

BOARD MEETING DATE: January 7, 2005

AGENDA NO. 12

REPORT: Hearing Board Report

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

The total number of appeals filed during the period November 1 to November 30, 2004 is 3, and the total number of appeals filed during the period of January 1 to November 30, 2004 is 15.

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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)														0			
1131														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								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			
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			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action
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			2	
1171(c)(1)										1				1	
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)				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	2						5	
1175(c)(4)(B)														0	
1175(c)(4)(B)(ii)														0	
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)(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)(1)(G)								2						2	
1421(d)(3)(A)														0	
1421(e)(1)(A)(vii)											1			1	
1421(e)(3)(B)											1			1	

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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		78			
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			3			
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			
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			

2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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		19			
3002(c)(2)							1						1			
H&S 41700													0			
H&S 41701	3	1		1			1	1				1	8			

Report of November 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. BP West Coast Products, LLC Case #5357-17 (B. Theis)	203(b) 2004(f)(1)	Thermal oxidizer exploded. Petitioner desires to continue operating without air pollution controls while repairs are being made.	Not Opposed/Granted	SV granted commencing 11/4/04 and continuing through 11/30/04, the FCD.	None
2. Communities for a Better Environment and Carlos Valdez, et al. Re: ConocoPhillips Company (A. Shultz and Frances Keeler)		Real party in interest filed motion to dismiss portions of petitioner's appeal that alleges that the District improperly issued permit related to ultra low sulfur diesel project.	NA/Granted & Denied in part	Motion to Dismiss granted and denied in part. The Board ruled on objections to subpoenas.	
3. ConocoPhillips Company Case #4900-68 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner must take "B" field of north ESP out of service for repair contrary to permit conditions requiring the ESP to be "in full use".	Not Opposed/Granted	SV shall commence on the date specified in the notice given to the District pursuant to Condition No. 5 and shall last for one day in a window of time from 11/19/04 and continuing through 11/29/04, the FCD.	None
4. Custom Fiberglass Manufacturing Company Case #4974-5 (E. Sernel)	203(a) 203(b) 1145(c)(6) 1171(c)(5)(A)(i) 3002(c)(1)	Petitioner requested increase in number of units per day it could produce pursuant to variance condition in order to meet customer demand.	Not Opposed/Granted	Mod./Variance granted commencing 11/10/04 and continuing through 1/31/05.	
5. Equilon Enterprises, LLC Case #4982-52 (A. Mednick)	203(b) 401(b)(1) 2004(f)(1)	Restart of FCCU after shutdown for repairs to piping will result in excess visible emissions.	Not Opposed//Granted	SV granted commencing on the date specified in the notice to be given to the District pursuant to Condition No. 5 and shall last for 10 consecutive days in a window of time from 11/4/04 through 12/9/04, the FCD.	Opacity to be determined
6. ExxonMobil Oil Corporation Case #1183-384 (A. Mednick)	203(b) 2004(f)(1)	CO boiler must be taken off-line to clean heat exchange tubes of silica buildup resulting in low heat transfer rates.	Not Opposed/Granted	SV granted commencing 11/4/04 and continuing through 2/2/05, the FCD.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
7. Los Angeles Department of Water & Power Case #1263-56 (C. Engelhardt)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner seeks changes in permit conditions relating to limits in commissioning time, shutdown exemption time and cold startup time based on operational experience.	Not Opposed/Granted	Variance No. 1: SV granted from Rules 203(b), 2004(f)(1) and 3002(c)(1) {from Condition Nos. A99.4 and A99.5 of P/O No. 800074} and shall commence on the date specified in the notice given to the District pursuant to Condition No. 1 and shall last for 84 nonconsecutive hours ending no later than 90 days after the date specified in the notice. Variance No. 2: SV granted from Rules 203(b), 2004(f)(1) and 3002(c)(1) {from Condition Nos. A99.2 and A99.3 of P/O No. 800074} and shall commence on the date specified in the notice to be given to the District pursuant to Condition No. 1 and shall continue for 90 days.	Variance 1: NO _x 1,885.4 CO 1,996.4 VOC 129.8 PM ₁₀ 294.1 SO ₂ 17.5 Variance 2: NO _x , CO, VOC, PM ₁₀ , SO ₂ To be determined
8. SCAQMD vs. Domestic Uniform Rental, Inc. Case #5408-2 (No Appearance; Consent Calendar)	203(a)	District erred in rule interpretation. Respondent not in violation.	Stipulated/Issued	The O/A issued by the Hearing Board on 7/30/03, is hereby terminated effective 11/4/04, pursuant to the Findings and Decision of the Hearing Board.	
9. SCAQMD vs. Lunday-Thagard Company Case #2033-10 (C. Engelhardt)	203(b) 2004(f)(1)	Respondent is in violation of Reg IX limits on fuel gas emissions and monitoring requirements.	Stipulated/Issued	O/A issued commencing 11/18/04 and continuing through 1/25/05. The Board shall retain jurisdiction over this matter until 9/15/05.	
10. SCAQMD vs. Palmer/Boston Street Properties Case #5485-3 (A. Mednick)	203(a)	Respondent installed emergency generator that could not be issued a permit because it was not compliant with newly revised BACT.	Not Stipulated/Issued	O/A issued commencing 11/4/04 and continuing through 4/15/05. The Board shall retain jurisdiction over this matter until 4/15/05.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
11. Smurfit Newsprint Corporation Case #4773-4 (B. Theis)	203(b) 218.1 2004(f)(1) 2012, Appen. A, Attachment C 2012(c)(2)(C)	CEMS failure could not be corrected within 96 hour window allowed by Rule 2012.	Not Opposed/Granted	Ex Parte granted commencing 11/30/04 and continuing through 12/30/04, the FCD.	None
12. Ultramar, Inc. dba Valero Wilmington Refinery Case #3845-57 (C. Engelhardt)	203(b) 401(b)(1) 404(a) 405(a) 407(a) 2004(f)(1) H&S §41701	Motor on compressor serving FCCU failed. Excess emissions expected upon FCCU shutdown and restart.	Not Opposed/Granted	SV shall be for 10 days commencing on the date specified in the notice given pursuant to Condition No. 1 and shall occur between 1/1/05 and 3/31/05, the FCD.	To be determined
13. Winters Industries Cleaning, Inc. Case #5484-1 (E. Sernel)	203(b) 1102(c)(2)	Petitioner sought variance through March 2005 to move out of District alleging that it cannot comply with 12/31/04 compliance deadline and remain economically viable.	Not Opposed/Granted	RV granted commencing 1/1/05 and continuing through 3/1/05, the FCD.	VOC 250 lbs/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
 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
 PM: Particulate Matter
 VOC: Volatile Organic Compound
 CO: Carbon Monoxide