

BOARD MEETING DATE: December 2, 2005

AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of October 1 through October 31, 2005.

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 2005** and **October 2005 Hearing Board Cases**.

The total number of appeals filed during the period October 1 to October 31, 2005 is 1, and the total number of appeals filed during the period of January 1 to October 31, 2005 is 11.

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
461(c)(3)(H)						1								1		
461(c)(3)(M)														0		
461(c)(4)(B)														0		
461(c)(4)(B)(ii)														0		
461(e)(1)						1								1		
461(e)(2)						1	20							21		
461(e)(2)(A)						4		2	1	10	2			19		
461(e)(2)(A)(i)														0		
461(e)(2)(B)(i)						4	20	2	1	10	2			39		
461(e)(2)(C)														0		
461(e)(3)						4	20	2	1	10	2			39		
461(e)(3)(A)											1			1		
461(e)(5)														0		
461(e)(7)														0		
462(c)(1)(A)(ii)														0		
462(c)(1)(E)														0		
462(c)(3)(B)						1								1		
463(c)(3)(C)						3								3		
462(c)(4)(B)(i)														0		
462(c)(7)(A)(ii)														0		
462(d)														0		
462(d)(1)														0		
462(d)(1)(A)						2								2		
462(d)(1)(A)(i)											1			1		
462(d)(1)(C)						2								2		
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)						2								2		
462(e)(1)(E)(ii)														0		
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)(3)														0		
463(c)(3)(A)														0		
463(c)(3)(B)							1							1		
463(c)(3)(C)							1							1		
463(d)(2)														0		
463(e)(3)(C)														0		
463(e)(4)				2										2		
464(b)									1					1		
468														0		
468(a)						1								1		
468(b)														0		
1102							1							1		
1102(c)(2)					1									1		
1104(c)(1)														0		
1106(c)(1)														0		
1106.1(c)(1)														0		
1106.1(c)(1)(A)														0		
1107(c)(1)		1												1		
1107(c)(2)		1												1		
1107(d)														0		
1110.1														0		
1110.2			1											1		
1110.2(d)(1)														0		
1110.2(d)(1)(A)		2							1					3		
1110.2(d)(1)(B)		3							1					4		
1110.2(d)(1)(C)		2		1					1					4		
1110.2(e)(1)(A)														0		
1110.2(e)(1)(B)(i)(II)		2		1										3		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1110.2(e)(1)(B)(i)(III)		2							1					3		
1110.2(e)(1)(B)(ii)									1					1		
1110.2(f)(1)(A)		2		1					3					6		
1110.2(f)(1)(B)		2							1					3		
1110.2(f)(1)(E)														0		
1113(c)(2)														0		
1115(c)(3)							1							1		
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)(A)						1								1		
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		
1122(k)(1)(D)						1								1		
1124														0		
1124(c)(1)(A)														0		
1124(c)(1)(E)														0		
1124(c)(4)														0		
1125(c)(1)														0		
1128(c)(1)				1										1		
1128(c)(2)														0		
1130														0		
1130(c)(1)			1		1		1	1						4		
1130(c)(4)			1		1		1	1						4		
1131										1				1		
1131(d)								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		
1136							1							1		
1136(c)(1)(A)(i)									1					1		
1137(d)(2)				1										1		
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(a)(2)						1								1		
1146.1(a)(8)						1								1		
1146.1(b)						1								1		
1146.1(c)(1)						1								1		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1146.1(c)(2)(B)														0		
1146.1(c)(3)														0		
1146.1(e)						1								1		
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	1									3		
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		
1150.1(e)(3)														0		
1150.1(e)(1)(C)					1									1		
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(c)(1)						1								1		
1153(c)(1)(B)								1						1		
1158														0		
1158(d)(2)											1			1		
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					1									1		
1171(c)								1						1		
1171(c)(1)		1	1	2		1	1			1				7		
1171(c)(1)(A)(i)														0		
1171(c)(1)(b)(i)														0		
1171(c)(4)		1		2		1	1			1				6		
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		
1175												1		1		
1175(c)(2)		1	1	2				2	3		1			10		
1175(c)(4)(B)			1											1		
1175(c)(4)(B)(i)				1			1	1	3		1			7		
1175(c)(4)(B)(ii)														0		
1175(c)(4)(B)(ii)(I)				1			1	1						3		
1175(c)(4)(B)(ii)(II)		1		1							1			3		
1176(e)									1					1		
1176(e)(2)														0		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
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)							2							2		
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)						1								1		
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								1						1		
1469(c)														0		
1469(c)(8)							1							1		
1469(d)(5)							1							1		
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							2		
2004(b)(4)		1					1							2		
2004(c)(1)		1					1							2		
2004(c)(1)(C)		1					1							2		
2004(f)(1)		8	10	11	2	8	6	5	9	13	5			77		
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)						1								1		
2011(c)(2)(A)				1										1		
2011(c)(3)(A)														0		
2011(e)(1)						1								1		
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														0		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)					1	1								2
2012(c)(2)(A)						2								2
2012(c)(2)(C)														0
2012(c)(3)					1									1
2012(c)(3)(A)		1				1	1							3
2012(c)(3)(B)		1					1							2
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	1							3
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								1
3002(c)(1)			2	2	2	1	1	3	4	5				20
3002(c)(2)														0
H&S 39152(b)						1								1
H&S 41510						1								1
H&S 41700				1										1
H&S 41701		2						2	2	4		1		11

Report of October 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. Chevron Products Company Case #831-330 (N. Feldman)	203(b) 407(a)(1) 2004(f)(1)	Boiler tube leak caused shutdown of SNR. Boiler will exceed CO limits during restart.	Not Opposed/Granted	SV granted for one day in a window of time commencing 12/1/05 and continuing through 1/31/06, the FCD.	CO 6.4 tons total over variance period
2. Darling International Inc. Case #4061-11 (E. Sernel)	203(b) 2004(f)(1)	Use of new fuel (yellow grease) previously approved by District harmed catalyst in SCR. Petitioner must operate while awaiting delivery of new catalyst.	Not Opposed/Granted	SV granted commencing 10/12/05 and continuing through 11/30/05, the FCD.	NO _x 15.25 lbs/day
3. Equilon Enterprises LLC dba Shell Oil Products US Case #4982-63 (N. Feldman)	202(a) 203(b) 462(d)(1)(A)(i)	Petitioner must disconnect VRS in order to replace bladder in holding tank.	Not Opposed/Granted	SV granted commencing upon the date specified in the notice given pursuant to Condition No. 1 and continuing until reconnection of the vapor system but no later than 1/31/06, the FCD.	None
4. Equilon Enterprises, LLC Case #4982-64 (J. Panasiti)	203(b) 401 2004(f)(1) H&S §41701	Valve controlling regenerator pressure failed resulting in loss of complete opacity control by ESP.	Opposed/Denied	Ex Parte EV denied.	
5. Group O/A Rule 461 EVR Class 3 Case #5521-13 (Consent Calendar; No Appearance)	203(b) 461(c)(1)(A) 461(c)(1)(B) 461(e)(2)(A) 461(e)(2)(B)(i) 461(e)(3)	Respondents failed to comply with the 4/1/05 deadline for enhanced vapor recovery at gasoline dispensing facilities.	Stipulated/Issued	Group O/A issued commencing 10/18/05; the Hearing Board shall retain jurisdiction over this matter until 3/30/06.	
6. Hydro Systems Case #5563-1 (C. Engelhardt)	203(b)	Fiberglas and plastic manufacturer failed to conduct source test of catalytic oxidizer within specified time. When finally conducted, test result showed noncompliance.	Opposed/Denied	Ex Parte EV denied.	
7. Markland Manufacturing Inc. Case #5564-1 (J. Panasiti)	203(b)	Test showed capture of toxics less than required by permit.	Opposed/Denied	Ex Parte EV denied.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
8. Premier Industries, Inc., dba Insulfoam Case #5333-1 (A. Mednick)		Status report on effort to comply.	Not Opposed/Modified	The Hearing Board modified the previous schedule of I/P. The FCD of 2/28/06 still in effect.	ROG to be determined
9. SCAQMD vs. David Simon, individually and dba Shancor Case #5552-1 (B. Theis)	201 461(c)(3)(A) 461(e)(3)(A)	District alleges that respondent installed vapor recovery equipment without first obtaining required permits and submitted false records of a test.	Not Stipulated/Issued	O/A issued commencing 10/6/05; the Hearing Board shall retain jurisdiction over this matter until 10/6/07.	
10. SCAQMD vs. El Toro Water District Case #5521-3 (A. Mednick)	203(b) 461(c)(1)(A) 461(c)(1)(B) 461(e)(2)(A) 461(e)(2)(B)(i) 461(e)(3)	Respondent failed to comply with the 4/1/05 deadline for enhanced vapor recovery at its gasoline dispensing facility.	Stipulated/Issued	O/A issued commencing 10/18/05; the Hearing Board shall retain jurisdiction over this matter until 5/31/06.	
11. SCAQMD vs. Falcon Foam, a Division of Atlas Roofing Corporation #3529-8 (C. Engelhardt)	203(b) 1175(c)(2) 1175(c)(4)(B)(i) 1175(c)(4)(B)(ii)(II) 2004(f)(1)	Production limits adjusted as a result of low pentane bead shortage due to hurricane in gulf coast. Respondent's business decision to relocate from basin remains unchanged.	Stipulated/Issued	Mod. O/A issued commencing 10/12/05; the Hearing Board shall retain jurisdiction over this matter until 12/31/05.	
12. SCAQMD vs. Foam Fabricators Inc. Case #3563-3 (B. Theis)	203(b) 1175 3002(c)(1)	Respondent operates foam shape molding equipment that does not comply with Rule 1175.	Stipulated/Issued	O/A issued commencing 10/25/05; the Hearing Board shall retain jurisdiction over this matter until 10/26/06.	
13. SCAQMD vs. Namir Joseph Agoubi, individually and dba Midway Texaco; Adeeb Shamoon, individually and dba Midway Texaco Case #5550-1 (B. Theis)	461	District alleges respondent is operating gasoline dispensing facility without conducting required inspections or tests and without keeping required records.	Not Stipulated/Issued	O/A issued commencing 10/6/05; the Hearing Board shall retain jurisdiction over this matter until 10/6/06.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
14. SCAQMD vs. Southern California Gas Company Case #137-59A (Consent Calendar; No Appearance)	202(a) 2004(f)(1)	Respondent has applied for permit modification, and parties agree it is appropriate to issue order addressing conditions while permit application is pending.	Stipulated/Issued	O/A issued commencing 10/5/05; the Hearing Board shall retain jurisdiction over this matter until 1/31/06.	
15. Signal Hill Petroleum Case #2166-8 (J. Panasiti)	203(b) 2004(f)(1)	Source test of turbine at 50% capacity could not be completed due to extreme exhaust gas temperature that threatened internal structure of air pollution control device.	Not Opposed/Granted	Ex Parte EV granted commencing 10/27/05 and continuing for 30 days or until the IV hearing currently scheduled for 11/3/05, whichever comes first.	None
16. Sulex, Incorporated Case #5561-1 (N. Feldman)	203(b) 403(d)(1)(A) 1158(d)(2)	Petitioner must remove and replace roofs of sulfur prill storage silos because corrosion has compromised structural integrity. This will violate requirement that storage silo be completely enclosed.	Not Opposed/Granted	SV granted commencing upon the date specified in the notice given pursuant to Condition No. 6 and continuing through removal of all sulfur dust but no later than 1/31/06, the FCD.	To be determined
17. Texolini, Inc. Case #5463-2 (C. Engelhardt)	202 203(b) 2004(f)(1)	Fire rendered air pollution control system inoperable. Petitioner needs to continue operations until repairs are completed.	Not Opposed/Granted	Ex Parte EV granted commencing 10/11/05 and continuing for 30 days or until the SV hearing currently scheduled for 10/26/05.	None

Key to 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
Mod./Variance: Modification of a Variance
O/A: Order for Abatement
PM: Particulate Matter
RV: Regular Variance
SV: Short Variance
TBD: To be determined

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
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TOC: Total Organic Compounds
VOC: Volatile Organic Compound