

BOARD MEETING DATE: September 3, 2004

AGENDA NO. 14

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of July 1 through July 31, 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 **June 2004 Hearing Board Cases**.

The total number of appeals filed during the period July 1 to July 31, 2004 is 3, and the total number of appeals filed during the period of January 1 to July 31, 2004 is 8.

Rules from which Variances and Order for Abatements were Requested in 2004

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
# of HB Actions*																	
Involving																	
Rules																	
109														0			
109(c)(1)				1										1			
201														0			
202		1						2						3			
202(a)		1	1	2		1		2						7			
202(b)														0			
202(c)														0			
203				1			1	2						4			
203(a)		1	2	4	3	2	1	1						14			
203(b)		8	9	11	4	10	11	10						63			
208														0			
218														0			
218(b)(2)						1								1			
218.1(b)(1)(E)					1									1			
221(b)														0			
401														0			
401(a)														0			
401(b)														0			
401(b)(1)		3	1	1	1									6			
401(b)(1)(A)								1						1			
401(b)(1)(B)						1								1			
402			1				1	2						4			
403(d)(1)					1									1			
403(d)(2)														0			
404														0			
404(a)		2						1						3			
404(b)														0			
405														0			
405(a)		2						1						3			
405(b)														0			
407(a)		1			1									2			
407(a)(2)(A)														0			
409														0			
431.1(c)(1)														0			
431.1(d)(1)														0			
442														0			
444														0			
444(a)														0			
444(c)														0			
444(d)														0			
461				1										1			
461(c)(1)														0			
461(c)(1)(A)				1										1			
461(c)(1)(B)				1										1			
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)														0			
461(c)(2)(B)														0			
461(c)(2)(C)														0			
461(c)(3)(A)														0			
461(c)(3)(D)(ii)														0			
461(c)(3)(E)														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)(i)				1										1			
461(e)(2)(B)(i)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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(c)														0			
1131.0														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											2			
1137(d)(2)					1									1			
1145(c)(2)														0			
1145(c)(6)				1		1		1						3			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146		1												1			
1146(c)(3)(A)								1						1			
1146(c)(4)														0			
1146.1														0			
1146.1(c)(1)		2						1						3			
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)														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			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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			
1168.0								1						1			
1168(c)(1)														0			
1168(c)(2)														0			
1171.0								1						1			
1171(c)(1)														0			
1171(c)(1)(A)(i)														0			
1171(c)(1)(b)(i)														0			
1171(c)(1)(i)														0			
1171(c)(5)														0			
1171(c)(5)(A)(i)				1		1		1						3			
1171(c)(6)				1										1			
1173(c)														0			
1173(d)(1)(c)														0			
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)														0			
1176(e)(2)(B)														0			
1176(e)(3)(A)														0			
1176(e)(6)														0			
1178(d)(1)(B)(x)														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			
1421(d)(3)(A)														0			
1425(d)(1)(A)														0			
1469														1			
1469(c)														0			
1469(c)(2)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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(f)(1)		8	7	7	3	7	9	9						50			
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						4			
2011(c)(2)(A)														0			
2011(c)(3)(A)														0			
2011(e)(1)			2	1				1						4			
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, Sec. B.2														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)			2	1	1			1						5			
2012(c)(2)(A)		1					1							2			
2012(c)(2)(B)														0			
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						6			
2012(g)(3)														0			
2012(h)(3)														0			
2012(h)(4)														0			
2012(h)(5)														0			
2012(h)(6)		1												1			
2012(i)		1												1			
2012(j)(1)		1						1						2			
2012(j)(2)								1						1			
1.0		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)														1			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
2012(m) Appen. A., Chap 5, Para G, Table 5B and Att. D														1			
3002(c)(1)		3	1	2	1	1	3	3						14			
3002(c)(2)								1						1			
H&S 41700														0			
H&S 41701		3	1		1			1						6			

Report of July 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. M. Yadegar dba Courtesy Cleaners Case #5480-1 (E. Sernel)	1421(d)(1)(G)	Petitioner failed to meet the July 1, 2004 compliance deadline. Supplier erroneously advised petitioner that the equipment is in stock and ready for shipment to meet the deadline.	Not Opposed/Granted	IV granted commencing 7/6/04 for 30 days or until the SV hearing currently scheduled for 7/21/04, whichever comes first.	PERC: 1.88 lbs/day 4 days per week
2. M. Yadegar dba Courtesy Cleaners Case #5480-1 (E. Sernel)	1421(d)(1)(G)	Petitioner failed to meet the July 1, 2004 compliance deadline. Supplier erroneously advised petitioner that the equipment is in stock and ready for shipment to meet the deadline.	Not Opposed/Granted	SV granted commencing 7/28/04 and continuing through 8/12/04, the FCD.	PERC: 1.88 lbs/day 4-days per week
3. Custom Fiberglass Manufacturing Company Case #4974-5 (E. Sernel)	203(b) 3002(c)(1) 1145(c)(6) 1171(c)(5)(A)(i)	The control equipment was damaged by fire. Replacement parts will take a few days to replace. Petitioner seeks to continue operating in the interim.	Not Opposed/Granted	Ex Parte granted commencing 7/29/04 and continuing through 7/31/04, the FCD.	VOC: 850 lbs/day
4. Equilon Enterprises, LLC Case #4982-49 (N. Feldman)	203(b) 2004(f)(1)	Bearing failure occurred in the induced draft fan. Emissions cannot be vented to the SCR while the fan is shut down for repairs.	Not Opposed/Granted	Ex Parte granted commencing 7/7/04 and continuing through 7/16/04, the FCD.	NO _x : 484 lbs/day
5. Equilon Enterprises, LLC Case #4982-51 (C. Engelhardt)	203(b)	The primary flare gas recovery compressor was shut down after mechanical failure. The recovery rate of the spare compressor put into service is less than that of the primary compressor.	Opposed/Denied	Ex Parte denied. EV hearing scheduled for 7/27/04 off calendar.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. ExxonMobil Oil Corporation Case #1183-382 (N. Feldman)	203(b) 2004(f)(1) 2011(c)(2) 2011(e)(1) 2012(c)(2) 2012(g)(1)	Emergency repairs are needed for induced draft fan. Emissions cannot be vented to the SCR while the fan is shut down for repairs.	Not Opposed/Granted	Ex Parte granted commencing 7/28/04 and continuing for 30 days or until the EV currently scheduled for 8/5/04.	NO _x : 1,580 lbs/day
7. Falcon Foam, a division of Atlas Roofing Corporation Case #3529-7 (C. Engelhardt)	203(b) 2004(f)(1) 1175(c)(2) 1175(c)(4)(B)(ii)(II) 2004	An extension is needed to resolve the sample collection and storage issues and new issues raised by EPA regarding collection efficiency testing.	Not Opposed/Granted	M/E granted commencing 7/27/04 and continuing through 12/17/04, the FCD.	VOC: TBD
8. Hanover Compressed Natural Gas, on behalf of LA CO., Metropolitan Trans Authority Case #5482-1 (Mednick/Essner)	202 203 1110.2	The ICEs are exceeding the emission limits. The exceedance was undetected by petitioner because of improper testing procedures.	Not Opposed/No Action	No action taken on the IV because of the lack of 3 concurring votes. SV scheduled for 8/4/04.	
9. Life-Like Products, LLC Case #5465-1 (N. Feldman)	203(b) 2004(f)(1) 1175(c)(2) 1175(c)(4)(B)(ii)(II)	The modification of the variance is needed to clarify that petitioner may: (1) use up the current supply of polystyrene beads with pentane content of 5.2 to 5.5%; and (2) that low-pentane content beads referenced in the previous granted variance may contain up to 5.0 pentane.	Not Opposed/Modified	Variance modified. The Board amended Condition No. 1 of the prior order granted on 6/2/04 and adopted new conditions, now numbered two and three. All other conditions of the 6/2/04 order remain in effect and are renumbered as Condition Nos. 4 through 11.	VOC: Up to 179 lbs/day, TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
10. Mizkan Americas, Inc. (Formerly Nakano Foods) Case #5411-4 (C. Engelhardt)	202(a)	Petitioner desires to continue operating during the installation of the new scrubbers.	Not Opposed/Granted	<p>SV granted for the acetators A-1 through A-8 with respect to P/C No. 41702. Permit Conditions 1,4, and 5 shall commence on the date specified in the first notice given to the District pursuant to Condition No. 1 and shall continue for three hours.</p> <p>SV granted for 60 days for acetators A-1 through A-8 with respect to P/C No. 41702 and permit Condition Nos. 1 & 5 and for associated scrubbers, P/C Nos. 417093 and 417094. Permit Condition No. 1 shall commence on the date specified in the first notice given to the District pursuant to Condition No. 1.</p> <p>SV granted for acetators A-6 through A-8 from P/C No. 417092 for Permit Condition Nos. 1 & 5 for two (2) hours commencing on the date specified in the second notice given to the District pursuant to variance Condition No. 1.</p>	VOC (including acetaldehyde): 1 day at 78 lbs/day 1 day at 52 lbs/day
11. Paramount Petroleum Corporation Case #2914-70 (A. Mednick)	202 203 2004	Petitioner seeks to resume the operation of the heaters at firing rates in excess of the limits in the permit conditions.	Opposed/Dismissed	IV dismissed for lack of good cause.	
12. SCAQMD vs. ConocoPhillips Company Case #4900-65 (N. Feldman)	203(b) 2004(f)(1) 401(b)(1)(A) 404(a) 405(a) H&S 41701	The north ESP operating at low power has resulted in higher than normal visible emissions. Respondent must shut down the north ESP to conduct an internal inspection and repair. Shutting down the north ESP is contrary to the permit conditions.	Stipulated/Granted	O/A Issued. The Hearing Board shall retain jurisdiction over this matter until 7/31/04.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
13. SCAQMD vs. Fox Hills Industries, Inc. Case #5469-1 (C. Engelhardt)	402	Nuisance odors from the mold and core making operations.	Issued/Not Stipulated	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 2/28/05.	
14. SCAQMD vs. Liston Brick Company of Corona Case #4941-1 (B. Theis)	203(b) 2004(f)(1) 2004(b)(1) 2012(d)(2) 2012(e)(2)(B) 2012(j)(1) 2012(j)(2) 2012 Appendix A, Chp. 3, Section (A)(6) 3002(c)(1)	Respondent seeks additional time to replace certain equipment associated with the control system. The Respondent had been operating for a considerable amount of time in violation of several rules, and has denied entry to inspectors.	Not Opposed/Denied	Mod/O/A denied. Stipulated O/A issued on 1/28/04 remains in effect.	
15. SCAQMD vs. Kinder Morgan Liquids Terminals, LLC Case #5425-3 (C. Engelhardt)	402	Odor nuisance from marine fuel terminal.	Not Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 7/7/05.	
16. SCAQMD vs. United States Government, General Services Administration Case #5461-2 (N. Feldman)	203(a) 1146(c)(3)(A) 1146.1(c)(1)	Four boilers are operating with NO _x emissions exceeding the 30 ppm limit in Rule 1146.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 10/1/05.	
17. SCAQMD vs. Zamora's Mexican Food Products Corporation Case #5344-3 (C. Engelhardt)	203(b)	Respondent is operating without required permits.	Not Stipulated/Issued	O/A Issued. The Hearing Board shall retain jurisdiction over this matter until 3/1/05.	
18. Southern California Edison Company Case #1262-81 (A. Mednick)	202(a) 2004(f)(1) 3002(c)(1)	Petitioner seeks to operate a diesel ICE without a newly installed SCR because of frequent fouling of the catalyst. The ICE provides power for generators which provide power for Catalina Island.	Not Opposed/Granted	AOC & RV granted commencing 7/15/04 and continuing through 12/31/04, the FCD.	RV: NO _x : 504 lbs/day AOC: None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
19. Southern California Edison Company Case #1262-82 (E. Sernel)	203(b) 2004(f)(1) 3002(c)(1) 3002(c)(2)	Unit 14 cannot be operated until a major breakdown can be repaired. The required ammonia slip test cannot be performed by the end of second quarter while the unit is down for repairs.	Not Opposed/Granted	IV granted commencing 6/30/04 and continuing for 90 days or until the SV hearing currently scheduled for 8/24/04, whichever comes first.	None
20. Thums Long Beach Company Case #2515-13 (Consent Calendar Item)	203(b) 2004(f)(1)	Automation upgrades of off shore oil production facilities require the temporary shut down of the vapor recovery units serving the water clarification system.	Not Opposed/Granted	SV granted for two three-hour periods to commence on the date and time specified in the notice given pursuant to Condition No. B1 of the order.	VOC: TBD for a total of 2 days

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
 MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance
 PM: Particulate Matter
 VOC: Volatile Organic Compound
 CO: Carbon Monoxide