

BOARD MEETING DATE: February 4, 2005

AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 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 **December 2004 Hearing Board Cases**.

The total number of appeals filed during the period December 1 to December 31, 2004 is 0, and the total number of appeals filed during the period of January 1 to December 31, 2004 is 15.

	2004	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)										1				1			
1118(f)										1				1			
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											1			1			
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		1	1								1			3			
1137(d)(2)					1					1				2			
1145(c)(2)														0			
1145(c)(6)				1		1		1				1		4			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146		1												1			
1146(c)(3)(A)								1	1					2			
1146(c)(4)														0			
1146.1														0			
1146.1(c)(1)		2						1	1					4			
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			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action		
1150.1(e)(3)						1								1			
1150.1(e)(1)(C)														0			
1150.1(e)(2)(C)														0			
1150.1(e)(3)(C)											1			1			
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)				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							1							1			
1168(c)(1)														0			
1168(c)(2)														0			
1171							1				1		1	3			
1171(c)(1)										1			1	2			
1171(c)(1)(A)(i)														0			
1171(c)(1)(b)(i)														0			
1171(c)(4)										1			1	2			
1171(c)(5)														0			
1171(c)(5)(A)(i)				1		1		1				1		4			
1171(c)(6)				1										1			
1173(c)														0			
1173(d)(1)										1	2			3			
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	1	2					1	6			
1175(c)(4)(B)														0			
1175(c)(4)(B)(i)													1	1			
1175(c)(4)(B)(ii)														0			
1175(c)(4)(B)(ii)(I)													1	1			
1175(c)(4)(B)(ii)(II)				1		1	1	2						5			
1176(e)(1)														0			
1176(e)(2)											2			2			
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)													1	1			
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			

	2004	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)								2						2			
1421(d)(3)(A)														0			
1421(e)(1)(A)(vii)										1				1			
1421(e)(3)(B)										1				1			
1421(h)(1)(A)										1				1			
1421(h)(1)(B)										1				1			
1421(h)(1)(C)										1				1			
1421(h)(1)(E)										1				1			
1421(h)(3)										1				1			
1421(i)(1)(C)										1				1			
1425(d)(1)(A)														0			
1469						1								1			
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								2						2			
2004(b)(1)		1						1						2			
2004(c)(1)(C)														0			
2004(d)														0			
2004(e)														0			
2004(f)(1)		8	7	7	3	7	9	9	6	5	9	8	5	83			
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				1	1					5			
2011(c)(2)(A)														0			
2011(c)(3)(A)														0			
2011(e)(1)			2	1				1	1					5			
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										1		1		2			
2012 Appen. A, Attach. C, Chap. 2, Sec. B														0			
2012 Appen A														0			
2012 Appen A, Chap. 2											2			2			
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			1	1		1			7			
2012(c)(2)(A)		1					1				1		1	4			
2012(c)(2)(C)										1	2	1		4			
2012(c)(3)														0			
2012(c)(3)(A)		1					1							2			
2012(c)(3)(B)														0			
2012(c)(10)														0			

2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
2012(d)(2)	1						1						2			
2012(d)(2)(A)													0			
2012(d)(2)(D)													0			
2012(e)(2)(B)	1						1						2			
2012(g)(1)	1	2	1			1	1	1		1			8			
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						2			
2012(j)(2)							1						1			
2012, Appen. A, Chp 3, Sec (A)(6)							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)													0			
2012(m) Appen. A., Chap 5, Para G, Table 5B and Att. D													0			
3002(c)(1)	3	1	2	1	1	3	3	1	1	1	2	1	20			
3002(c)(2)							1						1			
H&S 41700													0			
H&S 41701	3	1		1			1	1				1	8			

Report of December 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. Brea Power Partners Case No. 4966-1 (E. Sernel)	202(b) 1110.2(d)(1)(C) 1110.2(e)(1)(B)(i)(III) 1110.2(f)(1)(A) 1110.2(f)(1)(E)	Petitioner unable to comply with 12/31/04 deadline for ICE emissions.	Not Opposed/Granted	SV granted commencing 1/1/05 and continuing through 3/31/05, the FCD.	TBD
2. City of Pasadena Case No. 2244-22 (A. Mednick)	203(b) 2004(f)(1) 2012(c)(2)(A)	Petitioner did not perform 4 th quarter RATA. Test could not be done because generating units inoperative due to lack of demand for power.	Not Opposed/Granted	RV granted commencing 12/8/04 and continuing through 8/31/05, the FCD.	None
3. ExxonMobil Oil Corporation Case No. 1183-386 (A. Mednick)	203(b) 2004(f)(1)	Petitioner must perform emergency maintenance to remove sulfur blockages and may need to take thermal oxidizer offline if further blockages develop while conducting repairs.	Not Opposed/Granted	Ex Parte granted commencing 12/3/04 and continuing for 30 days or until the EV hearing currently scheduled for 12/14/04, whichever comes first.	None
4. ExxonMobil Oil Corporation Case No. 1183-387 (B. Theis)	203(b) 2004(f)(1)	Compressor failure resulted in SCR temperature to drop below permitted minimum and stopped ammonia injection resulting in uncontrolled flue gas emissions.	Not Opposed/Granted	Ex Parte granted commencing 12/7/04 and continuing for 30 days or until the EV hearing currently scheduled for 12/21/04, whichever comes first.	NOx: TBD
5. G-P Gypsum Corporation Case No. 3359-7 (B. Theis)	203(b) 2004(f)(1) 3002(c)(1)	Adjacent facility that supplies heated air for petitioner's production needs shut down in November. This in turn caused petitioner to operate its own heat sources beyond permit limits.	Opposed/Denied	RV denied.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. Orange County Sanitation District Case No. 2048-10 (B. Theis)	1110.2(d)(1)(C) 1110.2(e)(1)(B)(i)(II) 1110.2(e)(1)(B)(i)(III)	Petitioner unable to comply with 12/31/04 deadline for ICE emissions	Not Opposed/Granted	The RV from Rule 1110.2(e)(1)(B)(i)(II) shall commence on 12/22/04 for all engines except engine No. 2. The RV from Rule 1110.2(d)(1)(C) and (e)(1)(B)(i)(III) shall commence 1/1/05 for all engines. The variance end dates shall be as follows: Engine No. 1 3/31/05 Engine No. 2 4/30/05 Engine No. 3 5/31/05 Engine No. 4 6/30/05 Engine No. 5 7/31/05	TBD
7. Orange County Sanitation District Case No. 2048-11 (B. Theis)	1110.2(d)(1)(C) 1110.2(e)(1)(B)(i)(II) 1110.2(e)(1)(B)(i)(III)	Petitioner unable to comply with 12/31/04 deadline for ICE emissions	Not Opposed/Granted	The RV from Rule 1110.2(e)(1)(B)(i)(II) shall commence 12/22/04 for all engines. The RV from Rule 1110.2(d)(1)(C) and (e)(1)(B)(i)(III) shall commence 1/1/05 for all engines. The variance end dates shall be as follows: Engine No. 1. 2/18/05 Engine No. 2. 2/11/05 Engine No. 3. 4/1/05	TBD
8. Penrose Landfill Gas Conversion, LLC Case No. 5490-1 (A. Mednick)	1110.2(d)(1)(A) 1110.2(d)(1)(B) 1110.2(d)(1)(C) 1110.2(e)(1)(B)(i)(II) 1110.2(e)(1)(B)(i)(III) 1110.2(f)(1)(A) 1110.2(f)(1)(B)	Petitioner unable to comply with 12/31/04 deadline for ICE emissions.	Not Opposed/Granted	RV granted commencing 1/1/05 and continuing through 8/31/05, the FCD.	TBD
9. SCAQMD vs. Chevron Products Company Case No. 831-312 (J. Panasiti)	1189(c)(3)	Petitioner requested 30 day extension for shut down of steam methane reformer due to unexpected startup problems with its replacement.	Stipulated/Issued	Modification O/A issued commencing 12/22/04 and continuing through 1/31/05. The Board shall retain jurisdiction over this matter until 1/31/05.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
10. SCAQMD vs. Falcon Foam, A Division of Atlas Roofing Corporation Case No. 3529-8 (C. Engelhardt)	203(b) 1175(c)(2) 1175(c)(4)(B)(i) 1175(c)(4)(B)(ii)(I) 2004(f)(1)	Hearing held to determine facility compliance status.	Not Stipulated/Issued	O/A issued commencing 12/21/04 and continuing through 3/24/05. The Hearing Board shall retain jurisdiction over this matter until 3/24/05.	
11. SCAQMD vs. Frank's Auto Body & Paint Case No. 5473-1 (B. Theis)	402 1171(c)(1) 1171(c)(4)	Respondent operating auto refinishing business that creates public nuisance.	Opposed/Issued	Modification O/A issued commencing 12/14/04 and continuing through 6/17/06. The hearing Board shall retain jurisdiction over this matter until 6/17/06.	
12. SCAQMD vs. Poly Pak America, Inc. Case No. 4727-4 (A. Mednick)	203(b) 1130(c)(1) 1130(c)(4) 1171(c)	Explosion in respondent's regenerative thermal oxidizer was previously determined by Hearing Board not to be beyond reasonable control. O/A issued to require repair on expedited basis.	Stipulated/Issued	O/A issued commencing 12/21/04 and continuing through 8/30/05. The Hearing Board shall retain jurisdiction over this matter until 8/30/05.	
13. Tidelands Oil Production Company Case No. 4696-11 (E. Sernel)	1110.2(d)(1) 1110.2(d)(1)(B) 1110.2(e)(1)(B)(ii)	Petitioner unable to comply with 12/31/04 deadline for ICE emissions with current engines and plans to comply by installing new compliant ICE. Petitioner awaiting issuance of P/C for new engine.	Not Opposed/Granted	RV granted commencing 1/1/05 and continuing through 6/30/05, the FCD.	NOx: 113 lbs/day CO: 116 lbs/day ROG: 43 lbs/day
14. Toyon Landfill Gas Conversion, LLC Case No. 5491-1 (A. Mednick)	1110.2(d)(1)(A) 1110.2(d)(1)(B) 1110.2(d)(1)(C) 1110.2(e)(1)(B)(i)(II) 1110.2(e)(1)(B)(i)(III) 1110.2(f)(1)(A) 1110.2(f)(1)(B)	Petitioner unable to comply with 12/31/04 deadline for ICE emissions.	Not Opposed/Granted	RV granted commencing 1/1/05 and continuing through to 8/31/05, the FCD.	TBD

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

NO_x: Oxides of Nitrogen
O/A: Order for Abatement
ROG: Reactive Organic Gas
RV: Regular Variance
SV: Short Variance
TBD: To be determined