BOARD MEETING DATE: April 4, 2008   AGENDA NO. 16

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period
                 of February 1 through February 29, 2008.

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 2008** and **February 2008 Hearing Board Cases**.

The total number of appeals filed during the period February 1 to February 29, 2008 is 1,
and the total number of appeals filed during the period of January 1 to February 29, 2008
is 6.

Rules from which Variances and Order for Abatements were Requested in 2008

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
# of HB Actions*													
Involving													
Rules													
109													0
109(c)													0
109(c)(1)													0
201													0
201.1													0
202	1												1
202(a)	1												1
202(b)	1	1											2
202(c)													0
203	2												2
203(a)		1											1
203(b)	7	5											12
204	1												1
208													0
218													0
218.1													0
218.1(b)(1)(E)													0
218(b)(2)	1												1
218(d)(1)(B)													0
218(f)(2)													0
221(b)	1												1
301													0
301(8)													0
401	1												1
401(a)													0
401(b)													0
401(b)(1)	1	1											2
401(b)(1)(A)													0
401(b)(1)(B)													0
402													0
403(d)(1)													0
403(d)(1)(A)													0
403(d)(2)													0
404													0
404(a)													0
405													0
405(a)													0
405(b)													0
407(a)	1	1											2
407(a)(1)													0
407(a)(2)(A)													0
409													0
431.1(c)(2)	1												1
431.1(d)(1)	1												1
431.1(d)(1), Att A(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)													0
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

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
461(c)(3)(B)													0
461(c)(3)(C)													0
461(c)(3)(D)(ii)													0
461(c)(3)(E)													0
461(c)(3)(H)													0
461(c)(3)(M)	1												1
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)	1												1
461(e)(2)(A)(i)													0
461(e)(2)(B)(i)	1												1
461(e)(2)(C)													0
461(e)(3)	1												1
461(e)(3)(A)													0
461(e)(3)(C)(i)(I)													0
461(e)(3)(D)													0
461(e)(3)(E)													0
461(e)(5)	1												1
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)(B)	1												1
462(d)(1)(C)													0
462(d)(1)(E)(ii)													0
462(d)(1)(F)													0
462(d)(1)(G)													
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													0
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)													0
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)													0
1104(c)(1)													0
1105.1(d)(1)(A)(i)													0
1105.1(d)(1)(A)(iii)													0
1106(c)(1)													0
1106.1(c)(1)													0
1106.1(c)(1)(A)													0

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
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)													0
1113(d)(3)													0
1118(d)(1)(2)													0
1118(d)(1)(2)													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)													0
1118(g)(3)													0
1118(i)(5)(B)(i)													0
1118(j)(1)(A)(ii)													0
1118(j)(1)(B)(ii)													0
1118(j)(1)(C)													0
1121(c)(2)(C)													0
1121(c)(3)													0
1121(c)(6)													0
1121(c)(7)													0
1121(c)(8)													0
1121(e)(3)													0
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)													0
1125(c)(1)(C)													0
1125(c)(2)													0
1128(c)(1)													0
1128(c)(2)													0
1130													0
1130(c)(1)													0
1130(c)(4)													0
1131													0
1131(d)													0

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1132(d)(2)													0
1132(d)(3)													0
1133(d)(8)													0
1133.2(d)(8)													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(g)(2)													0
1145(h)(1)(E)													0
1146													0
1146(c)(3)(A)													0
1146(c)(5)													0
1146(d)(6)													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
1148.1													0
1150.1													0
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													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	1												1
1158(d)(2)	1												1
1158(d)(5)													0
1158(d)(7)													0

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1158(d)(7)(A)(ii)													0
1158(d)(10)	1												1
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													0
1171(c)													0
1171(c)(1)													0
1171(c)(1)(A)(i)													0
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
1173(c)													0
1173(d)		1											1
1173(e)(1)													0
1173(f)(1)													0
1173(g)		1											1
1175	1												1
1175(c)(2)	1												1
1175(c)(4)(B)	1												1
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)													0
1175(d)(4)(ii)(II)													0
1176													0
1176(e)													0
1176(e)(2)													0
1176(e)(2)(A)													0
1176(e)(2)(A)(ii)													0
1176(e)(6)(A)													0
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
1186.1	1												1
1189(c)(2)													0
1189(c)(3)													0
1195.0													0
1195(d)(1)(D)													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

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
1469(j)(4)(A)													0
1469(j)(4)(D)													0
1469(k)(3)(A)													0
1470													0
1470(c)(2)(C)(iv)													0
2004(b)(1)													0
2004(b)(4)													0
2004(c)(1)													0
2004(c)(1)(C)													0
2004(f)(1)	3	3											6
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(g)(1)													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
2012(c)(2)(B)		1											1
2012(c)(3)													0
2012(c)(3)(A)													0
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

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2012(h)(4)													0
2012(h)(5)													0
2012(h)(6)													0
2012(i)													0
2012(j)(1)													0
2012(j)(2)													0
2012, Protocol (Appen. A) Chap. 2, Part A.1.a		1											1
2012, Protocol (Appen. A) Chap. 2, Part B.4		1											1
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													0
3002(c)													0
3002(c)(1)	1	2											3
3002(c)(2)													0
H&S 39152(b)													0
H&S 41510													0
H&S 41700													0
H&S 41701													0

Report of February 2008 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. Delmac Construction and Development, Inc. Case #5682-1 (B. Theis)	203(a)	Petitioner desires to commence work prior to obtaining permit involving lead cleanup at school site.	Opposed/Denied	Ex Parte EV denied.	N/A
2. East Yard Communities for Environmental Justice Re: Activar Companies, Inc. Case #5675-1 (W. Wong)	N/A	Petitioner appealed issuance of permit for operation of flares.	Opposed/Dismissed	The Board granted the District's Motion to Dismiss the appeal for lack of jurisdiction because the appeal petition was not timely filed.	N/A
3. Lunday-Thagard Company Case #2033-17 (C. Engelhardt; Consent Calendar)	202(b) 203(b) 2004(f)(1)	Petitioner seeks modification and extension of variance while negotiating with District to resolve issues related to appeals on conditions of permits.	Not Opposed/Granted	MFCD/EXT granted commencing 2/28/08 and continuing through 4/22/08.	VOC 2 lbs/day
4. Reliant Energy Etiwanda Case #5250-7 (B. Theis)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(2)(B) 2012, Protocol (Appendix A) Chap. 2, Part A.1.a 2012, Protocol (Appendix A) Chap. 2, Part B.4 3002(c)(1)	Sample line to CEMS must be disconnected to enable access to flue gas recirculation fan for needed maintenance overhaul.	Not Opposed/Granted	SV granted commencing on the date specified in the notice to be given pursuant to Condition No. 4 and continuing for 30 consecutive days to occur between 2/12/08 and 4/30/08.	None
5. Ultramar Inc., dba Valero Wilmington Refinery Case #3845-75 (J. Panasiti)	203(b) 401(b)(1) 407(a) 1173(d) 1173(g) 2004(f)(1)	VOC emissions from leaking gaskets in heat exchangers.	Not Opposed/Granted	Ex Parte EV granted commencing 2/4/08 and continuing for 30 days or until the EV hearing currently scheduled for 2/12/08, whichever comes first.	PM 3.4 lbs/day NOx 22 lbs/day CO 4 lbs/day VOC 32 lbs/day SOx as SO2 4 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
6. USA Waste of California Case #5139-1 (B. Theis)	203(b) 3002(c)(1)	Petitioner is unable to complete repairs in time to conduct source test within required time frame.	Not Opposed/Granted	SV granted for a period of up to two hours for operational testing and an additional one day for source testing to occur between 3/1/08 and 5/29/08.	TBD when petitioner submits the results of the upcoming source test to the District, but no later than 5/29/08.
7. Verizon California, Inc. Case #5660-2 (C. Engelhardt)	203(b)	Extended power outage caused petitioner to exceed annual hours of operation limit of ICE driven emergency generator. Petitioner will need to operate generator periodically for remainder of year to demonstrate its readiness in event of another outage.	Not Opposed/Granted	IV granted commencing 2/19/08 and continuing for 90 days or until the RV hearing currently scheduled for 4/3/08, whichever comes first.	PM, HC, CO & NOx TBD based on hours of operation and information that petitioner expects to receive over the next few days with respect to the emissions factor.

Acronyms

CARB: California Air Resources Board
CO: Carbon Monoxide
CEMS: Continuous Emissions Monitoring System
EV: Emergency Variance
FCCU: Fluid Catalytic Cracking Unit
FCD: Final Compliance Date
HC: Hydrocarbons
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 Order for Abatement
NH3: Ammonia
NOV: Notice of Violation
NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM: Particulate Matter
RV: Regular Variance
SCR: Selective Catalytic Reduction
SO2: Sulfur Dioxide
SOx: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
VOC: Volatile Organic Compounds