

BOARD MEETING DATE: April 1, 2005

AGENDA NO. 11

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of February 1 through February 28, 2005.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

EC:RJ

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Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2005 and February 2005 Hearing Board Cases.**

The total number of appeals filed during the period February 1 to February 28, 2005 is 2, and the total number of appeals filed during the period of January 1 to February 28, 2005 is 3.

Rules from which Variances and Order for Abatements were Requested in 2005

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
# of HB Actions*																	
<b>Involving</b>																	
<b>Rules</b>																	
109														0			
109(c)(1)														0			
201														0			
202		1												1			
202(a)														0			
202(b)			3											3			
202(c)			1											1			
203														0			
203(a)		2												2			
203(b)		10	14											24			
208														0			
218		1												1			
218.1		1												1			
218.1(b)(1)(E)														0			
221(b)														0			
401		2												2			
401(a)														0			
401(b)		1												1			
401(b)(1)														0			
401(b)(1)(A)														0			
401(b)(1)(B)														0			
402		1	1											2			
403(d)(1)														0			
403(d)(2)														0			
404														0			
404(a)														0			
404(b)		1												1			
405														0			
405(a)		1												1			
405(b)														0			
407(a)														0			
407(a)(1)			1											1			
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)														0			
461(c)(1)(B)														0			
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)														0			

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
461(e)(2)(B)(i)														0			
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)														0			
462(d)(1)														0			
462(d)(1)(A)														0			
462(d)(1)(A)(ii)														0			
462(d)(1)(C)														0			
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)														0			
462(e)(1)(E)(ii)														0			
462(e)(2)(A)(i)														0			
462(e)(4)														0			
462(h)(1)														0			
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)														0			
463(c)(3)(A)														0			
463(c)(3)(B)														0			
463(c)(3)(C)														0			
463(d)(2)														0			
463(e)(3)(C)														0			
463(e)(4)														2			
464(b)(1)														0			
468														0			
468(a)														0			
468(b)														0			
475(b)														0			
1102(c)(2)														0			
1104(c)(1)														0			
1106(c)(1)														0			
1106.1(c)(1)														0			
1106.1(c)(1)(A)														0			
1107(c)(1)														1			
1107(c)(2)														1			
1107(d)														0			
1110.1														0			
1110.2														1			
1110.2(d)(1)														0			
1110.2(d)(1)(A)														2			
1110.2(d)(1)(B)														3			
1110.2(d)(1)(C)														2			
1110.2(e)(1)(A)														0			
1110.2(e)(1)(B)(i)(II)														2			
1110.2(e)(1)(B)(i)(III)														2			
1110.2(e)(1)(B)(ii)														0			
1110.2(f)(1)(A)														2			
1110.2(f)(1)(B)														2			
1110.2(f)(1)(E)														0			
1113(c)(2)														0			
1118(d)														0			
1118(d)(1)(2)														0			
1118(d)(1)(3)														0			

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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			
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														0			
1130(c)(1)				1										1			
1131														0			
1130(c)(4)				1										1			
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														0			
1137(d)(2)														0			
1145(c)(2)														0			
1145(c)(6)														0			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146														0			
1146(c)(3)(A)														0			
1146(c)(5)			1	1										2			
1146.1														0			
1146.1(c)(1)														0			
1146.1(c)(2)(B)														0			
1146.1(c)(3)														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)														0			
1150.1(e)(2)														0			

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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			
1151(e)(2)														0			
1151(f)(1)														0			
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)														0			
1168														0			
1168(c)(1)														0			
1168(c)(2)														0			
1171														0			
1171(c)(1)			1	1										2			
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)														0			
1171(c)(6)														0			
1173(c)														0			
1173(d)(1)														0			
1173(d)(1)(D)														0			
1173(d)(1)(D)(iii)														0			
1173(f)(1)														0			
1173(g)(1)														0			
1175(c)(2)			1	1										2			
1175(c)(4)(B)				1										1			
1175(c)(4)(B)(i)														0			
1175(c)(4)(B)(ii)														0			
1175(c)(4)(B)(ii)(I)														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)														0			
1189(c)(1)														0			
1189(c)(3)														0			
1193(d)(1)(B)														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)														0			
1407(d)(1)														0			
1407(d)(2)														0			
1407(d)(4)														0			

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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)														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)														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														0			
2004(b)(1)		1												1			
2004(b)(4)		1												1			
2004(c)(1)		1												1			
2004(c)(1)(C)		1												1			
2004(f)(1)		8	10											18			
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)														0			
2011(c)(2)(A)														0			
2011(c)(3)(A)														0			
2011(e)(1)														0			
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														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)														0			
2012(c)(2)(A)														0			
2012(c)(2)(C)														0			
2012(c)(3)														0			
2012(c)(3)(A)		1												1			
2012(c)(3)(B)		1												1			
2012(c)(10)														0			

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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)														0			
2012, Appen. A, Chp 3, Sec (A)(6)														0			
2012(m)														0			
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)			2											2			
3002(c)(2)														0			
H&S 41700			1											1			
H&S 41701		2												2			

### Report of February 2005 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. City of Glendale Case No. 3478-23 (E. Sernel)	202(b) 203(b)	NOx control system must be shut down to conduct testing to determine cause of excessive burner vane wear.	Not Opposed/Granted	SV granted for a 2-day period, which may be non-consecutive in a window of time occurring between 3/1/05 and 3/15/05, the FCD.	NOx: 50 lbs/day
2. Equilon Enterprises LLC Case No. 4982-58 (B. Theis)	203(b) 2004(f)(1) 463(e)(4)	Petitioner seeks to delay repair of seals on floating roof tank.	Not Opposed/Granted	Ex Parte granted commencing 2/15/05 and continuing for 30 days or until the EV hearing currently scheduled for 2/23/05, whichever comes first.	None
3. Equilon Enterprises, LLC Case No. 4982-58 (B. Theis)	203(b) 2004(f)(1) 463(e)(4)	Petitioner seeks to delay repair of seals on floating roof tank.	Opposed/Dismissed	EV dismissed without prejudice for lack of good cause.	
4. ExxonMobil Oil Corporation Case No. 1183-384A (B. Theis)	203(b) 2004(f)(1)	Petitioner unable to resolve CO boiler heat transfer problems within time allotted by prior short variance despite corrective actions taken.	Not Opposed/Granted	RV granted commencing 2/16/05 and continuing through 11/2/05, the FCD.	None
5. ExxonMobil Oil Corporation Case No. 1183-389 (C. Engelhardt)	203(b) 2004(f)(1)	Two refinery heaters must be operated at minimum levels while a leak is repaired in stripper column. Heaters cannot maintain SCR at minimum temperature required by permit condition. NH3 cannot be injected to SCR to control NOx until SCR reaches minimum temperature.	Not Opposed/Granted	SV granted commencing 2/3/05 and continuing through 4/17/05, the FCD.	NOx: TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. ExxonMobil Oil Corporation Case No. 1183-390 (B. Theis)	203(b) 2004(f)(1)	Boiler had to be shut down to diagnose operational problem. On restart, NH3 cannot be injected to SCR to control NOx until SCR reaches minimum temperature of 550 degrees F.	Not Opposed/Granted	SV granted commencing 2/24/05 for a period up to 10 days, which need not be consecutive, through 3/31/05, the FCD.	NOx: TBD
7. Lunday-Thagard Company Case No. 2033-11 (C. Engelhardt)	203(b) 2004(f)(1)	Petrochem heater that serves as a vapor control device must be shut down for maintenance and repairs.	Not Opposed/Granted	SV granted for a maximum of 7 days in a window of time commencing on the date and time specified in the notice given pursuant to Condition No. 1 of the Order.	None
8. Orange County Sanitation District Case No. 2048-12 (Consent Calendar)	202(b)	Petitioner previously granted a variance that did not include protection from a permit condition due to its omission in petition.	Not Opposed/Granted	RV granted commencing 2/9/05 and continuing through the following: Engine No. 1 - 2/18/05; Engine No. 2 - 2/11/05; and Engine No. 3 - 4/1/05, the FCD.	NOx TBD
9. Orange County Sanitation District Case No. 2048-13 (Consent Calendar)	202(b)	Petitioner previously granted a variance that did not include protection from a permit condition due to its omission in petition.	Not Opposed/Granted	RV granted commencing 2/9/05 and continuing through the following: Engine No. 1 - 3/13/05; Engine No. 2 - 4/30/05; Engine No. 3 - 5/31/05; Engine No. 4 - 6/30/05; and Engine No. 5 - 7/31/05, the FCD.	NOx TBD
10. Premier Industries Inc., dba Insulfoam Case No. 5333-1 (A. Mednick) & (C. Engelhardt)	202(c) 1175(c)(2) 1175(c)(4)(B) 3002(c)(1)	Respondent cannot comply with R1175. Time required to develop testing protocols and design controls or in the alternative convince District staff that a rule amendment is in order.	Not Opposed/Granted	MFCD/EXT granted commencing 2/9/05 and continuing through 2/28/06.	ROG TBD
11. SCAQMD vs. BP West Coast Prodcuts, LLC Case No. 5357-20 (B. Theis)	203(b) 2004(f)(1)	Storm water containing waste water was routed to reservoir where petitioner is required to continuously skim the surface for floating oil. Petitioner could not continuously skim because the skimming equipment had previously been removed.	Stipulated/Issued	O/A issued commencing 2/16/05 and continuing through 2/16/06. The Hearing Board shall retain jurisdiction over this matter until 2/16/06.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
12. SCAQMD vs. Chevron Products Company Case No. 831-323 (Consent Calendar)	407(a)(1)	Respondent needs more than the 72 hours authorized under existing O/A during which it can exceed the 2,000 ppm CO limit of R407 for final testing and unplanned shutdowns of new hydrogen plant.	Stipulated/Issued	Modification O/A issued commencing 2/9/05 and continuing through 10/15/05. The Hearing Board shall retain jurisdiction over this matter until 10/15/05.	
13. SCAQMD vs. Community Recycling & Resource, Inc Case No. 5390-1 (E. Sernel)	402 H&S Code §41700	Report on progress to abate dust and odors from recycling and resource recovery operation.	Stipulated/Issued	Mod. O/A issued commencing 2/24/05 and continuing through 3/31/06. The Hearing Board shall retain jurisdiction over this matter until 3/31/06.	
14. SCAQMD vs. Petro Diamond Terminal Company Case No. 3678-4 (Consent Calendar)	203(b)	Additional time required for District to review application for permit amendment.	Stipulated/Issued	Mod. O/A issued commencing 2/23/05 and continuing through 5/15/05. The Hearing Board shall retain jurisdiction over this matter until 5/15/05.	
15. SCAQMD vs. Poly Pak America, Inc. Case No. 4727-4 (C. Engelhardt)	203(b) 1130(c)(1) 1130(c)(4) 1171(c)	Extension of time needed due to delay in completion of repairs to thermal oxidizer caused by recent rains.	Stipulated/Issued	Mod. O/A issued commencing 2/17/05 and continuing through 8/30/05. The Hearing Board shall retain jurisdiction over this matter until 8/30/05.	
16. SCAQMD vs. Ultramar, Inc., dba Valero Wilmington Refinery Case No. 3845-53 (Consent Calendar)	203(b) 2004(f)(1)	Modification of O/A needed to allow compliance method other than specified in the order.	Stipulated/Issued	Mod. O/A issued commencing 2/23/05 and continuing through 6/30/05. The Board shall retain jurisdiction over this matter until 6/30/05.	
17. Sina A&A, Inc., dba Garey 76 #1 Case No. 5505-1 (B. Theis)	203(b) 461	Gasoline service station vapor recovery system is uncertified.	Opposed/Dismissed	EV dismissed for lack of Good Cause.	
18. Tidelands Oil Production Company Case No. 4696-12 (Consent Calendar)	203(b) 1110.2 2004(f)(1) 3002(c)(1)	Petitioner cannot remove four ICEs from operation until new engine that received P/C on 11/30/04 can be installed and operating. Petitioner had submitted application for P/C on 6/03.	Not Opposed/Granted	RV granted commencing 2/3/05 and continuing through to 6/30/05, the FCD.	NOx: 113 lbs/day CO: 116 lbs/day ROG: 43 lbs/day

<b>Case Name and Case No.</b>	<b>Rules</b>	<b>Reason for Petition</b>	<b>District Position/ Hearing Board Action</b>	<b>Type and Length of Variance or Order</b>	<b>Excess Emissions</b>
19. Ultramar, Inc., dba Valero Wilmington Refinery Case No. 3845-59 (Consent Calendar)	203(b) 1146(c)(5) 2004(f)(1)	Repair of lube oil leak in gas compressor requires shutdown of the unit. Petitioner cannot comply with permit conditions and rules during shutdown and restart of compressor.	Not Opposed/Granted	SV granted commencing on the date specified in the notice given pursuant to Condition No. 1 of the Order. SV shall occur between 2/1/05 and 2/28/05, the FCD.	PM 8lbs/total NOx 34 lbs/total CO 186 lbs/total ROG 32 lbs/total SO <sub>2</sub> 6lbs/total

**Key to Acronyms**

EV: Emergency Variance

FCD: Final Compliance Date

H&S: Health & Safety Code

IA: Interim Authorization

IV: Interim Variance

MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance

O/A: Order for Abatement

RV: Regular Variance

SV: Short Variance

TBD: To be determined