

BOARD MEETING DATE: June 4, 2004

AGENDA NO. 21

REPORT: Hearing Board Report

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

The total number of appeals filed during the period April 1 to April 30, 2004 is 0, and the total number of appeals filed during the period of January 1 to April 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										4			
202(b)														0			
202(c)														0			
203				1										1			
203(a)		1	2	4	3									10			
203(b)		8	9	11	4									32			
208														0			
218														0			
218(b)(2)														0			
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)														0			
402			1											1			
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)(A)														0			
462(d)(1)(A)(ii)				1										1			
462(d)(1)(C)														0			
462(d)(1)(E)(ii)				1										1			
462(d)(1)(F)														0			
462(d)(2)(A)(i)														0			
462(e)(1)(E)														0			
462(e)(1)(E)(ii)				1										1			
462(e)(2)(A)(i)														0			
462(e)(4)														0			
462(h)(1)				2										2			
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)(B)														0			
463(c)(3)(C)														0			
463(d)(2)														0			
463(e)(3)(C)														0			
463(e)(4)														0			
464(b)(1)														0			
468														0			
468(a)					1									1			
468(b)					1									2			
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			
1122(c)(2)(E)														0			
1122(d)(1)(B)														0			
1122(d)(3)														0			
1122(e)(2)(A)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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			
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			
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(c)(1)(B)														0			
1151(c)(8)														0			
1151(2)														0			
1151(5)														0			
1151(d)(1)														0			
1151(e)(1)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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			
1168.0														0			
1168(c)(1)														0			
1168(c)(2)														0			
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			
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			
1175(c)(4)(B)														0			
1175(c)(4)(B)(ii)														0			
1175(c)(4)(B)(ii)(II)				1										1			
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			
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														0			
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(b)(1)		1												1			
2004(c)(1)(C)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
2004(d)														0		
2004(f)(1)		8	7	7	3									25		
2004(k)														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)			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		
2012(c)(2)(B)														0		
2012(c)(3)														0		
2012(c)(3)(A)		1												1		
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										4		
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		
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									7		
H&S 41700														0		
H&S 41701		3	1		1									5		

Report of April 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. ConocoPhillips Company Case #4900-63 (E. Sernel)	203(b) 407(a) 468(a) 468(b) 2004(f)(1)	Petitioner must disconnect sulfur pit vapor suction line from control equipment in order to repair steam leak.	Not Opposed/Granted	SV granted for 12 consecutive hours within a 30-day window of time commencing upon notification to the District prior to the beginning of repair pursuant to Condition No. 4 and continuing through 5/14/04, the FCD.	H ₂ S 0.08 lb/total SO ₂ 0.01 lb/total
2. Eastern Municipal Water District Case #4937-15 (A. Mednick)	203(b)	Sewage treatment facility must continue to operate while scrubber remains out of service during repairs due to catastrophic malfunction.	Not Opposed/Granted	Ex parte EV granted commencing 4/16/04 and continuing for 30 days or until the SV hearing currently scheduled for 5/12/04, whichever comes first.	H ₂ S to be determined
3. G-P Gypsum Corporation Case #3359-6 (B. Theis)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner needs to take a 10 day outage to install a tie-in line to adjacent energy facility to utilize its waste heat. In order to meet contractual commitments to "on-time delivery" customers, petitioner must operate in excess of the monthly CO limit for April.	Not Opposed/Granted	SV granted commencing upon notification to the District pursuant to Condition No. 1.a. and shall continue through 4/30/04, the FCD.	CO 103 lbs/day
4. OLS Energy-Chino Case #3149-10 (A. Mednick)	203(b) 218.1(b)(1)(E) 2004(f)(1) 2012(c)(2)	Hard drive on DAS serving gas turbine generator for Chino prison failed.	Not Opposed/Granted	Ex parte EV granted commencing 4/15/04 and continuing for 30 days or until the EV hearing currently scheduled for 4/29/04, whichever comes first.	None
5. SCAQMD vs. Nuevo Energy Company Case #5089-12 (C. Engelhardt)	1146.2(c)(3)	Respondent operates three heater treaters that exceed Rule 1146.2 NO _x limits.	Stipulated/Issued	O/A issued commencing 4/29/04, with the Hearing Board retaining jurisdiction until 6/30/04.	
6. SCAQMD vs. RWP Transfer, Inc. dba Recycled Wood Products Case #5403-1 (B. Theis)	203(a)	Respondent unable to comply with some portions of prior order for abatement.	Not Stipulated/Issued	Mod. O/A issued commencing 4/7/04 and shall remain in effect until 4/7/07 unless modified or extended by the Hearing Board. The Hearing Board shall retain jurisdiction over this matter until 4/30/07.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
7. SCAQMD vs. Stock Building Supply of California, Inc. Case #5459-1 (C. Engelhardt)	1137(d)(2)	Respondent operating woodworking facility emitting visible emissions in violation of Rules 402 and 1137.	Stipulated/Issued	O/A issued commencing 4/13/04, with the Hearing Board retaining jurisdiction until 9/1/04.	
8. SCAQMD vs. The Scripps Home Case #5453-1 (C. Engelhardt)	203(a)	Respondent operating chiller in excess of BACT limits and without valid permit to operate.	Stipulated/Issued	O/A issued commencing 4/13/04, with the Hearing Board retaining jurisdiction until 6/30/04.	
9. Two Harbors Enterprises, Inc. Case #5458-1 (E. Sernel)	203(a)	Gasoline refueling facility on Catalina Island's isolated west end operating without valid permit. Variance needed due to unanticipated delays in securing other governmental agency approvals for upgraded compliant system.	Not Opposed/Granted	SV granted commencing 4/14/04 and continuing through 6/16/04, the FCD.	11 lbs/day
10. U.S. Government, Air Force Dept., March ARB Case #2051-24 (A. Shultz)	401(b)(1) 403(d)(1) H&S §41701	Petitioner expected to exceed opacity limits during simulated fire as part of air show.	Not Opposed/Granted	SV granted commencing 4/23/04 and continuing through 5/11/04, the FCD.	NO _x 130 lbs/total 40% Opacity up to one minute per day

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
 Mod. O/A: Modification of an Order for Abatement
 MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance
 NMOC: Non-Methane Organic Compound