

BOARD MEETING DATE: January 5, 2007

AGENDA NO. 13

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2006.

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 2006** and **November 2006 Hearing Board Cases**.

The total number of appeals filed during the period November 1 to November 30, 2006 is 0, and the total number of appeals filed during the period of January 1 to November 30, 2006 is 8.









	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1173(d)(1)														0
1173(d)(1)(D)														0
1173(d)(1)(D)(iii)														0
1173(d)(1)(E)						1								1
1175				1							1			2
1175(c)(2)			1		1	1						1		4
1175(c)(4)(B)			1			1						1		3
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)						1								1
1175(d)(4)(ii)(II)														1
1176(e)														0
1176(e)(2)														0
1176(e)(2)(A)												1		1
1176(e)(2)(A)(ii)					1									1
1176(e)(2)(B)														0
1178(d)(1)(A)(xiii)									1					1
1178(d)(1)(A)(xiv)									1					1
1178(d)(1)(C)									1					1
1178(d)(3)(E)							1							1
1189(c)(1)														0
1189(c)(3)														0
1193(d)(1)(B)														0
1195(d)(1)(D)										1				1
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(g)(2)										1				1
1469(h)														0
1469(i)														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	8	5	6	3	8	4	8	4	3		58

	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
2011 Attachment C														0
2011(c)(2)				1										1
2011(c)(2)(A)										1				1
2011(c)(3)(A)						1								1
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 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, Section B.2.a. & b.				1										1
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
2012(c)(2)(A)				1	1									2
2012(c)(2)(C)														0
2012(c)(3)														0
2012(c)(3)(A)				1		1								2
2012(c)(3)(B)				1										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)				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 Appen. A, Attach C, Sections B.2.a. & B.2.b.						1								1
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	2		2		2	1			1		13
3002(c)(2)					2									2
H&S 39152(b)														0
H&S 41510														0
H&S 41700					2	1	1	1				1		6
H&S 41701		1			1			3		2		1		8

## Report of November 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. A.O. Smith-Water Products Company Case #5560-1 (C. Engelhardt)	<p>Phase I: 1121(c)(3) 1121(c)(6) 1121(c)(2)(C) 1121(e)(3)</p> <p>Phase II: 1121(c)(3) 1121(c)(7) 1121(c)(2)(C) 1121(e)(3)</p> <p>Phase III: 1121(h) 1121(h)(1) 1121(h)(2) 1121(h)(3)</p>	A three month extension of the FCD for a product variance was requested for Phases I, II and III water heaters.	Not Opposed/Granted	<p>The MFCD/EXT PV for Rule 1121(c)(2)(C) and (e)(3) pertaining to the mitigation fee shall commence on 11/14/06 and continue through 6/30/09.</p> <p>The MFCD/EXT PV for Rule 1121(c)(3) for Phase I Water Heaters shall commence on 6/30/07 and continue through 9/30/07.</p> <p>The MFCD/EXT PV for Rule 1121(c)(3) Phase II water heaters shall commence on 1/1/07 and continue through 12/31/08. The variance for Rule 1121(c)(6) shall commence on 10/1/07 and continue through 12/31/07.</p> <p>The MFCD/EXT PV for Rule 1121(c)(7) for the "sell-through" period for Phase II water heaters shall commence on 1/1/09 and continue through 6/30/09.</p> <p>The MFCD/EXT PV for Rule 1121(h) for the Phase III final Progress Report shall commence on 4/1/07 and continue through 4/1/09.</p>	NO <sub>x</sub> : TBD
2. Aera Energy, Inc. Case #4636-13 (E. Sernel)	203(a) 463(c)(3)(C) 1176(e)(2)(A) 2004(f)(1)	The well on the oil production platform stopped producing enough gas to maintain the pilot for the flare. This resulted in the inability to keep the vapor recovery system operating at all times as required by permit conditions.	Not Opposed/Granted	Ex Parte EV granted commencing 11/16/06 and continuing for 30 days or until the IV hearing currently scheduled for 12/7/06, whichever comes first.	VOC: 0.023 lb/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
3. American Water Heater Company Case #4834-2 (C. Engelhardt)	Phase I: 1121(c)(2)(C) 1121(c)(3) 1121(c)(6) 1121(e)(3)  Phase III: 1121(h) 1121(h)(1) 1121(h)(2) 1121(h)(3)	A three month extension of the FCD for a product variance was requested for Phases I and III water heaters.	Not Opposed/Granted	The MFCD/EXT PV for Rule 1121(c)(2)(C) and (e)(3) pertaining to the mitigation fee shall commence on 11/14/06 and continue through 6/30/09.  The MFCD/EXT PV for Rule 1121(c)(3) for Phase I Water Heaters shall commence on 6/30/07 and continue through 9/30/07.  The MFCD/EXT PV for Rule 1121(h) for the Phase III final Progress Report shall commence on 4/1/07 and continue through 4/1/09.	NOx: TBD
4. Bradford White Corporation Case #5566-1 (C. Engelhardt)	Phase I: 1121(c)(2)(C) 1121(c)(3) 1121(c)(6) 1121(e)(3)  Phase II: 1121(c)(2)(C) 1121(c)(3) 1121(c)(7) 1121(e)(3)  Phase III: 1121(h) 1121(h)(1) 1121(h)(2) 1121(h)(3)	A three month extension of the FCD for a product variance was requested for Phases I, II and III water heaters.	Not Opposed/Granted	The MFCD/EXT PV for Rule 1121(c)(2)(C) and (e)(3) pertaining to the mitigation fee shall commence on 11/14/06 and continue through 6/30/09.  The MFCD/EXT PV for Rule 1121(c)(3) for Phase I Water Heaters shall commence on 6/30/07 and continue through 9/30/07.  The MFCD/EXT PV for Rule 1121(c)(3) Phase II water heaters shall commence on 1/1/07 and continue through 2/31/08. The variance for Rule 1121(c)(6) shall commence on 10/1/07 and continue through 12/31/07.  The MFCD/EXT PV for Rule 1121(c)(7) for the "sell-through" period for Phase II water heaters shall commence on 1/1/09 and continue through 6/30/09.  The MFCD/EXT PV for Rule 1121(h) for the Phase III final Progress Report shall commence on 4/1/07 and continue through 4/1/09.	NO <sub>x</sub> : TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
5. ExxonMobil Oil Corporation Case #1183-407 (B. Theis)	203(b) 2004(f)(1)	The boiler needs to be shut down to repair leaking tubes. This will result in the shut down of the SCR. After the repairs and upon startup, NH3 cannot be injected until the SCR reaches minimum operating temperature. This will cause the NO <sub>x</sub> to exceed the permit limit.	Not Opposed/Granted	SV granted commencing upon notice given to the District pursuant to Condition No. 1 of the Order. The variance shall be for no more than 24 contiguous hours and shall in no event be later than 11/30/06, the FCD.	NOX: 299 lbs/24 hour period
6. Premier Industries, Inc., dba Insulfoam Case #5333-1 (A. Mednick)	202(c) 1175(c)(2) 1175(c)(4)(B) 3002(c)(1)	Petitioner cannot meet the compliance deadline. The District may consider amending the rule to allow an alternative compliance method that petitioner may find feasible.	Not Opposed/Granted	MFCD/EXT granted commencing 11/08/06 and continuing through 7/11/07, the FCD.	ROG: TBD
7. Rheem Manufacturing Company Case #5556-1 (C. Engelhardt)	Phase I: 1121(c)(3) 1121(c)(6) 1121(c)(2)(C) 1121(e)(3)  Phase II: 1121(c)(3) 1121(c)(7) 1121(c)(2)(C) 1121(e)(3)  Phase III: 1121(h) 1121(h)(1) 1121(h)(2) 1121(h)(3)	A three month extension of the FCD for a product variance was requested for Phases I, II and III water heaters.	Not Opposed/Granted	The MFCD/EXT PV for Rule 1121(c)(2)(C) and (e)(3) pertaining to the mitigation fee shall commence on 11/14/06 and continue through 6/30/09.  The MFCD/EXT PV for Rule 1121(c)(3) for Phase I Water Heaters shall commence on 6/30/07 and continue through 9/30/07.  The MFCD/EXT PV for Rule 1121(c)(3) Phase II water heaters shall commence on 1/1/07 and continue through 12/31/08. The variance for Rule 1121(c)(6) shall commence on 10/1/07 and continue through 12/31/07.  The MFCD/EXT PV for Rule 1121(c)(7) for the "sell-through" period for Phase II water heaters shall commence on 1/1/09 and continue through 6/30/09.  The MFCD/EXT PV for Rule 1121(h) for the Phase III final Progress Report shall commence on 4/1/07 and continue through 4/1/09.	NO <sub>x</sub> : TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
8. SCAQMD vs. Carlos Gomez, individually and dba Carl's Refinishing Case #5064-1 (N. Feldman)	203(a)	Respondent is operating a paint spray booth without a valid permit to operate. Respondent has not paid outstanding permit fees. Respondent submitted a check for delinquent fees but the check was returned for insufficient funds.	Stipulated/Issued	O/A issued commencing 11/16/06 and continuing through 6/1/07. The Hearing Board shall retain jurisdiction over this matter until 6/1/07, unless the order is amended or modified.	
9. SCAQMD vs. Gregg Industries, Inc. Case #5591-1 (E. Sernel)	402 H&S 41700	Modification of O/A to require the use of low polluting materials.	Not Stipulated/Issued	Mod. O/A issued commencing 11/2/06 and continuing through 12/5/06. The Hearing Board shall retain jurisdiction over this matter until 3/31/07, unless the order is modified by the Hearing Board.	
10. SCAQMD vs. J. Pacific, Inc. Delta Dyeing and Finishing, and James Kim Case #5046-2 (C. Engelhardt)	203(b) 1146(d)(6)	Respondent switched fuel usage from natural gas to well gas in violation of permit conditions.	Not Stipulated/Issued	O/A issued commencing 11/15/06 and continuing through 8/30/07, unless a different termination date is set for subsequent hearings. The Hearing Board shall retain jurisdiction over this matter until 8/30/07.	
11. SCAQMD vs. Lunday-Thagard Company Case #2033-15 (C. Engelhardt)	203(b) 2004(f)(1)	Leaks in the vacuum tower of the oil refining operation prompted respondent to switch to an older boiler with greater capacity in order to maintain the required vacuum. Use of the older boiler resulted in respondent violating the permit conditions which limit the use of fuel in that boiler.	Not Stipulated/Issued	O/A issued commencing 11/16/06 and continuing through 4/30/07. The Hearing Board shall retain jurisdiction over this matter until 4/30/07.	
12. SFPP, L.P. Colton Terminal Case #4215-9 (J. Panasiti)	203(b)	In order to avoid creating a major backup at the loading rack, throughput limits will be exceeded to comply with new diesel specifications.	Not Opposed/Granted	RV granted commencing 11/02/06 and continuing through 10/31/07, the FCD.	VOC: 4.2 lbs/mo.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
13. Tidelands Oil Production Company Case #4696-13 (J. Panasiti)	203(b)	Flare serving oil production operation is expected to exceed the 200 hour limit. Petitioner cannot presently use the low Btu gas from the production operation in any permitted ICE and therefore has no option but to flare the gas.	Not Opposed/Granted	SV granted commencing 11/02/06 and continuing for 90 days or until the RV currently scheduled for 01/17/07, whichever occurs first.	NO <sub>x</sub> : 1.43 lbs/day CO: .39 lb/day VOC: .08 lb/day
14. Veterans Affairs Long Beach Healthcare System Case #4280-2 (B. Theis)		Petitioner has contracted to install Phase I EVR and Phase II OBVR upgrades. The contractor requires that two USTs be filled to at least 80% capacity to safely do the work. The USTs are below this level and District regulations prohibit filling the USTs if they are not in compliance.	Opposed/Denied	Ex Parte EV denied for lack of good cause.	

### Acronyms

CO: Carbon Monoxide  
 EV: Emergency Variance  
 FCD: Final Compliance Date  
 O/A: Order for Abatement  
 PM: Particulate Matter  
 PV: Product Variance  
 RV: Regular Variance  
 EVR: Enhanced Vapor Recovery  
 ICE: Internal Combustion Engine  
 SO<sub>x</sub>: Oxides of Sulfur  
 SV: Short Variance  
 SCR: Selective Catalyst Reduction  
 ROG: Reactive Organic Gas  
 TBD: To be determined  
 OBVR: Onboard Vapor Recovery  
 UST: Underground Storage Tank

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  
 NH<sub>3</sub>: Ammonia  
 NO<sub>x</sub>: Oxides of Nitrogen  
 TOC: Total Organic Compounds  
 VOC: Volatile Organic Compounds  
 H&S: Health & Safety Code