

BOARD MEETING DATE: January 6, 2006

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, 2005.

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 2005 and November 2005 Hearing Board Cases.**

The total number of appeals filed during the period November 1 to November 30, 2005 is 1, and the total number of appeals filed during the period of January 1 to November 30, 2005 is 12.

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
461(c)(3)(H)						1								1		
461(c)(3)(M)														0		
461(c)(4)(B)														0		
461(c)(4)(B)(ii)														0		
461(e)(1)						1								1		
461(e)(2)						1	20							21		
461(e)(2)(A)						4		2	1	10	2			19		
461(e)(2)(A)(i)														0		
461(e)(2)(B)(i)						4	20	2	1	10	2			39		
461(e)(2)(C)														0		
461(e)(3)						4	20	2	1	10	2			39		
461(e)(3)(A)											1	1		2		
461(e)(5)														0		
461(e)(7)														0		
462(c)(1)(A)(ii)														0		
462(c)(1)(E)														0		
462(c)(3)(B)						1								1		
462(c)(3)(C)						3								3		
462(c)(4)(B)(i)														0		
462(c)(7)(A)(ii)														0		
462(d)														0		
462(d)(1)														0		
462(d)(1)(A)						2						1		3		
462(d)(1)(A)(i)											1			1		
462(d)(1)(C)						2						1		3		
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)						2						1		3		
462(e)(1)(E)(ii)														0		
462(e)(2)(A)(i)														0		
462(e)(4)														0		
462(h)(1)						2						1		3		
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)							1							1		
463(c)(3)(C)							1					1		2		
463(d)(2)												1		1		
463(e)(3)(C)														0		
463(e)(4)			2											2		
464(b)									1					1		
468														0		
468(a)						1								1		
468(b)														0		
1102							1							1		
1102(c)(2)					1									1		
1104(c)(1)														0		
1106(c)(1)														0		
1106.1(c)(1)														0		
1106.1(c)(1)(A)														0		
1107(c)(1)													1	1		
1107(c)(2)													1	1		
1107(d)														0		
1110.1														0		
1110.2													1	1		
1110.2(d)(1)														0		
1110.2(d)(1)(A)												1		3		
1110.2(d)(1)(B)												1		4		
1110.2(d)(1)(C)												1		4		
1110.2(e)(1)(A)														0		
1110.2(e)(1)(B)(i)(II)													2	3		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1110.2(e)(1)(B)(i)(III)		2							1					3		
1110.2(e)(1)(B)(ii)									1					1		
1110.2(f)(1)(A)		2		1					3					6		
1110.2(f)(1)(B)		2							1					3		
1110.2(f)(1)(E)														0		
1113(c)(2)														0		
1115(c)(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(f)														0		
1121														0		
1122(c)(2)(A)														0		
1122(c)(2)(E)														0		
1122(d)(1)(A)						1								1		
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		
1122(k)(1)(D)						1								1		
1124														0		
1124(c)(1)(A)														0		
1124(c)(1)(E)														0		
1124(c)(4)														0		
1125(c)(1)														0		
1128(c)(1)				1										1		
1128(c)(2)														0		
1130														0		
1130(c)(1)			1		1		1	1						4		
1130(c)(4)			1		1		1	1						4		
1131										1				1		
1131(d)								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		
1136							1							1		
1136(c)(1)(A)(i)									1					1		
1137(d)(2)				1										1		
1145(c)(2)														0		
1145(c)(6)														0		
1145(h)(1)(E)														0		
1145(h)(1)(E)														0		
1146														0		
1146(c)(3)(A)														0		
1146(c)(5)		1	1											2		
1146.1														0		
1146.1(a)(2)						1								1		
1146.1(a)(8)						1								1		
1146.1(b)						1								1		
1146.1(c)(1)						1								1		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1146.1(c)(2)(B)														0		
1146.1(c)(3)														0		
1146.1(e)						1								1		
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)		1		1	1									3		
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)														0		
1150.1(e)(2)														0		
1150.1(e)(3)														0		
1150.1(e)(1)(C)					1									1		
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)						1								1		
1153(c)(1)(B)								1						1		
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					1									1		
1171(c)								1						1		
1171(c)(1)		1	1	2		1	1			1				7		
1171(c)(1)(A)(i)														0		
1171(c)(1)(b)(i)														0		
1171(c)(4)		1		2		1	1			1				6		
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											1			1		
1175(c)(2)		1	1	2				2	3		1	1		11		
1175(c)(4)(B)			1											1		
1175(c)(4)(B)(i)				1			1	1	3		1			7		
1175(c)(4)(B)(ii)														0		
1175(c)(4)(B)(ii)(I)				1			1	1						3		
1175(c)(4)(B)(ii)(II)		1		1							1	1		4		
1176(e)									1					1		
1176(e)(2)														0		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
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)							2							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)						1								1		
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								1						1		
1469(c)														0		
1469(c)(8)							1							1		
1469(d)(5)							1							1		
1469(e)(1)														0		
1469(e)(2)														0		
1469(h)														0		
1469(l)														0		
1189(c)(3)														0		
2004														0		
2004(b)(1)		1					1							2		
2004(b)(4)		1					1							2		
2004(c)(1)		1					1							2		
2004(c)(1)(C)		1					1							2		
2004(f)(1)		8	10	11	2	8	6	5	9	13	5	8		85		
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)							1							1		
2011(c)(2)(A)				1										1		
2011(c)(3)(A)														0		
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														0		

2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)				1	1								2
2012(c)(2)(A)					2								2
2012(c)(2)(C)													0
2012(c)(3)				1									1
2012(c)(3)(A)		1			1	1							3
2012(c)(3)(B)		1				1							2
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	1							3
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)					1								1
3002(c)(1)		2	2	2	1	1	3	4	5		2		22
3002(c)(2)													0
H&S 39152(b)					1								1
H&S 41510					1								1
H&S 41700			1										1
H&S 41701		2					2	2	4	1			11

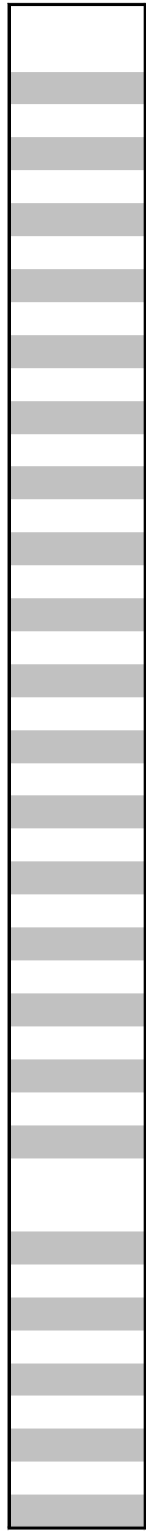












Report of November 2005 Hearing Board Cases

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. Chevron Products Company Case No. 831-328 (B. Theis)	203(b) 2004(f)(1)	Petitioner awaiting District action on request for change in permit condition establishing new BACT.	Not Opposed/Granted	SV granted commencing 11/1/05 and continuing through 1/30/06, the FCD.	VOC: up to 5 lbs/day
2. Equilon Enterprises LLC dba Shell Oil Products US Case No. 4982-47 (B. Theis)	203(b) 462(d)(1)(A) 462(d)(1)(C) 462(e)(1)(E) 462(h)(1) 463(c)(3)(C) 2004(f)(1)	The variance extension is needed to allow petitioner to operate the terminal while the District completes a review of application for permit modification.	Not Opposed/Granted	MFCD/EXT granted commencing 11/1/05 and continuing through 5/8/06, the FCD.	None
3. Equilon Enterprises LLC dba Shell Oil Products US Case No. 4982-65 (B. Theis)	203(b) 463(d)(2) 1178(d)(3)(E) 2004(f)(1)	Roof of floating roof tank sank. Petitioner must empty and degas tank. Removal will require more than 72 hours allowed by R463.	Not Opposed/Granted	Ex Parte granted commencing 11/15/05 and continuing for 30 days or until the EV hearing currently scheduled for 11/22/05, whichever comes first.	VOC: TBD
4. LiFoam Industries, LLC Case No. 5465-1 (N. Feldman)	203(b) 1175(c)(2) 1175(c)(4)(B)(ii) (II) 2004(f)(1)	Petitioner awaiting approval of the source testing protocol to conduct test needed to show compliance.	Not Opposed/Granted	MFCD/EXT granted commencing 11/17/05 and continuing through 9/30/06, the FCD.	VOC: 155 lbs/day
5. Mountainview Power Company, LLC Case No. 5155-6 (J. Panasiti)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Updated commissioning plan by contractor for new turnkey combined cycle turbines requires testing time in excess of commissioning time limit in permit.	Not Opposed/Granted	The variance shall commence upon written notice of exceedance of the 1,272 hour limit as set forth in Section H, Condition Nos. A99.8 and A99.9 of Title V Facility P/O No. 121737 and continue through 12/31/05 or the completion of commissioning, whichever comes first.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. Mountainview Power Company LLC Case No. 5155-7 (E. Sernel)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Gas turbines cannot comply with NOx limit during shutdown due to temperature dropping below range needed for proper operation of emission control system.	Not Opposed/Granted	The variance shall commence on the date the equipment is put into commercial operation and shall terminate either on the date EPA issues a final modified PSD permit to petitioner or EPA terminates the Administrative Order as described in petitioner's Exhibit No. 3, whichever comes first.	NOx: 63.5 lbs/shutdown of each turbine with an estimated maximum 45 shutdown per turbine over the variance period.
7. SCAQMD vs. CEMEX Pacific Coast Cement Corporation Case No. 5562-2 (B. Theis)	203(b)	Respondent does not use canvas hatch cover during unloading of cement from cargo ships as required.	Stipulated/Issued	O/A issued commencing 11/17/05 and continuing through 11/17/06. The Hearing Board shall retain jurisdiction over this matter until 11/17/06.	
8. SCAQMD vs. Petroleum Engineering, Inc. Case No. 5558-1 (C. Engelhardt)	461(c)(3)(A) 461(e)(3)(A)	Respondent repeatedly conducting GDF testing and construction activities that do not comply with R461.	Not Stipulated/Issued	O/A issued. Respondent is ordered to cease and desist from all construction activities on or related to gasoline dispensing facility vapor recovery systems and all gasoline dispensing facility testing. The Hearing Board shall retain jurisdiction over this matter until 12/31/05.	
9. Signal Hill Petroleum Case No. 2166-8 (E. Sernel)	203(b) 2004(f)(1)	Petitioner awaiting approval of request for change in permit condition requiring test of turbine under conditions that it does not operate under.	Not Opposed/Granted	IV granted commencing 11/3/05 and continue for 90 day or until the RV hearing currently scheduled for 12/14/05, whichever comes first.	None
10. Signal Hill Petroleum Case No. 2166-9 (E. Sernel)	203(b) 2004(f)(1)	Turbine source test showed VOC in excess of limit.	Not Opposed/Granted	Ex Parte granted commencing 11/30/05 and continuing for 30 days or until the SV currently scheduled for 12/21/05, whichever comes first.	VOC: 3.47 lbs/day

Key to Acronyms

EV: Emergency Variance
IV: Interim Variance
SV: Short Variance
RV: Regular Variance
CO: Carbon Monoxide

H&S: Health & Safety Code
TBD: To be determined
FCD: Final Compliance Date
O/A: Order for Abatement
VOC: Volatile Organic Compound

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