

BOARD MEETING DATE: December 10, 1999

AGENDA NO. 13

REPORT: Hearing Board Variances and Appeals

SYNOPSIS: During the period of September 1 through September 30, 1999, the Hearing Board took action on 29 Variances and 0 Appeals. Fourteen of the variances related to Rule 461 - Gasoline Transfer and Dispensing. Since January 1, 1999 thirteen mobile refueling operators were granted variances and modifications and extensions of their variances (thirty-five hearings and actions) from the requirements of Rule 461. This rule requires them to install CARB-certified Phase II gasoline vapor recovery systems. CARB is nearing the end of the certification process and the refuelers are in various stages of contract negotiations for equipment or equipment installation. Some operators have already installed the equipment and are awaiting final CARB certification.

COMMITTEE: Not Applicable.

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

EC:JD:sm

Two summaries are attached: **Rules From Which Variances Were Requested in 1999 and September 1999 Hearing Board Cases.**

The total number of appeals filed during the period September 1 to 30, 1999 is 1, and the total number of appeals filed during the period January 1 to September 30, 1999 is 25.

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Rules from which Variances were Requested in 1999

1999	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
# of HB Actions*													
Involving Rules													
202						1							1
202(a)			2	2	1	2		1					8
202(b)			1						1				2
202(c)													0
208.0				1		1							2
218.0			1										1
221(b)						1		1					2
401.0				1		1							2
401(a)									2				2
401(b)			1	1		4			1				7
401(b)(1)	1	2	1										4
401(b)(1)(A)													0
401(b)(1)(B)													0
404(a)			1			2			1				4
404(b)						1			1				1
405(a)						2			1				2
405(b)						1			1				1
407(a)(1)			1	1									2
407(a)(2)													0
405(a)			1										1
431.1(c)(1)													0
431.1(d)(1)													0
444.0													0
444(a)			1	1		1							3
444(d)													0
461.0													0
461(c)													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)					1				1				2
461(c)(2)(A)	2	2	1		5	10	2		13				35
461(c)(2)(B)													0
461(c)(2)(C)													0
461(c)(4)(A)													0
461(c)(4)(B)													0
461(c)(4)(B)(ii)													0
461(e)(3)													0
462.0		1											1
462(c)(3)(B)													0
462(c)(3)(C)													0
462(c)(4)(B)(i)				1									1
462(c)(7)(A)(ii)				1									1
462(d)(1)(A)		5	4		1								10
462(d)(4)(A)													0
462(e)(1)(E)		5	4		1								10
462(h)(1)		5	4		1								10
463(c)(3)													0

Does not include variances for Rules 203-Permits or 2004(f) (1)-RECLAIM

	1999	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action
463(c)(3)(B)						1								1	
463(c)(3)(C)														0	
463(e)(4)														0	
1106.1(c)(1)														0	
1106.1(c)(1)(A)														0	
1107(c)(2)			1							1				2	
1110.2(d)(1)(B)		1												1	
1113(c)(2)					1				1					2	
1118(d)									1	1				1	
1118(d)(1)							1							1	
1118(d)(2)							1							1	
1118(d)(3)							1							1	
1118(d)(4)							1							1	
1118(d)(5)							1							1	
1118(e)										1				1	
1118(f)										1				1	
1118(g)										1				1	
1122(c)(1)(J)														0	
1122(c)(2)(A)														0	
1122(c)(2)(E)														0	
1122(c)(3)(A)														0	
1122(d)(3)		1	1					1	1					4	
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	
1124(c)(1)(E)		1	2	1			2							6	
1128(c)(1)														0	
1128(c)(2)														0	
1130(c)(4)						1								1	
1135(e)														0	
1145(c)(2)							1							1	
1146(c)(1)								1						1	
1146(c)(7)(B)								1						1	
1146.1(c)							1							1	
1146.1(e)(1)														0	
1151(c)(1)(B)														0	
1151(d)(1)														0	
1166(c)(2)														0	
1168(c)(1)				1										1	
1171(c)(1)		1	1						1					3	
1173(c)														0	
1173(f)														0	
1176(e)(1)						1	1							2	
1176(e)(2)(A)							1							1	
1176(e)(2)(B)							1							1	
1176(e)(3)(A)						1								1	
1176(e)(5)(A)						1								1	
1176(f)(3)						1								1	
1401.0									2					2	
1405.0														0	
1405(d)(3)				1										1	
1405(d)(3)(C)														0	
1407(d)			1	1					1					3	
1407(d)(1)														0	
1407(d)(2)			1					1						2	
1407(d)(4)														0	

Does not include variances for Rules 203-Permits or 2004(f) (1)-RECLAIM

1999	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1407(f)(1)		1											1
1418(d)(2)(A)													0
1418(d)(2)(B)													0
1421(d)(1)(C)						1							1
2004(c)(1)(C)						1							1
2001(j)													0
2011(c)(2)			1					1	1				3
2011(c)(2)(A)		1											1
2011(c)(3)			1										1
2011(c)(3)(A)		1											1
2011(e)(1)								1	1				2
2011(g)													0
2011(k) Appdx. A								1	1				2
2012(c)(2)							1	1	1				3
2012(c)(2)(A)		1		1					3				5
2012(c)(3)									2				2
2012(c)(3) Appdx A													0
2012(c)(3)(A)		1							2				3
2012(c)(3)(B)									1				1
2012(d)(2)(A)									1				1
2012(g)(1)				1				1					2
2012(h)(4)										1			1
2012(i)													0
2012(m) Appdx. A				1				1	3				5
2012 Appendix A									3				3
2015(c)(3)(D)			1										1
H&S 41701	1	1	2	2		3			1				10

Does not include variances for Rules 203-Permits or 2004(f) (1)-RECLAIM

Report of September 1999 Hearing Board Cases

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
Mobil Oil Corporation Case #1183-311 (Consent Calendar)	203(b) 2004(f)(1) 2011(c)(2) 2011(e)(1) 2011(k) 2012(c)(2) 2012(g)(1) 2012(m)	Time needed to complete installation of flare monitoring systems.	Not Opposed/Granted	Short variance granted commencing 9/1/99 and continuing through 9/16/99, the final compliance date.	None
Tissurama Industries, Inc. Case #4986-1 (E. Sernel)	203(b) 2004(f)(1) 401(b) 404(a) 404(b) 405(a) 405(b)	Petitioner seeks to continue operating while it replaces air pollution control equipment that was damaged by a fire.	Not Opposed/Granted	Regular variance granted commencing 9/8/99 and continuing through 10/15/99, the final compliance date.	Opacity: Up to 10% Particulate matter: 404(a) 0.2418 grains per cubic foot 404(b) 0.1021 grains per cubic foot 405(a) 1.35 lbs/hour 405(b) 3 lbs/ton
Processes by Martin Case #4932-B (E. Sernel)	1107(c)(2)	New company with problem of financing of new thermal oxidizer.	Not Opposed/Granted	Regular variance granted commencing 9/1/99 and continuing through 4/30/00, the final compliance date.	VOC: 66.4 lbs/day
Mobil Oil Corporation Case #1183-312 (J. Panasiti)	1118(d) 1118(e) 1118(f) 1118(g)	Petitioner seeks additional time to install flare monitoring equipment.	Not Opposed/Granted	Short variance granted commencing 9/2/99 and continuing through 12/1/99, the final compliance date.	None
Consolidated International Automotive, Inc. Case #4961-1 (N. Feldman)	1401	Petitioner seeks to continue operating while it completes repairs and conducts a source test.	Not Opposed/Granted	Interim variance granted commencing 9/7/99 and continuing for 90 days or until the short variance hearing currently scheduled for 10/21/99, whichever comes first.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
Southern California Edison Co. Case #1262-72 (A. Mednick)	2012(d)(2)(A) (Short) 203(b) (Emergency) 2004(f)(1) (Emergency)	Breakdown of waste gas flow meter. Repair attempted locally, but requires new shaft and bearings as well as testing and recalibration; and has been sent to Pennsylvania.	Not Opposed/Granted	Short variance granted from Rule 2012(d)(2)(A) commencing 9/8/99 and continuing through 10/8/99, the final compliance date. Emergency variance granted from Rules 203(b) and 2004(f)(1) commencing 9/8/99 and continuing through 10/8/99, the final compliance date.	None
Universal Studios, Inc. Case #4935-2 (J. Panasiti)	401(a) California H&S Code Section 41701	Annual short variance for 10-day special effects Halloween shows using fog machines.	Not Opposed/Granted	Short variance granted for 10 days: 10/12, 10/13, 10/15, 10/16, 10/22, 10/23, 10/29, 10/30, 10/31 and 11/1/99, the final compliance date.	Opacity: 40%
Stocker Resources, Inc. Case #5042-1 (J. Panasiti)	202(b) 203(b) 2004(f)(1)	Need to use emergency flare more hours than allowed by permit condition.	Opposed/Dismissed	Emergency variance dismissed.	
Central Plants, Inc. Case #3447-48 and Case #3447-49 (N. Feldman)	203(b) 2004(f)(1) 2004(k) 2012(c)(2)(A) 2012(c)(3)(A) 2012(c)(3)(B) 2012(g)(1) 2012(h)(4) 2012 Appendix A	Discovered DAS is not properly processing raw data from CEMS.	Not Opposed/Granted	Interim variance granted commencing 9/16/99 and continuing for 90 days or until the regular variance hearing, currently scheduled for 10/27/99, whichever comes first.	None
Long Beach Generation LLC Case #5098 (A. Mednick)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(3) 2012(g)(1) 2012(m) 2012 Appendix A	Petitioner seeks to shut down DAS while it performs upgrade to comply with U.S. EPA requirements.	Not Opposed/Granted	Short variance granted commencing upon notification to the District that the CEMS is taken out of service, and continuing for 45 days, but no later than 12/31/99, the final compliance date.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
El Segundo Power LLC Case #5097 (A. Mednick)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(3) 2012(g)(1) 2012(m) 2012 Appendix A	Petitioner seeks to shut down DAS while it performs upgrade to comply with U.S. EPA requirements.	Not Opposed/Granted	Short variance granted commencing upon notification to the District that the CEMS is taken out of service and continuing for 45 days, but no later than 12/31/99, the final compliance date.	None
ITW Plastiglide Case #5094 (C. Engelhardt)	203(b)	Petitioner seeks to exceed temperature limit in permit condition.	Opposed/Denied	Regular variance denied.	
Alchem Plastics dba Spartech Plastics Case #5106 (J. Panasiti)	203(b) 1401	Upon discovery that its health risk assessment was miscalculated, petitioner must install control equipment.	Opposed/Denied	Interim variance denied.	
Anjac-Doron Plastics, Inc. dba Spartech Profiles Case #5107 (J. Panasiti)	203(a)	Operating three extruders without obtaining permits to do so.	Opposed/Dismissed	Interim variance dismissed for lack of good cause.	
Southern California Edison Co. Case #1262-68 (A. Mednick)	461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification of phase II vapor recovery on mobile refuelers. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	VOC: 10 lbs/day/truck
GTE California, Inc. Case #4994 (A. Mednick)	203(a) 461(c)(2)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification of phase II vapor recovery on mobile refuelers. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
TransWorld Airlines, Inc. Case #5022 (A. Mednick)	203(a) 461(c)(2)(A)	Petitioner seeks additional time to obtain CARB certification for phase II vapor recovery system. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	None
AirFlite, Inc. Case #4955 (A. Mednick)	461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	None
Ogden Ground Services, Inc. Case #5041 (A. Mednick)	203(a) 461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	None
Airport Group International, Inc. Case #5011 (A. Mednick)	461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
DynAir Corporation Case #5026 (A. Mednick)	461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	None
Aircraft Service International Group Case #4998 (A. Mednick)	461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	VOC: 17.1 lbs/day
Mercury Air Group, Inc. Center Case #5032 (A. Mednick)	461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	VOC: 7.3lbs/day (except 11.7 lbs/day for Nov., Dec. 1999 and Jan. 2000).
Hudson General LLC Case #5043 (A. Mednick)	203(a) 461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	VOC: 4 lbs/day (except 4.8 lbs/day for Nov., Dec. 1999 and Jan. 2000).

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
Los Angeles City Harbor Dept. Case #4363-1 (A. Mednick)	203(a) 461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	VOC: 40 lbs/mo.
Mercury Air Center Case #5032-1 (A. Mednick)	203(a) 461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	VOC: 7.3 lbs/day (except 11.7 lbs/day for Nov., Dec. 1999 and Jan. 2000).
Oasis Transportation, Inc. Case #4958 (A. Mednick)	461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	VOC: 10.2 lbs/day
Fleet Fuels, LLC Case #4985 (A. Mednick)	461(c)(2)(A)	Petitioner seeks additional time to install phase II vapor recovery and obtain CARB certification. There is still no CARB certified phase II system.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 10/20/99 were extended through 6/30/00, the final compliance date.	VOC: 3.58 lbs/mo.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
Conexant Systems (formerly Rockwell) Case #3165-12 (E. Sernel)	401(a) California Health & Safety Code 41701	Petitioner seeks additional time to complete modifications designed to eliminate plume.	Not Opposed/Granted	Modification of the Final Compliance Date and Extension of the Variance granted. The variance and final compliance date which extended through 9/30/99 were extended through 12/8/99, the final compliance date.	Opacity emissions cannot be quantified.

(e:hb/VarSept99)