BOARD MEETING DATE: February 6, 2009   AGENDA NO. 16

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period
                 of December 1 through December 31, 2008.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

                              Edward Camarena
                              Chairman of Hearing Board
rj
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Two summaries are attached: **Rules From Which Variances and Orders for Abatement
Were Requested in 2008** and **December 2008 Hearing Board Cases**.

The total number of appeals filed during the period December 1 to December 31, 2008 is 0,
and the total number of appeals filed during the period of January 1 to December 31, 2008
is 15.

2008	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 2008													
# of HB Actions*													
Involving													
Rules													
109					1								1
109(c)											1		1
109(c)(1)													0
201													0
201.1													0
202	1												1
202(a)	1			5	2	1	2	1	2	2			16
202(b)	1	1		2				2			1		7
202(c)													0
203	2												2
203(a)		1	2		2	1				2		1	9
203(b)	7	5	5	13	6	6	19	7	6	11	13	9	107
204	1												1
208													0
218									1				1
218.1													0
218.1(b)(4)(C)									1				1
218(b)(2)	1				1				1				3
218(c)(1)(A)										1			1
218(d)(1)(B)													0
218(f)(2)													0
221(b)	1												1
301													0
301(8)													0
401	1		1										2
401(a)													0
401(b)													0
401(b)(1)	1	1	1	3		1	1			1			9
401(b)(1)(A)													0
401(b)(1)(B)									1				1
402							1						1
403(d)(1)													0
403(d)(1)(A)													0
403(d)(2)													0
404													0
404(a)													0
405													0
405(a)													0
407							1						1
407(a)	1	1		1			1						4
407(a)(1)													0
407(a)(2)(A)													0
410(d)				1									1
430(b)(3)(A)(iv)							1						1
431					1								1
431.1									1				1
431.1(c)(1)													0
431.1(c)(2)	1				1								2
431.1(c)(3)(C)					1								1
431.1(d)(1)	1			1									2
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

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)(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									1				1
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)										1			1
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)													0
462(d)(2)(A)(i)													0
462(e)(1)													0
462(e)(1)(E)													0
462(e)(1)(E)(ii)													0
462(e)(1)(E)(i)(II)										1			1
462(e)(2)(A)(i)													0
462(e)(4)													0
462(h)(1)													0
463													0
463(c)										1	1		2
463(c)(1)							1						1
463(c)(1)(A)(l)-(iv)													0
463(c)(1)(B)													0
463(c)(1)(C)													0
463(c)(1)(D)									1				1
463(c)(1)(E)													0
463(c)(2)													0
463(c)(2)(B)							1						1
463(c)(2)(C)							1						1
463(c)(3)										1	5		6
463(c)(3)(A)													0
463(c)(3)(B)													0
463(c)(3)(C)													0
463(d)										1			1
463(d)(2)							1						1
463(e)(3)(C)													0
463(e)(4)									1				1
463(e)(5)(C)							1						1
463(g)										1			1
464(b)													0

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
468													0
468(a)													0
468(b)						1						1	2
1102													0
1102(c)(2)													0
1102(c)(5)													0
1103(d)(2)				1									1
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
1107(c)(1)													0
1107(c)(2)													0
1107(d)													0
1110.1													0
1110.2			1				3	1		1			6
1110.2(d)(1)													0
1110.2(d)(1)(A)													0
1110.2(d)(1)(B)													0
1110.2(d)(1)(C)					1		1						2
1110.2(e)(1)(A)													0
1110.2(e)(1)(B)(i)(II)													0
1110.2(e)(1)(B)(i)(III)													
1110.2(e)(1)(B)(ii)													0
1110.2(f)													0
1110.2(f)(1)(A)(iii)(I)									1				1
1110.2(f)(1)(C)(i)											1		1
1113(c)(2)													0
1113(d)(3)													0
1118(c)(4)										1			1
1118(c)(5)										1			1
1118(d)(1)(2)													0
1118(d)(1)(2)													0
1118(d)(2)										1			1
1118(d)(3)										1			1
1118(d)(4)(B)													0
1118(d)(5)(A)													0
1118(d)(5)(B)													0
1118(d)(10)										1			1
1118(d)(12)										1			1
1118(e)													0
1118(g)(1)													0
1118(g)(3)							8						8
1118(i)(5)(B)(i)							9						9
1118(j)(1)(A)(ii)							9						9
1118(j)(1)(B)(ii)							9						9
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

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
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)(B)						1							1
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			1		1								2
1146.2(c)(1)													0
1148.1(d)(6)											1		1
1150.1		2											2
1150.1(d)(C)(i)											1	1	2
1150.1(d)(1)(C)(i)			1		2		1						4
1150.1(d)(4)					1						1	1	3
1150.1(d)(5)											1	1	2
1150.1(d)(6)			1		1						1	1	4
1150.1(d)(7)													0
1150.1(e)													0
1150.1(e)(1)						1					1	1	3
1150.1(e)(2)													0
1150.1(e)(3)											1	1	2
1150.1(e)(1)(C)													0
1150.1(e)(2)(C)													0
1150.1(e)(3)(B)						1							1
1150.1(e)(3)(C)						1							1

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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									2
1158(d)(5)													0
1158(d)(7)													0
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)(1)												1	1
1176(e)(2)													0
1176(e)(2)(A)												1	1
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)(C)							1						1
1178(d)(3)(D)							1						1
1178(d)(3)(E)							1						1
1178(d)(4)(A)(i)													0
1178(g)									1				1
1186.1		1		1									2
1189(c)(3)													0
1195.0													0
1195(d)(1)(D)													0
1303													0

2008	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1303(a)(1)													0
1303(a)(2)										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)													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)													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)(8)(c)(iii)(II)										1			1
1470(c)(2)(C)(iv)													0
1470(c)(9)										1			1
2004(b)(1)													0
2004(b)(4)													0
2004(c)(1)													0
2004(c)(1)(C)													0
2004(f)(1)	3	3	2	10	3	3	12	4	4	9	8	6	67
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)										1			1
2011(c)(3)(A)										1			1
2011(e)(1)													0
2011(f)(3)													0
2011(g)													0
2011(g)(1)										1			1
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

2008	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, Section B.2													
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				1	1			4
2012(c)(2)(B)		1											1
2012(c)(3)													0
2012(c)(3)(A)									1				1
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)									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, 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)					2								2
3002(c)(1)	1	2	1	4	3	2	5	2	3	5	1	2	31
3002(c)(2)													0
Regulation II							1						1
Regulation IX								1					1
Regulation X			1										1
Regulation XI							1						1
Regulation XIII							1						1
H&S 39152(b)													0
H&S 41510													0
H&S 41700													0
H&S 41701				3		1	1		1		1		7

Report of December 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. B. Braun Medical, Inc. Case No. 4780-4 (E. Sernel)	203(b) 2004(f)(1) 3002(c)(1)	NOx and CO limits may be exceeded during repair of cogen system.	Not Opposed/Granted	SV granted commencing 12/31/08 and continuing through 1/3/09.	NOx: 51 lbs/day CO: 20 lbs/day
2. Carter Plating Inc. Case No. 5715-1 (C. Engelhardt)	203(b)	Petitioner has exceeded amp hour limit on nickel plating line.	Opposed/Denied	Ex Parte EV denied.	N/A
3. Chevron Products Company Case No. 831-349 (T. Barrera)	203(b) 2004(f)(1)	NH₃ CEMS serving regenerator on FCCU has failed and needs to be removed for repairs.	No Position/Granted	SV granted commencing 12/10/08 and continuing through 3/10/09.	None
4. City of Burbank, Burbank Water & Power Case No. 1474-21 (E. Sernel)	203(b) 2004(f)(1) 3002(c)(1)	Catalyst serving natural gas turbine suffered early failure.	Not Opposed/Granted	RV granted commencing 12/11/08 and continuing through 7/31/09, the FCD.	NH3: 18 lbs/total each testing event
5. ExxonMobil Oil Corporation Case No. 1183-432 (T. Barrera)	203(b) 2004(f)(1) 468(b)	During repair of pipe that conducts sulfur vapors to thermal oxidizer, vapors will be routed to the oxidizer through a temporary crossover line. This flow path is not specified in permit.	Not Opposed/Granted	Ex Parte EV granted commencing 12/18/08 and continuing for 30 days or until the IV hearing currently scheduled for 1/14/09, whichever comes first.	None
6. OC Waste & Recycling Case No. 5710-1 (J. Panasiti)	203(b) 1150.1(d)(C)(i) 1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6) 1150.1(e)(1) 1150.1(e)(3)	Wildfire in November destroyed headers and laterals that collect landfill gas. Unable to dispose of landfill gas as required.	Not Opposed/Granted	SV granted commencing 12/30/08 and continuing for 90 days or until 3/30/09, whichever comes first.	Waived per Rule 303(p)
7. Paramount Petroleum Corporation Case No. 2914-94 (J. Panasiti)	203(b) 1176(e)(1) 1176(e)(2)(A) 2004(f)(1)	During shutdown, petitioner plans to complete upgrades to emergency flare system. To complete upgrades, petitioner must take flare flow monitoring system out of service and will be unable to comply with Rule 1118 monitoring and reporting.	Not Opposed/Granted	SV granted commencing on the date and time specified in the notices to be given pursuant to Condition No. 6 of the Order and shall occur between 12/11/08 and ending no later than 2/1/09.	VOC: 225 lbs/ total variance period

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess
8. SCAQMD vs. Anthony D. Downing, individually and dba Kelly's Custom Paint & Body Case No. 5632-1 (J. Panasiti)	109(c) 203(a)	Respondent operated automotive paint spray booth without permit and without keeping daily records of coatings and solvents used.	Not Stipulated/Issued	Mod. O/A issued commencing 12/11/08 and continuing through 4/11/10. The Hearing Board shall retain jurisdiction over this matter until 4/11/10.	N/A
9. Signal Hill Petroleum Case No. 2166-16 (N. Feldman)	203(b) 2004(f)(1)	Source test revealed gas turbine exceeded VOC limit.	Not Opposed/Granted	IV granted commencing 12/3/08 and continuing for 90 days or until the RV currently scheduled for 1/22/09, whichever comes first.	VOC: 14.5 lbs/ day
10. The Alamitos Company Case No. 5712-1 (N. Feldman)	203(b)	Fire damaged gas dehydration unit rendering it not in good operating condition as required.	Not Opposed/Granted	Ex Parte EV granted commencing 12/4/08 and continuing for 30 days or until the SV hearing currently scheduled for 12/18/08, whichever comes first.	VOC: TBD by 12/19/08

Acronyms

CEMS: Continuous Emissions Monitoring System
CO: Carbon Monoxide
EV: Emergency Variance
FCCU: Fluid Catalytic Cracking Unit
FCD: Final Compliance Date
H2S: Hydrogen Sulfide
IV: Interim Variance
LFG: Landfill Gas
MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance
Mod. O/A: Modification of an Order for Abatement
Mod/Var: Modification of a Variance
NH3: Ammonia
NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM10: Particulate Matter ≤ 10 microns
RV: Regular Variance
SOx: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
VOC: Volatile Organic Compounds