

BOARD MEETING DATE: April 7, 2006

AGENDA NO. 15

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of February 1 through February 28, 2006.

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 2006** and **February 2006 Hearing Board Cases**.

The total number of appeals filed during the period February 1 to February 28, 2006 is 2, and the total number of appeals filed during the period of January 1 to February 28, 2006 is 3.

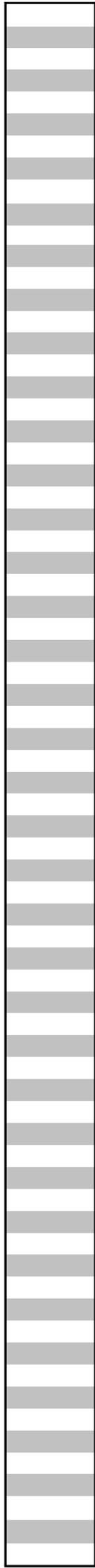
	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
461(c)(3)(H)														0		
461(c)(3)(M)														0		
461(c)(4)(B)														0		
461(c)(4)(B)(ii)														0		
461(e)(1)														0		
461(e)(2)														0		
461(e)(2)(A)		3	1											4		
461(e)(2)(A)(i)														0		
461(e)(2)(B)(i)		3	1											4		
461(e)(2)(C)														0		
461(e)(3)		3	1											4		
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)														0		
463(c)(3)(C)														0		
462(c)(4)(B)(i)														0		
462(c)(7)(A)(ii)														0		
462(d)														0		
462(d)(1)														0		
462(d)(1)(A)			1											1		
462(d)(1)(A)(i)														0		
462(d)(1)(C)			1											1		
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)			1											1		
462(e)(1)(E)(ii)														0		
462(e)(2)(A)(i)														0		
462(e)(4)														0		
462(h)(1)			1											1		
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)			1											1		
463(d)(2)														0		
463(e)(3)(C)														0		
463(e)(4)														0		
464(b)														0		
468														0		
468(a)														0		
468(b)														0		
1102														0		
1102(c)(2)														0		
1102(c)(5)			1											1		
1104(c)(1)														0		
1106(c)(1)														0		
1106.1(c)(1)														0		
1106.1(c)(1)(A)														0		
1107(c)(1)														0		
1107(c)(2)														0		
1107(d)														0		
1110.1														0		
1110.2														0		
1110.2(d)(1)														0		
1110.2(d)(1)(A)														0		
1110.2(d)(1)(B)														0		
1110.2(d)(1)(C)														0		
1110.2(e)(1)(A)														0		

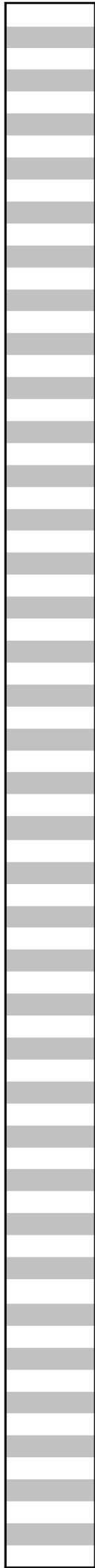
	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1110.2(e)(1)(B)(i)(II)														0		
1110.2(e)(1)(B)(i)(III)														0		
1110.2(e)(1)(B)(ii)														0		
1110.2(f)(1)(A)														0		
1110.2(f)(1)(B)														0		
1110.2(f)(1)(E)														0		
1113(c)(2)														0		
1115(c)(3)														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		
1121(c)(2)(C)														0		
1121(c)(3)														0		
1121(c)(6)														0		
1121(e)(3)														0		
1122(c)(2)(A)														0		
1122(c)(2)(E)														0		
1122(d)(1)(A)														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)(3)			1											1		
1122(e)(4)(A)														0		
1122(e)(4)(B)														0		
1122(g)(3)														0		
1122(k)(1)(D)														0		
1124														0		
1124(c)(1)(A)														0		
1124(c)(1)(E)														0		
1124(c)(4)														0		
1125(c)(1)														0		
1125(c)(1)(C)														0		
1128(c)(1)														0		
1128(c)(2)														0		
1130														0		
1130(c)(1)														0		
1130(c)(4)														0		
1131														0		
1131(d)														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		
1136														0		
1136(c)(1)(A)(i)														0		
1137(d)(2)														0		
1145(c)(1)														0		
1145(c)(2)														0		
1145(c)(6)														0		
1145(h)(1)(E)														0		
1145(h)(1)(E)														0		

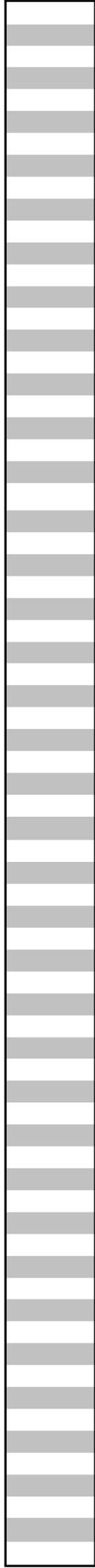
	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1146														0		
1146(c)(3)(A)														0		
1146(c)(5)														0		
1146.1														0		
1146.1(a)(2)														0		
1146.1(a)(8)														0		
1146.1(b)														0		
1146.1(c)(1)														0		
1146.1(c)(2)(B)														0		
1146.1(c)(3)														0		
1146.1(e)														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)														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		
1151(e)(2)														0		
1151(f)(1)														0		
1153(c)(1)														0		
1153(c)(1)(B)														0		
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														0		
1171(c)														0		
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)														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														0		

	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1175(c)(2)			1											1		
1175(c)(4)(B)			1											1		
1175(c)(4)(B)(i)		1												1		
1175(c)(4)(B)(ii)														0		
1175(c)(4)(B)(ii)(I)														0		
1175(c)(4)(B)(ii)(II)														0		
1176(e)														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		
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)(8)														0		
1469(d)(5)														0		
1469(e)(1)														0		
1469(e)(2)														0		
1469(h)														0		
1469(l)														0		
1469(j)(4)(A)			1											1		
1469(j)(4)(D)			1											1		
1469(k)(3)(A)			1											1		
1189(c)(3)														0		
2004(b)(1)														0		
2004(b)(4)														0		
2004(c)(1)														0		
2004(c)(1)(C)														0		
2004(f)(1)		5	4											9		
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		

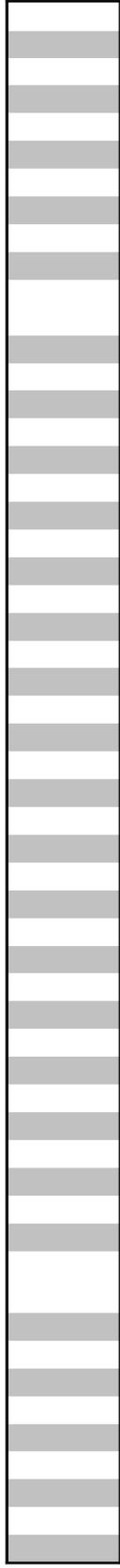
	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
2011 Attachment C														0		
2011(c)(2)														0		
2011(c)(2)(A)														0		
2011(c)(3)(A)														0		
2011(e)(1)														0		
2011(f)(3)														0		
2011(g)														0		
2011(k)														0		
2011(k) 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		
2012(c)(3)(B)														1		
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)														0		
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)														0		
3002(c)(1)														1	4	5
3002(c)(2)														0		
H&S 39152(b)														0		
H&S 41510														0		
H&S 41700														0		
H&S 41701														1		1











Report of February 2006 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. Ashland, Inc. Case #4796-5 Consent Calendar Item (B. Theis)	203(b) 462(d)(1)(A) & (C) 462(e)(1)(E) 462(h)(1) 463(c)(3)(C)	Petitioner is waiting for approval of the source test results and the issuance of the permit.	Not Opposed/Granted	MFCD/EXT granted commencing 2/23/06 and continuing through 9/1/06, the FCD.	None
2. Harbor Cogeneration Company Case #3802-11 (E. Sernel)	203(b) 2004(f)(1) 2012(c)(3)(A) 2012(c)(3)(B) 3002(c)(1)	CEMS serving the gas turbine power plant malfunctioned and must be replaced. Petitioner may need to operate the unit to serve the grid before a new CEMS can be installed and certified.	Not Opposed/Granted	Ex Parte granted commencing 2/23/06 and continuing for 30 days or until the IV hearing currently scheduled for 3/7/06, whichever comes first.	None
3. Mountainview Power Company, LLC Case #5155-9 (C. Engelhardt)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Source tests revealed noncompliance. Petitioner needs time to evaluate and correct the problem.	Not Opposed/Granted	Ex Parte granted commencing 2/17/06 and continuing until the IV hearing currently scheduled for 2/23/06.	VOC: 48 lbs/day
4. Mountainview Power Company, LLC Case #5155-9 (C. Engelhardt)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Source tests revealed noncompliance. Petitioner needs time to evaluate and correct the problem.	Not Opposed/Granted	IV granted commencing 2/24/06 and continuing for 90 days or until the RV hearing currently scheduled for 4/20/06.	VOC: Up to 36 lbs/day per unit
5. Premier Industries, Inc. (dba Insulfoam) Case #5333-1 (A. Mednick)	202(c) 1175(c)(2) 1175(c)(4)(B) 3002(c)(1)	Additional time is required to develop data to demonstrate compliance feasibility.	Not Opposed/Granted	MFCD/EXT granted commencing 2/28/06 and continuing through 5/19/06, the FCD.	ROG: TBD
6. SCAQMD vs. Eastern Municipal Water District Case #4937-22 (E. Sernel)	202(a)	Respondent operates a natural gas ICE that exceeds NO _x and CO limits.	Stipulated/Issued	O/A issued commencing 2/21/06 and continuing through 5/1/06. The Hearing Board shall retain jurisdiction over this matter until May 1, 2006, or until the new permit to construct is issued, whichever is sooner.	
7. SCAQMD vs. Eusebia Cannon, individually and dba Cannon Cleaners Case #5576-1 (B. Theis)	203(a) 1102(c)(5)	Dry cleaner operates equipment without a permit to operate and operates a prohibited transfer dry cleaning machine.	Not Stipulated/Issued	O/A issued commencing 2/7/06 and continuing through 2/8/08. The Hearing Board shall retain jurisdiction over this matter until 2/7/08, unless the Order is amended or modified.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
8. SCAQMD vs. Group O/A Rule 461 EVR Class 1 Case #5516-4 Consent Calendar Item (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 gasoline dispensing facilities.	Not Stipulated/Issued	Mod. O/A issued commencing 2/1/06 and continuing through 4/15/06. The Hearing Board shall retain jurisdiction over this matter until 4/15/06.	
9. SCAQMD vs. Guillermo Ramirez, individually and dba Industrial Metal Plating Case #5466-2 (B. Theis)	203(a) 1469(j)(4)(A) 1469(j)(4)(D) 1469(k)(3)(A)	Respondent operates chrome plating equipment without a permit to operate. Respondent failed to keep required records and has not filed an Initial Compliance Status Report and an Ongoing Compliance Status Report.	Not Stipulated/Issued	Mod. O/A issued on 2/7/06. The Hearing Board shall retain jurisdiction over this matter until 12/7/07, unless the Order is amended or modified.	
10. SCAQMD vs. Lee Kum Kee (USA) Foods, Inc. Case #5570-2 (B. Theis)	203(a)	Respondent operates two boilers without valid permits to operate.	Not Stipulated/Issued	O/A issued commencing 2/8/06 and continuing through 2/8/07. The Hearing Board shall retain jurisdiction over this matter until 2/8/07, unless the Order is amended or modified.	
11. SCAQMD vs. Shawn Khattak, individually and dba Petrotechs Case #5584-1 (B. Theis)	461(c)(3)(A) 461(e)(3)(A)	Respondent operates a gasoline dispensing facility, construction and testing business. District alleged multiple instances of improper testing, reporting and equipment installations.	Stipulated/Issued	O/A issued commencing 2/8/06 and continuing through 3/8/06. The Hearing Board shall retain jurisdiction over this matter until 3/31/06, unless the Order is amended or modified.	
12. Ultramar, Inc. dba Valero Wilmington Refinery Case #3845-64 (A. Mednick)	203(b) 2004(f)(1)	Catalyst changeout and maintenance of gas hydrodesulphurization and Sulfur Recovery Units will require the units to be shut down resulting in excess emissions. Petitioner requires additional time because of unexpected and unusual maintenance needs.	Not Opposed/Granted	Ex Parte granted commencing on 2/1/06 and continuing through 2/9/06, the FCD.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
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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

NMOC: Non-Methane Organic Compound

I/P: Increments of Progress