BOARD MEETING DATE: May 5, 2006   AGENDA NO. 17

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of March 1 through March 31, 2006.

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 2006** and **March 2006 Hearing Board Cases**.

The total number of appeals filed during the period March 1 to March 31, 2006 is 2, and the total number of appeals filed during the period of January 1 to March 31, 2006 is 5.

	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
Rules from which Variances and Order for Abatements were Requested in 2006														
# of HB Actions*														
Involving														
Rules														
109				1										1
109(c)														0
109(c)(1)														0
201														0
201.1														0
202														0
202(a)		1	3											4
202(b)														0
202(c)			1											1
203														0
203(a)		1	3	3										7
203(b)		16	6	12										34
208														0
218														0
218.1														0
218.1(b)(1)(E)														0
218(d)(1)(B)														0
218(f)(2)														0
221(b)														0
301.0														0
401		1												1
401(a)														0
401(b)														0
401(b)(1)		1												1
401(b)(1)(A)														0
401(b)(1)(B)														0
402		1												1
403(d)(1)														0
403(d)(1)(A)		1												1
404														0
404(a)		1												1
404(b)														0
405														0
405(a)		1												1
405(b)														0
407(a)		1												1
407(a)(1)														0
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														0
461(c)(1)														0
461(c)(1)(A)		3	1	1										5
461(c)(1)(B)		3	1	1										5
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)			1	1										2
461(c)(3)(C)														0
461(c)(3)(D)(ii)														0
461(c)(3)(E)														0

2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
461(c)(3)(H)													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)	3	1	1										5
461(e)(2)(A)(i)													0
461(e)(2)(B)(i)	3	1	1										5
461(e)(2)(C)													0
461(e)(3)	3	1	2										6
461(e)(3)(A)		1	1										2
461(e)(3)(C)(i)(I)			1										1
461(e)(3)(D)			1										1
461(e)(3)(E)			1										1
461(e)(7)(c)(v)			1										1
462(c)(3)(B)													0
463(c)(3)(C)													0
462(c)(4)(B)(i)													0
462(c)(7)(A)(ii)													0
462(d)													0
462(d)(1)													0
462(d)(1)(A)		1											1
462(d)(1)(A)(i)													0
462(d)(1)(C)		1											1
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)		1											1
462(e)(1)(E)(ii)													0
462(e)(2)(A)(i)													0
462(e)(4)													0
462(h)(1)		1											1
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)													0
463(c)(3)(C)		1											1
463(d)(2)													0
463(e)(3)(C)													0
463(e)(4)													0
464(b)													0
468													0
468(a)													0
468(b)													0
1102													0
1102(c)(2)													0
1102(c)(5)		1											1
1104(c)(1)													0
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
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

2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)(1)(A)													0
1110.2(f)(1)(B)													0
1110.2(f)(1)(E)													0
1113(c)(2)													0
1115(c)(3)													0
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)													0
1121(c)(3)													0
1121(c)(6)													0
1121(e)(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)	1												1
1122(e)(4)(A)													0
1122(e)(4)(B)													0
1122(g)(3)													0
1122(j)			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)													0
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
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

2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1146(c)(3)(A)													0
1146(c)(5)													0
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
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
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
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)			1										1
1171													0
1171(c)													0
1171(c)(1)	1												1
1171(c)(1)(A)(i)													0
1171(c)(1)(b)(i)													0
1171(c)(4)	1												1
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

	2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1175(c)(4)(B)			1											1
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)														0
1176(e)														0
1176(e)(2)														0
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)														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(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										17
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

2006	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2011(c)(2)			1										1
2011(c)(2)(A)													0
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
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
2012(c)(2)(C)													0
2012(c)(3)													0
2012(c)(3)(A)		1											1
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(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
3002(c)													0
3002(c)(1)	1	4	2										7
3002(c)(2)													0
H&S 39152(b)													0
H&S 41510													0
H&S 41700													0
H&S 41701		1											1

Report of March 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. Century Center LLC Case #5599-1 (B. Theis)	203(a)	Permit for ICE serving backup pump denied for failure to meet BACT.	Opposed/Denied	Ex Parte EV denied.	
2. Corona City, Dept of Water & Power Case #5595-1 (J. Panasiti)	203(b) 2004(f)(1)	Operational difficulties required petitioner to modify its system, delaying required source test.	Not Opposed/Granted	Ex Parte EV granted commencing 3/3/06 and continuing for 30 days.	None
3. County of San Bernardino Case #3838-8 (A. Mednick)	203(b) 1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6) 1150.1(e)(1) 1150.1(e)(2) 1150.1(e)(3)	Mandatory closure of portion of landfill will require temporary disconnection of gas collection system during placement of final cover.	Not Opposed/Granted	RV granted commencing on the date specified in the notice to be given to the District pursuant to Condition No. 2 and continuing for 11 months thereafter but no later than 10/1/07, the FCD.	TOC TBD
4. Equilon Enterprises, LLC, dba Shell Oil Co. US Case #4982-67 (N. Feldman)	203(b) 2004(f)(1)	Induced draft fan serving heater and SCR had to be shut down for emergency repair. Shut down of the fan caused the SCR to be bypassed.	Not Opposed/Granted	EV granted commencing 3/22/06 and continuing through 3/28/06, the FCD.	NO_X 345 lbs/day
5. Equilon Enterprises, LLC, Shell Oil Products US Case #4982-67 (N. Feldman)	203(b) 2004(f)(1)	SCR shut down to repair or replace induced draft fan serving the SCR.	Not Opposed/Granted	Ex Parte EV granted commencing 3/9/06 and continuing until 3/28/06 or until the EV hearing currently scheduled for 3/22/06, whichever comes first.	NO_X 342 lbs/day
6. ExxonMobil Oil Corporation Case #1183-398 (J. Panasiti)	203(b) 2004(f)(1)	SCR must be taken out of service to replace blower.	Opposed/Denied	SV denied.	
7. ExxonMobil Oil Corporation Case #1183-399 (C. Engelhardt)	203(b) 2004(f)(1)	Short variance sought to allow repairs to a heat exchanger in amine recovery unit serving a fuel gas treatment unit. During the repairs, the fuel gas treatment unit would not be in "full use," as required by permit condition.	Not Opposed/Granted	SV granted commencing on the date and time specified in the notice to be given pursuant to Condition No. 1 and continuing for 15 days thereafter but no later than 4/15/06, whichever comes first.	SO_X 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 #1183-400 (C. Engelhardt)	203(b) 2004(f)(1) 2011(c)(2) 2011(e)(1) 2012(c)(2) 2012(g)(1)	Fire in crude unit forced petitioner to cut back on some processes and shut others down. During restart, SCR will not be in full operation and some emissions will be vented through bypass stack.	Not Opposed/Granted	SV granted commencing on 3/8/06 and continuing through 6/6/06, the FCD.	<u>Amine</u> SOx 54 lbs/hr <u>Heater Start-up</u> NOx 750 lbs/total for both heaters <u>Tanks</u> None
9. ExxonMobil Oil Corporation Case #1183-401 (Consent Calendar; No Appearance)	203(b) 2004(f)(1)	Petitioner shut down boiler to make emergency repairs to blower. Petitioner will be in violation upon restart of boiler because it cannot inject NH3 to the SCR until appropriate operating temperature is reached.	Not Opposed/Granted	SV granted commencing on the date set forth in the notice to be given to the District pursuant to Condition No. 1 and continuing for 5 days but no later than 6/1/06, the FCD.	NOx 132.8 lbs/total
10. Group O/A Rule 461 EVR Class 3 Case #5521-13 (Consent Calendar; A. Mednick)	203(b) 461(c)(1)(A) 461(c)(1)(B) 461(e)(2)(A) 461(e)(2)(B)(i) 461(e)(3)	Respondent failed to comply with the 4/1/05 deadline for enhanced vapor recovery at gasoline dispensing facilities.	Stipulated/Issued	O/A issued commencing 3/8/06; the Hearing Board shall retain jurisdiction over this matter until 4/18/06.	
11. Magnolia Power Project, SCPPA Case #5601-1 (C. Engelhardt)	203(b) 2004(f)(1) 3002(c)(1) 2012(c)(2)(A) 2012 Appen. A, Attachment C, Section B.2.a. & b.	Combined cycle unit down for extensive repairs. Petitioner did not restart it in time to conduct RATA and NH3 slip test before the end of the quarter.	Opposed/Granted	Ex Parte EV granted commencing 3/31/06 and continuing for 30 days or until the EV hearing currently scheduled for 4/5/06, whichever comes first.	None
12. SCAQMD vs. Inderjit Chase, individually and dba California Pump, Inc. Case #5593-1 (E. Sernel)	461(e)(3)(A) 461(e)(3)(C)(i)(I) 461(e)(3)(D) 461(e)(3)(E) 461(e)(7)(c)(v)	Respondent installs and tests gasoline vapor recovery equipment. Ten NOVs were issued alleging respondent conducted vapor recovery tests improperly at various gasoline transfer and dispensing facilities and incorrectly marking them as passing.	Stipulated/Issued	O/A issued commencing 3/28/06; the Hearing Board shall retain jurisdiction over this matter until 3/31/11.	

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. Marco Orencio Alba, aka Marco Orencio Alba Blanco, individually and dba Woodworks Custom Shutters Case #5522-2 (C. Engelhardt)	109 203(a)	Respondent has been operating paint spray booth without permit and has not kept usage records for several years.	Not Stipulated/Issued	O/A issued commencing 3/15/06; the Hearing Board shall retain jurisdiction over this matter until 9/15/07.	
14. SCAQMD vs. Parker Hannifin Corporation, Hydraulic Accumulator Division Case #5582-1 (Consent Calendar; No Appearance)	1168(h)(2)	Respondent uses primer and additive containing PCE, a prohibited compound.	Stipulated/Issued	O/A issued commencing 3/7/06; the Hearing Board shall retain jurisdiction over this matter until 9/30/07.	
15. SCAQMD vs. Raymond Tarverdyan, individually, and dba Fashion Cleaners Case #5590-1 (B. Theis)	203(a)	Dry cleaning equipment operating without permit to operate since 6/25/04. Five NOVs issued; respondent continues operating in violation.	Not Stipulated/Issued	O/A issued commencing 3/14/06; the Hearing Board shall retain jurisdiction over this matter until 3/14/11.	
16. SCAQMD vs. Shawn Khattak, individually and dba Petrotechs Case #5584-1 (B. Theis)	461(c)(3)(A) 461(e)(3)	Respondent operates a gasoline dispensing facility, construction and testing business. District alleged multiple instances of improper testing, reporting and equipment installations.	Stipulated/Issued	Mod. O/A issued commencing 3/8/06; the Hearing Board shall retain jurisdiction over this matter until 3/8/11.	
17. SCAQMD vs. Storopack, Inc. Case #5569-2 (B. Theis)	203(b) 1175 3002(c)(1)	Respondent does not control VOC from its EPS packaging manufacturing operations at two facilities, as required by Rule 1175.	Stipulated/Issued	O/A issued commencing 3/22/06; the Hearing Board shall retain jurisdiction over this matter until 3/22/08.	
18. SCAQMD vs. Tur-Bo Jet Products Co., Inc. Case #5585-1 (E. Sernel)	1122(j)	Respondent using prohibited solvent in vapor degreaser for four years.	Opposed/Issued	O/A issued commencing 3/16/06; the Hearing Board shall retain jurisdiction over this matter until 3/16/07.	
19. Westway Terminal Company Case #5050-5 (J. Panasiti)	203(b)	Roof of IFR tank sank during railcar to tank transfer of methylene chloride.	Not Opposed/Granted	Ex Parte EV granted commencing 3/2/06 and continuing for 30 days or until the EV hearing currently scheduled for 3/8/06, whichever comes first.	Methylene Chloride 1.25 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

Acronyms

CO: Carbon Monoxide
EV: Emergency Variance
FCD: Final Compliance Date
H&S: Health & Safety Code
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
NH3: Ammonia
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
TOC: Total Organic Compounds
VOC: Volatile Organic Compound