BOARD MEETING DATE: January 4, 2008   AGENDA NO. 9

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period
                 of November 1 through November 30, 2007.

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 2007** and **November 2007 Hearing Board Cases**.

The total number of appeals filed during the period November 1 to November 30, 2007 is
6, and the total number of appeals filed during the period of January 1 to November 30,
2007 is 16.

Rules from which Variances and Order for Abatements were Requested in 2007

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
# of HB Actions*													
Involving													
Rules													
109													0
109(c)				2	2								4
109(c)(1)			1		1								2
201													0
201.1													0
202				1									1
202(a)											2		2
202(b)	1	1	1										3
202(c)					1								1
203						1					1		2
203(a)			3	3	6								12
203(b)	8	11	9	15	6	4		9	9	20	13		104
204	1		1										2
208													0
218													0
218.1													0
218.1(b)(1)(E)													0
218(d)(1)(B)													0
218(f)(2)													0
221(b)				1									1
301													0
301(8)							1						1
401													0
401(a)													0
401(b)													0
401(b)(1)		1	1	1				1		5	1		10
401(b)(1)(A)													0
401(b)(1)(B)									1				1
402			1				1	2					4
403(d)(1)													0
403(d)(1)(A)													0
403(d)(2)													0
404													0
404(a)		1		1						3			5
405													0
405(a)		1		1						3			5
405(b)													0
407(a)		1								3			4
407(a)(1)													0
407(a)(2)(A)													0
409		1	1							1			3
431.1(c)(2)											2		2
431.1(d)(1)										1	2		3
431.1(d)(1), Att A(1)									1				1
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)													0
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)				1	2		1						4
461(c)(2)(B)							1						1
461(c)(2)(C)		1											1
461(c)(3)(A)													0
461(c)(3)(B)													0

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)													0
461(c)(4)(B)													0
461(c)(4)(B)(ii)													0
461(d)(5)(A)													0
461(e)(1)											1		1
461(e)(2)													0
461(e)(2)(A)													0
461(e)(2)(A)(i)													0
461(e)(2)(B)(i)													0
461(e)(2)(C)													0
461(e)(3)													0
461(e)(3)(A)				1									1
461(e)(3)(C)(i)(I)													0
461(e)(3)(D)													0
461(e)(3)(E)													0
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)											1		1
462(d)(1)(C)													0
462(d)(1)(E)(ii)													0
462(d)(1)(F)													0
462(d)(1)(G)										1	1		2
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													1
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)										1	1		2
463(c)(3)(A)													
463(c)(3)(B)													0
463(c)(3)(C)		1				1							2
463(d)(2)													0
463(e)(3)(C)													0
463(e)(4)	1												1
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)			1										1
1105.1(d)(1)(A)(iii)			1										1
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

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)						1							1
1113(d)(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(g)(1)				1									1
1118(g)(3)				9				1					10
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)								1					1
1121(c)(2)(C)											4		4
1121(c)(3)											4		4
1121(c)(6)											4		4
1121(c)(7)											4		4
1121(c)(8)											4		4
1121(e)(3)											4		4
1121(h)											4		4
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)		1											1
1125(c)(1)(C)													0
1125(c)(2)			1										1
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)											1		1

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1133.2(d)(8)											1		1
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
1146(c)(3)(A)													0
1146(c)(5)													0
1146(d)(6)					1	1		1						3
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		1						1						2
1150.1						1								1
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					1	1								2
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						2
1158(d)(5)													0
1158(d)(7)													0
1158(d)(7)(A)(ii)													0
1158(d)(8)													0
1164(c)(1)(B)													0

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1164(c)(2)													0
1166(c)(2)													0
1166(c)(2)(F)													0
1168													0
1168(c)(1)													0
1168(h)(2)													0
1171				1	1								2
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							1						1
1173(c)													0
1173(d)(1)													0
1173(e)(1)				1									1
1173(f)(1)				1									1
1173(i)(1)				1									1
1175													0
1175(c)(2)	1				1	1	1						4
1175(c)(4)(B)					1		1						2
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)	1					1							2
1175(d)(4)(ii)(II)													0
1176							1						1
1176(e)													0
1176(e)(2)													0
1176(e)(2)(A)		1				1							2
1176(e)(2)(A)(ii)													0
1176(e)(6)(A)		1				1							2
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
1189(c)(2)		1											1
1189(c)(3)		1											1
1195.0													
1195(d)(1)(D)													0
1303													0
1303(a)(1)				1			1						2
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

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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(I)													0
1469(j)(4)(A)													0
1469(j)(4)(D)													0
1469(k)(3)(A)													0
1470			1										1
1470(c)(2)(C)(iv)				1	2								3
2004(b)(1)													0
2004(b)(4)													0
2004(c)(1)													0
2004(c)(1)(C)													0
2004(f)(1)	6	10	5	13	3	3	1	3	2	10	5		61
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)											1		1
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
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)											1		1
2012(c)(2)(A)				1	1				1				3
2012(c)(2)(C)													0
2012(c)(3)													0
2012(c)(3)(A)				1	1				1				3
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

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2012(j)(1)													0
2012(j)(2)													0
2012, Appen. A, Chp 3, Sec (A)(6)													0
2012 Appen. A, Attach C, Sections B.2.a. & B.2.b.													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		1											1
3002(c)											1		1
3002(c)(1)			4	1	3		1	5	7	8	1		30
3002(c)(2)	2												2
H&S 39152(b)													0
H&S 41510													0
H&S 41700			1					1	1				3
H&S 41701			1	1				1	2	5	1		11

Report of November 2007 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. American Water Heater Company Case No. 4834-2 (C. Engelhardt)	1121(c)(2)(C) 1121(c)(3) 1121(c)(6) 1121(c)(7) 1121(c)(8) 1121(e)(3) 1121(h)	Petitioner cannot comply with the 10 nanograms/joule emission limit for its Phase III water heaters by January 1, 2008 as required by Rule 1121.	Not Opposed/Granted	MFCD/EXT Product Variance for Phase III Water Heaters granted commencing 1/1/08 and continuing through 12/31/09.	NOx: TBD-Report to District 30 days after the end of each quarter.
2. A.O. Smith – Water Products Case No. 5560-1 (C. Engelhardt)	1121(c)(2)(C) 1121(c)(3) 1121(c)(6) 1121(c)(7) 1121(c)(8) 1121(e)(3) 1121(h)	Petitioner cannot comply with the 10 nanograms/joule emission limit for its Phase III water heaters by January 1, 2008 as required by Rule 1121.	Not Opposed/Granted	MFCD/EXT Product Variance for Phase III Water Heaters granted commencing 1/1/08 and continuing through 12/31/09.	NOx: TBD-Report to District 30 days after the end of each quarter.
3. Bradford White Corporation Case No. 5566-1 (C. Engelhardt)	1121(c)(2)(C) 1121(c)(3) 1121(c)(6) 1121(c)(7) 1121(c)(8) 1121(e)(3) 1121(h)	Petitioner cannot comply with the 10 nanograms/joule emission limit for its Phase III water heaters by January 1, 2008 as required by Rule 1121.	Not Opposed/Granted	MFCD/EXT Product Variance for Phase III Water Heaters granted commencing 1/1/08 and continuing through 12/31/09.	NOx: TBD-Report to District 30 days after the end of each quarter.
4. Chevron Products Company Case No. 831-346 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner needs to operate its diesel startup engine more than the 30 hours per year limitation in its permit.	Not Opposed/Granted	Ex Parte EV granted. The variance shall be for no more than five hours, which can be nonconsecutive, in a window of time between 11/9/07 and 12/8/07 or until the SV hearing currently scheduled for 11/27/07, whichever comes first.	PM: 5.5 lbs/day VOC: 7 lbs/day CO: 185 lbs/day NOx: 85.5 lbs/day SOx: 1.15 lbs/day
5. City of Vernon Case No. 4957-4 (S. Soule)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Petitioner must perform more than the allowed number of startups per day specified in its permits in order to fine tune its turbine generators following major repairs.	Not Opposed/Granted	SV granted commencing on the date specified in the first notice to be given pursuant to Condition No. 5 and shall continue through 1/15/08.	CO: 533 lbs/day for 4 days NOx: 209 lbs/day for 4 days

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. Equilon Enterprises LLC dba Shell Oil Products US Case No. 4982-78 (S. Soule)	202(a) 203(b) 462(d)(1)(A)(i)	Petitioner will disconnect its vapor recovery system while it upgrades the system.	Not Opposed/Granted	SV granted commencing on the date the notice is given pursuant to Condition No. 2 of the Order and shall continue through 1/15/08.	None
7. ExxonMobil Oil Corporation Case No. 1183-422 (J. Panasiti)	203(b) 401(b)(1) 2004(f)(1) H&S §41701	Planned shut down for maintenance of electrostatic precipitators and fluid catalytic cracking unit equipment will result in violation of various rules and conditions.	Opposed/Granted	SV granted commencing on date specified in Condition No. 1(a) for three hours and resuming on date given per Condition No. 1(c) for 69 hours and ends no later than 1/28/08.	NOx: 370 lbs/day for three days CO: 400 lbs/day for three days Opacity: TBD by 11/16/07
8. Inland Empire Regional Composting Authority Case No. 5657-1 (N. Feldman)	203(b) 1133.2(d)(8)	A design problem in petitioner's new composting facility has prevented it from reaching the throughput needed to perform a compliance source test within the time specified in its permit.	Not Opposed/Granted	RV granted commencing 11/15/07 and continuing through 4/15/09, the FCD.	None
9. Lunday-Thagard Company Case No. 2033-19 (N. Feldman)	431.1(c)(2) 431.1(d)(1)	Testing revealed that naphtha loading system is not exempt from R431.1.	Not Opposed/Granted	Ex Parte EV granted commencing 11/13/07 and continuing for 30 days or until the EV currently scheduled for 11/15/07, whichever comes first.	SOx: TBD at the EV hearing
10. Lunday-Thagard Company Case No. 2033-19 (C. Engelhardt)	431.1(c)(2) 431.1(d)(1)	Testing revealed that naphtha loading system is not exempt from R431.1.	Not Opposed/Granted	IV granted commencing 11/15/07 and continuing for 90 days or until the RV hearing currently scheduled for 1/9/08, whichever comes first.	None
11. Mission Foods Case No. 5400-3 (B. Theis)	203(b)	Fire destroyed petitioner's filtration system serving deep fat fryer.	Opposed/Denied	EX Parte EV denied.	
12. Mission Foods Case No. 5400-3 (C. Engelhardt)	203(b)	Fire destroyed petitioner's filtration system serving deep fat fryer.	Not Opposed/Granted	EV granted commencing 11/6/07 and continuing for 30 days or until the SV hearing currently scheduled for 11/27/07, whichever comes first.	PM: 18 lbs/day
13. Ramirez Auto Service Center Case No. 5672-1 (N. Feldman)	203(b) 461(e)(1)	Petitioner operates gasoline dispensing facility with a vapor recovery system. Some nozzles are uncertified and electronic communication between dispensers and console failed.	Not Opposed/Granted	Ex Parte EV granted commencing 11/30/07 and continuing for 30 days or until the SV hearing currently scheduled for 12/18/07, whichever comes first.	VOC: TBD at the SV hearing

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
14. Rheem Manufacturing Company Case No. 5556-1 (C. Engelhardt)	1121(c)(2)(C) 1121(c)(3) 1121(c)(6) 1121(c)(7) 1121(c)(8) 1121(e)(3) 1121(h)	Petitioner cannot comply with the 10 nanograms/joule emission limit for its Phase III water heaters by January 1, 2008 as required by Rule 1121.	Not Opposed/Granted	MFCD/EXT Product Variance for Phase III Water Heaters granted commencing 1/1/08 and continuing through 12/31/09.	NOx: TBD-Report to District 30 days after the end of each quarter.
15. SCAQMD vs. Eastern Municipal Water District Case No. 4937-28 (J. Panasiti)	203(b) 3002(c)	Safety issues necessitate alterations to new flares at respondent's two water reclamation facilities. This in turn has delayed performance testing within time frame required by its permits.	Not Opposed/Issued	O/A issued commencing 11/1/07 and continuing until 3/1/08. The Hearing Board shall retain jurisdiction over this matter until 3/1/08.	
16. SCAQMD vs. Lunday-Thagard Company Case No. 2033-10 (C. Engelhardt)	203(b) 2004(f)(1)	O/A revised to provide new schedule for installation of control and monitoring equipment.	Stipulated/Issued	Mod. O/A issued commencing on 11/7/07 and continuing until 3/31/08. The Hearing Board shall retain jurisdiction over this matter until 3/31/08.	
17. Southern California Gas Company Case No. 137-65 (Consent Calendar E. Sernel)	203(b) 2004(f)(1) 462(d)(1)(G)	Fire destroyed petitioner's incinerator that serves to control VOCs from oil loading and gas withdrawal from its natural gas storage facility.	Not Opposed/Granted	RV granted commencing 11/27/07 and continuing through 3/31/08, the FCD.	None
18. The Termo Company Case No. 3014-10 (Consent Calendar E. Sernel)	203(b) 463(c)(3)	Wildfire destroyed electrical equipment required to operate vapor recovery system for its oil and natural gas production operations.	Not Opposed/Granted	SV granted commencing 11/20/07 and continuing through 1/1/08.	VOC: 33 lbs/day
19. TRD USA, Inc. Case No. 5663-1 (C. Engelhardt)	203(b)	Petitioner operates dynamometers to test race car engines. Petitioner expects to exceed annual CO mass emission limit in permit.	Not Opposed/Denied	SV denied.	

Acronyms

CO: Carbon Monoxide
EV: Emergency Variance
FCD: Final Compliance Date
H&S: Health & Safety Code
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
NH3: Ammonia
NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM: Particulate Matter
ROG: Reactive Organic Gas

RV: Regular Variance
SCR: Selective Catalyst Reduction
SOx: Oxides of Sulfur
SV: Short Variance
TBD: To be determined
VOC: Volatile Organic Compounds