing 6/17/04 and continuing through 6/17/2006. The Hearing Board shall retain jurisdiction over this matter until 6/17/2006.	
13. SCAQMD vs. Magnetic Metals Corporation Case No. 5462-2 (B. Theis)	203 1168	Respondent's afterburner serving transformer core manufacturing process does not meet 95% overall control efficiency required in R1168.	Stipulated/Issued	O/A issued commencing 6/23/04 and continuing through 6/23/05. The Board shall retain jurisdiction over this matter until 6/23/05.	
14. SCAQMD vs. RWP Transfer, Inc. dba Recycled Wood Products Case No. 5403-1 (B. Theis)	203a	Respondent requested change in compliance date to coincide with other compliance requirements in the order.	Not Stipulated/Issued	Mod. O/A issued on 6/3/04 for Condition No. 2(c) retroactive to 5/6/04 for 7/6/04.	
15. Southern California Gas Company Case No. 137-56 (B. Theis)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner cannot comply with the permit conditions as written because: (a) Identification for OEM replacement parts does not match that of the equipment needing the replacements; and (b) Nominal heat input and horsepower output ratings that were in the permit may be exceeded in actual practice.	Not Opposed/Granted	RV granted commencing 6/30/04 and continuing through 4/02/05, the FCD.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
16. Weyerhaeuser Company Case No. 4300-1 (A. Mednick)	203(b) 2004(f)(1) 3002(c)(1)	VOC emissions from manufacturing process exceed permit conditions.	Opposed/Dismissed	IV dismissed for lack of Good Cause.	

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