BOARD MEETING DATE: October 5, 2007   AGENDA NO. 22

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of August 1 through August 31, 2007.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

                                       Edward Camarena
                                       Chairman of Hearing Board

rj

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2007** and **August 2007 Hearing Board Cases**.

The total number of appeals filed during the period August 1 to August 31, 2007 is 0, and the total number of appeals filed during the period of January 1 to August 31, 2007 is 10.

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
# of HB Actions*													
Involving													
Rules													
109													0
109(c)				2	2								4
109(c)(1)			1		1								2
201													0
201.1													0
202				1									1
202(a)													0
202(b)	1	1	1										3
202(c)					1								1
203						1							1
203(a)			3	3	6								12
203(b)	8	11	9	15	6	4		9					62
204	1		1										2
208													0
218													0
218.1													0
218.1(b)(1)(E)													0
218(d)(1)(B)													0
218(f)(2)													0
221(b)				1									1
301													0
301(8)							1						1
401													0
401(a)													0
401(b)													0
401(b)(1)			1	1	1			1					4
401(b)(1)(A)													0
401(b)(1)(B)													0
402				1				1					2
403(d)(1)													0
403(d)(1)(A)													0
403(d)(2)													0
404													0
404(a)			1		1								2
405													0
405(a)			1		1								2
405(b)													0
407(a)			1										1
407(a)(1)													0
407(a)(2)(A)													0
409			1	1									2
431.1(c)(2)													0
431.1(d)(1)													0
442													0
444													0
444(a)													0
444(c)													0
444(d)													0
461													0
461(c)(1)													0
461(c)(1)(A)													0
461(c)(1)(B)													0
461(c)(1)(C)													0
461(c)(1)(E)													0
461(c)(1)(F)(i)													0
461(c)(1)(F)(iv)													0
461(c)(1)(F)(v)													0
461(c)(1)(H)													0
461(c)(2)													0
461(c)(2)(A)				1	2		1						4
461(c)(2)(B)							1						1
461(c)(2)(C)		1											1
461(c)(3)(A)													0
461(c)(3)(B)													0
461(c)(3)(C)													0

Rules from which Variances and Order for Abatements were Requested in 2007

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
461(c)(3)(D)(ii)													0
461(c)(3)(E)													0
461(c)(3)(H)													0
461(c)(3)(M)													0
461(c)(4)(B)													0
461(c)(4)(B)(ii)													0
461(d)(5)(A)													0
461(e)(1)													0
461(e)(2)													0
461(e)(2)(A)													0
461(e)(2)(A)(i)													0
461(e)(2)(B)(i)													0
461(e)(2)(C)													0
461(e)(3)													0
461(e)(3)(A)				1									1
461(e)(3)(C)(i)(I)													0
461(e)(3)(D)													0
461(e)(3)(E)													0
461(e)(7)(c)(v)													0
462(c)(3)(B)													0
462(c)(4)(B)(i)													0
462(c)(7)(A)(ii)													0
462(d)													0
462(d)(1)													0
462(d)(1)(A)													0
462(d)(1)(A)(i)													0
462(d)(1)(C)													0
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)													0
462(e)(1)(E)(ii)													0
462(e)(2)(A)(i)													0
462(e)(4)													0
462(h)(1)													0
463													1
463(c)													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)(2)(C)													0
463(c)(3)													0
463(c)(3)(A)													0
463(c)(3)(B)													0
463(c)(3)(C)		1				1							2
463(d)(2)													0
463(e)(3)(C)													0
463(e)(4)	1												1
464(b)													0
468													0
468(a)													0
468(b)													0
1102													0
1102(c)(2)													0
1102(c)(5)													0
1104(c)(1)													0
1105.1(d)(1)(A)(i)			1										1
1105.1(d)(1)(A)(iii)			1										1
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

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
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)													0
1110.2(f)(1)(A)													0
1110.2(f)(1)(E)													0
1113(c)(2)						1							1
1113(d)(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(g)(1)				1									1
1118(g)(3)				9				1					10
1118(i)(5)(B)(i)				9									9
1118(j)(1)(A)(ii)				9									9
1118(j)(1)(B)(ii)				9									9
1118(j)(1)(C)								1					1
1121(h)													0
1121(h)(1)													0
1121(h)(2)													0
1121(h)(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)													0
1122(e)(4)(A)													0
1122(e)(4)(B)													0
1122(g)(3)													0
1122(j)													0
1124													0
1124(c)(1)(A)													0
1124(c)(1)(E)													0
1124(c)(4)													0
1125(c)(1)	1												1
1125(c)(1)(C)													0
1125(c)(2)		1											1
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

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
1146													0
1146(c)(3)(A)													0
1146(c)(5)													0
1146(d)(6)				1	1		1						3
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
1148.1	1						1						2
1150.1					1								1
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				1	1								2
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					2
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(h)(2)													0
1171				1	1								2
1171(c)													0
1171(c)(1)													0
1171(c)(1)(A)(i)													0

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1171(c)(1)(b)(i)													0
1171(c)(4)													0
1171(c)(5)													0
1171(c)(5)(A)(i)													0
1171(c)(6)													0
1173.0							1						1
1173(c)													0
1173(d)(1)													0
1173(e)(1)				1									1
1173(f)(1)				1									1
1173(i)(1)				1									1
1175													0
1175(c)(2)	1				1	1	1						4
1175(c)(4)(B)					1		1						2
1175(c)(4)(B)(i)													0
1175(c)(4)(B)(ii)													0
1175(c)(4)(B)(ii)(I)													0
1175(c)(4)(B)(ii)(II)	1					1							2
1175(d)(4)(ii)(II)													0
1176							1						1
1176(e)													0
1176(e)(2)													0
1176(e)(2)(A)		1				1							2
1176(e)(2)(A)(ii)													0
1176(e)(6)(A)		1				1							2
1178(d)(1)(A)(xiii)													0
1178(d)(1)(A)(xiv)													0
1178(d)(1)(C)													0
1178(d)(3)(E)													0
1178(d)(4)(A)(i)													0
1189(c)(2)		1											1
1189(c)(3)		1											1
1195.0													
1195(d)(1)(D)													0
1303													0
1303(a)(1)				1			1						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)													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)													0
1469(h)													0
1469(l)													0

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1469(j)(4)(A)													0
1469(j)(4)(D)													0
1469(k)(3)(A)													0
1470			1										1
1470(c)(2)(C)(iv)				1	2								3
2004(b)(1)													0
2004(b)(4)													0
2004(c)(1)													0
2004(c)(1)(C)													0
2004(f)(1)	6	10	5	13	3	3	1	3					44
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)													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													0
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.													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. 4.A.4													0
2012(c)(2)													0
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)													0
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 Appen. A, Attach C, Sections B.2.a. & B.2.b.													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,													0
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

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
3002		1											1
3002(c)(1)			4	1	3		1	5					14
3002(c)(2)	2												2
H&S 39152(b)													0
H&S 41510													0
H&S 41700			1					1					2
H&S 41701			1	1				1					3

Report of August 2007 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. Air Products & Chemicals Inc. Case #4276-8 (S. Soule)	203(b) 1118(g)(3) 1118(j)(1)(C) 2004(f)(1)	Flow meter on hydrogen plant flare failed.	Not Opposed/Granted	Ex Parte EV granted commencing 8/1/07 and continuing for 30 days or until the SV hearing currently scheduled for 8/28/07, whichever comes first.	None
2. Calhac Inc Case #5555-2 (N. Feldman)	203(b)	Equipment malfunction damaged catalyst on VOC control device. Petitioner seeks to continue to operate while repairs in progress.	Not Opposed/Granted	SV granted commencing 8/9/07 and continuing through 11/6/07, the FCD.	VOC TBD
3. ConocoPhillips Company Case #4900-83 (B. Theis)	203(b) 1158(d)(2) 2004(f)(1)	Structural support for processing equipment in coke barn collapsed. Side panels must be removed to access support members for repairs.	Not Opposed/Granted	Ex Parte EV granted commencing 8/8/07 and continuing for 30 days or until the EV hearing currently scheduled for 9/6/07, whichever comes first.	None
4. ExxonMobil Oil Corporation Case #1183-420 (C. Engelhardt)	203(b) 401(b)(1) 2004(f)(1) H&S §41701	Crude unit and two heaters must be shut down for required maintenance of crude unit.	Not Opposed/Granted	SV granted commencing 8/20/07 and continuing through 11/18/07, the FCD.	Variance #1: NO_X, SO_X & PM TBD Variance #2: NO_X 1,270 lbs/day
5. Johns Manville Case Nos. 5423-1 & 2 (N. Feldman and J. Panasiti)		Appeal of ERC denial.	Opposed/Granted in part and Denied in part	Appeal granted in part and denied in part.	
6. NM Colton Genco LLC Case #5630-1 (Consent Calendar; No Appearance)	203(b) 3002(c)(1)	Extension requested by District to complete review process and finalization of Title V permit.	Stipulated/Issued	Mod. O/A issued commencing 8/15/07; the Hearing Board shall retain jurisdiction over this matter until 1/15/08.	
7. NM Mid-Valley LLC Case #5629-1 (Consent Calendar; No Appearance)	203(b) 3002(c)(1)	Extension requested by District to complete review process and finalization of Title V permit.	Stipulated/Issued	Mod. O/A issued commencing 8/15/07; the Hearing Board shall retain jurisdiction over this matter until 1/15/08.	
8. NM Milliken Genco LLC Case #5628-1 (Consent Calendar; No Appearance)	203(b) 3002(c)(1)	Extension requested by District to complete review process and finalization of Title V permit.	Stipulated/Issued	Mod. O/A issued commencing 8/15/07; the Hearing Board shall retain jurisdiction over this matter until 1/15/08.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
9. Riverside Cement Co. Case #2085-10 (A. Mednick and S. Soule)		Appeal of denial of exemption application.	Opposed/Denied	Appeal denied; Hearing Board upheld Executive Officer's denial of Petitioner's Rule 2002(i) exemption application.	
10. SCAQMD vs. Gregg Industries Case #5591-1 (E. Sernel)	402 H&S §41700	Status report on foundry odor controls.	Stipulated/Issued	Mod. O/A issued commencing 8/29/07; the Hearing Board shall retain jurisdiction over this matter until 9/20/07.	
11. Southern California Edison Case #1262-88 (J. Panasiti)	203(b) 3002(c)(1)	Debugging of new gas turbines required excessive restarts. Petitioner expects to exceed restart limit in permit due to heat wave.	Opposed/Granted	Ex Parte EV granted commencing 8/31/07 and continuing for 30 days or until the IV hearing currently scheduled for 9/11/07, whichever comes first.	None
12. Southern California Edison Case #1262-89 (J. Panasiti)	203(b) 3002(c)(1)	Debugging of new gas turbines required excessive restarts. Petitioner expects to exceed restart limit in permit due to heat wave.	Opposed/Granted	Ex Parte EV granted commencing 8/31/07 and continuing for 30 days or until the IV hearing currently scheduled for 9/11/07, whichever comes first.	None

Acronyms

CARB: California Air Resources Board
CEMS: Continuous Emissions Monitoring System
CO: Carbon Monoxide
ERC: Emission Reduction Credit
EV: Emergency Variance
FCCU: Fluid Catalytic Cracking Unit
FCD: Final Compliance Date
H&S: Health & Safety Code
ICE: Internal Combustion Engine
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
NOV: Notice of Violation
NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM: Particulate Matter
RV: Regular Variance
SOx: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
VOC: Volatile Organic Compound