

BOARD MEETING DATE: February 3, 2006

AGENDA NO. 23

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 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 **December 2005 Hearing Board Cases**.

The total number of appeals filed during the period December 1 to December 31, 2005 is 1, and the total number of appeals filed during the period of January 1 to December 31, 2005 is 13.

	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		2	21		
461(e)(2)(A)(i)														0		
461(e)(2)(B)(i)						4	20	2	1	10	2		2	41		
461(e)(2)(C)														0		
461(e)(3)						4	20	2	1	10	2		2	41		
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	2		
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)			2						1					3		
1110.2(d)(1)(B)			3						1					4		
1110.2(d)(1)(C)			2		1				1					4		
1110.2(e)(1)(A)														0		
1110.2(e)(1)(B)(i)(II)			2		1									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		
1121(c)(2)(C)													4	4		
1121(c)(3)													4	4		
1121(c)(6)													4	4		
1121(e)(3)													4	4		
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		
1125(c)(1)(C)													2	2		
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)(1)													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		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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 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	2	24
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 December 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. A.O. Smith-Water Products CO. Case #5560-1 (C. Engelhardt)	1121(c)(2)(C) 1121(c)(3) 1121(c)(6) 1121(e)(3)	The water heater manufacturer cannot meet the 1/1/06 deadline for Rule 1121 residential gas water heaters.	Not Opposed/Granted	<p>RPV for Rule 1121(c)(2)(C) and (e)(3) is granted commencing 1/1/06 and continuing through 12/31/07, the FCD.</p> <p>RPV for Rule 1121(c)(3) is granted for an eighteen month period commencing 1/1/06 and continuing through 6/30/07, the FCD.</p> <p>RPV for Rule 1121(c)(6) is granted for one and half year period with the new "sell through" period commencing 7/1/06 and continuing through 12/31/07, the FCD.</p>	NO _x & CO: TBD
2. American Water Heater Co. Case #4834-2 (C. Engelhardt)	1121(c)(2)(C) 1121(c)(3) 1121(c)(6) 1121(e)(3)	The water heater manufacturer cannot meet the 1/1/06 deadline for Rule 1121 residential gas water heaters.	Not Opposed/Granted	<p>RPV for Rule 1121(c)(2)(C) and (e)(3) is granted commencing 1/1/06 and continuing through 12/31/07, the FCD.</p> <p>RPV for Rule 1121(c)(3) is granted for an eighteen month period commencing 1/1/06 and continuing through 6/30/07, the FCD.</p> <p>RPV for Rule 1121(c)(6) is granted for one and half year period with the new "sell through" period commencing 7/1/06 and continuing through 12/31/07, the FCD.</p>	NO _x & CO: TBD
3. BP West Coast Products, LLC Case #5357-30 (N. Feldman)		The boiler must be removed from service to conduct a state mandated safety inspection contrary to a permit condition in order.	Not Opposed/Modified	Mod./Variance granted. The Hearing Board modified Condition No. 14, imposed at the SV hearing granted petitioner on 7/12/05.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
4. Bradford White Corporation Case #5566-1 (C. Engelhardt)	1121(c)(2)(C) 1121(c)(3) 1121(c)(6) 1121(e)(3)	The water heater manufacturer cannot meet the 1/1/06 deadline for Rule 1121 residential gas water heaters.	Not Opposed/Granted	RPV for Rule 1121(c)(2)(C) and (e)(3) is granted commencing 1/1/06 and continuing through 12/31/07, the FCD. RPV for Rule 1121(c)(3) is granted for an eighteen month period commencing 1/1/06 and continuing through 6/30/07, the FCD. RPV for Rule 1121(c)(6) is granted for one and half year period with the new "sell through" period commencing 7/1/06 and continuing through 12/31/07, the FCD.	NO _x & CO: TBD
5. City of Los Angeles, Department of Airports Case #4703-6 (C. Engelhardt)	203(b) 3002(c)(1)	The backup ICE serving the airport approach lighting system may have to be used in excess of the 200 hours per year limit in the permit because of unusual weather conditions.	Not Opposed/Granted	SV granted commencing upon the date and time specified in the notice given to the District pursuant to Condition No. 1 of this Order and continuing through 12/31/05, the FCD.	TBD
6. Eastern Municipal Water District Case #4937-23 (A. Mednick)	203(b)	Petitioner needs to connect the new digester tanks to the gas collection system resulting in the release of sulfur bearing gases.	Not Opposed/Granted	SV granted for one day for each event and no less than two hours for each event in a window-of-time commencing 12/15/05 and continuing through 1/31/06, the FCD.	Trichloroethylene: 3.47 lbs/day Perchloroethene: 8.47 lbs/day Benzene: 6.68 lbs/day H ₂ S: 3.03 lbs/day
7. Eastern Municipal Water District Case #4937-24 (N. Feldman)	203(b)	Petitioner shut down the odor scrubber to prevent the intake of raw sewage after a broken pipe was discovered that caused the sewage level to rise above the scrubber intake.	Not Opposed/Granted	Ex Parte granted commencing 12/20/05 and continuing for 30 days or until the SV hearing currently scheduled for 1/10/06, whichever comes first.	H ₂ S & Other Sulfur Compounds: 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. ExxonMobil Oil Corporation Case #1183-395 (J. Panasti)	203(b) 2004(f)(1) 464(b) 1176(e), only with respect to the 500 ppmv limit	The wastewater system must be temporarily disconnected from VRS to perform maintenance operations.	Not Opposed/Granted	RV granted commencing 12/8/05 and continuing through 2/1/06, the FCD.	None
9. Praxair, Inc. Case #4616-12 (J. Panasiti)	203(b) 2004(f)(1)	A source test indicated that the NH ₃ slip from SCR exceeded the limit specified in the permit to operate.	Not Opposed/Granted	Ex Parte granted commencing 12/20/05 and continuing for 30 days or until the SV hearing currently scheduled for 1/11/06, whichever comes first.	NH ₃ : 7.24 lbs/day
10. Preproduction Plastics, Inc. Case #5577-1 (A. Mednick)	203(b) 3002(c)(1) 1145(c)(1)	A supplier failed to supply petitioner with compliant coatings to meet 1/1/06 deadline for VOC content as promised.	Not Opposed/Granted	Ex Parte granted commencing 1/1/06 and continuing for 30 days or until SV hearing currently scheduled for 1/19/06, whichever occurs first.	VOC: 11 lbs/day
11. Rheem Water Heaters Case #5556-1 (C. Engelhardt)	1121(c)(2)(C) 1121(c)(3) 1121(c)(6) 1121(e)(3)	The water heater manufacturer cannot meet the 1/1/06 deadline for Rule 1121 residential gas water heaters.	Not Opposed/Granted	RPV for Rule 1121(c)(2)(C) and (e)(3) is granted commencing 1/1/06 and continuing through 12/31/07, the FCD. RPV for Rule 1121(c)(3) is granted for an eighteen month period commencing 1/1/06 and continuing through 6/30/07, the FCD. RPV for Rule 1121(c)(6) is granted for one and half year period with the new "sell through" period commencing 7/1/06 and continuing through 12/31/07, the FCD.	NO _x & CO: TBD
12. SCAQMD vs. Aquileo Vega Gutierrez, individually and dba Gutierrez Roofing Company Case #5548-1 (B. Theis)	203(a)	Respondent has been operating tar kettles without permits to operate since early 2002.	Not Stipulated/Issued	O/A issued commencing forthwith and continuing through 12/7/07. The Hearing Board shall retain jurisdiction over this matter until 12/7/07, 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 or Order	Excess Emissions
18. SCAQMD vs. Guillermo Ramirez, individually and dba IMP; aka Industrial Metal Plating Case #5466-2 (B. Theis)	203(a) 1469(j)(4)(A) 1469(j)(4)(D) 1469(k)(3)(A)	Respondent is operating a chrome plating operation without permits and has failed to maintain records for at least two years.	Not Stipulated/Issued	O/A issued commencing forthwith and continuing through 12/7/07. The Hearing Board shall retain jurisdiction over this matter until 12/7/07, unless the Order is amended or modified.	
19. SCAQMD vs. Group O/A Rule 461 EVR-Class 1 Case #5516-2 (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)	Respondents failed to comply with the 4/1/05 deadline for enhanced vapor recovery at gasoline dispensing facilities.	Stipulated/Issued	Mod. O/A issued commencing forthwith and continuing through 2/1/06. The Hearing Board shall retain jurisdiction over this matter until 2/1/06.	
20. 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)	Respondents failed to comply with the 4/1/05 deadline for enhanced vapor recovery at gasoline dispensing facilities.	Stipulated/Issued	Mod. O/A issued commencing forthwith and continuing through 2/1/06. Hearing Board shall retain jurisdiction over this matter until 2/1/06.	
21. SCAQMD vs. Hydro Systems Case #5563-2 (C. Engelhardt)	203(b)	Respondent has failed to conduct a required source test and has been operating a fiberglass tub manufacturing operation without a permit to operate.	Stipulated/Issued	O/A issued commencing forthwith and continuing through 5/1/06. The Hearing Board shall retain jurisdiction over this matter until 5/1/06.	
22. SCAQMD vs. Long Beach Shaving Company, Inc. Case #5571-1 (B. Theis)	203(b) 403(d)(1)(A)	Respondent operates a wood chip and sawdust processing system. Respondent has failed to maintain a cyclone used to control emissions resulting in fugitive emission violations.	Not Stipulated/Issued	O/A issued commencing forthwith and continuing through 12/20/06. The Hearing Board shall retain jurisdiction over this matter until 12/20/06.	
23. SCAQMD vs. Metal Container Corporation, Inc. Case #3840-8 (C. Engelhardt)	1125(c)(1)(C)	Respondent is using noncompliant ink in inkjet printers.	Stipulated/Issued	O/A issued commencing forthwith and continuing through 2/1/07. The Hearing Board shall retain jurisdiction over this matter until 2/1/07.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
24. SCAQMD vs. Rexam Beverage Can Company Case #5290-4 (C. Engelhardt)	1125(c)(1)(C)	Aluminum can manufacturing facility uses noncompliant ink in ink jet guns.	Stipulated/Issued	O/A issued commencing forthwith and continuing through 2/1/07. The Hearing Board shall retain jurisdiction over this matter until 2/1/07.	
25. Signal Hill Petroleum Case #2166-8 (E. Sernel)	203(b) 2004(f)(1)	Petitioner conducted required source tests at 100% and 75% of the full load but operational problems prevented petitioner from testing at 50% load.	Not Opposed/Granted	RV granted commencing 12/14/05 and continuing through 9/14/06, the FCD.	None
26. Signal Hill Petroleum West Unit/Gas Plant Case #2166-9 (C. Engelhardt)	203(b) 2004(f)(1)	A source test of the turbine indicated noncompliance with permit conditions. Petitioner seeks to continue operating the turbine which supplies 75% of power for oil/gas production and the natural gas processing plant.	Not Opposed/Granted	SV granted commencing 12/21/05 and continuing through 2/28/06, the FCD.	VOC: 11.66 lbs/day
27. Southern California Gas Company, Aliso Canyon Natural Gas Storage Facility Case #137-62 (B. Theis)	203(b) 2004(f)(1)	Petitioner is waiting for the District to take action on a permit allowing the exchange of one of the three turbines when one turbine is removed for maintenance or repair.	No Position/Granted	RV granted and shall commence upon the notice of the installation of the GB102 unit in the D16 location and shall continue until GB102 unit is replaced by D16, but in no event later than 12/6/06, the FCD.	NO _x : 32.34 lbs/hr. CO: less than 2000 ppm PM: less than .01 g/csf
28. Ultramar, Inc. dba Valero Wilmington Refinery Case #3845-63 (B. Theis)	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.	No Position/Granted	SV granted commencing upon the date specified in the notice given pursuant to Condition No. 2A of the Order. The variance shall continue for 30 days thereafter and in no event later than 3/19/06, the FCD.	PM: 0.45 ton/day NO _x : 1.84 tons/day ROG: 1.70 tons/day CO: 9.99 tons/day SO _x : 0.72 ton/day
29. Z&R Oil Company Case #5464-3 (B. Theis)	203(a) 461(c)(2)(A) 461(c)(3)(A) 461(c)(3)(C)	Required gasoline vapor recovery equipment is on back order.	No Position/Granted	SV granted commencing 12/21/05 and continuing through 2/28/06, the FCD.	VOC: 82 lbs/day

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

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
- Mod. O/A: Modification of an Order for Abatement
- Mod./Variance: Modification of a Variance
- PM: Particulate Matter
- VOC: Volatile Organic Compound
- CO: Carbon Monoxide