

BOARD MEETING DATE: October 8, 1999

AGENDA NO. 19

REPORT: Hearing Board Variances and Appeals

SYNOPSIS: During the period of July 1 through July 31, 1999, the Hearing Board took action on 8 Variances and 0 Appeals.

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 July 1999 Hearing Board Cases.**

The total number of appeals filed during the period July 1 to 31, 1999 is 5, and the total number of appeals filed during the period January 1 to July 31, 1999 is 21.

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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							7
202(b)			1										1
202(c)													0
208.0				1		1							2
218.0			1										1
221(b)						1							1
401.0				1		1							2
401(a)													0
401(b)			1	1		4							6
401(b)(1)	1	2	1										4
401(b)(1)(A)													0
401(b)(1)(B)													0
404(a)			1			2							3
404(b)						1							1
405(a)						2							2
405(b)						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
461(c)(2)(A)	2	2	1		5	10	2						22
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	
1110.2(d)(1)(B)		1												1	
1113(c)(2)					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	
1122.0														0	
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						3	
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											2	
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(d)														0	
1405.0														0	
1405(d)(3)				1										1	
1405(d)(3)(C)														0	
1407(d)			1	1										2	
1407(d)(1)														0	
1407(d)(2)			1					1						2	
1407(d)(4)														0	
1407(f)(1)			1											1	
1418(d)(2)(A)														0	
1418(d)(2)(B)														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
1421(d)(1)(C)						1							1
2004(c)(1)(C)						1							1
2001(j)													0
2011(c)(2)			1										1
2011(c)(2)(A)		1											1
2011(c)(3)			1										1
2011(c)(3)(A)		1											1
2011(e)(1)													0
2011(g)													0
2011(k) Appdx. A													0
2012(c)(2)							1						1
2012(c)(2)(A)		1		1									2
2012(c)(3)													0
2012(c)(3) Appdx A													0
2012(c)(3)(A)		1											1
2012(g)(1)				1									1
2012(h)(6)													0
2012(i)													0
2012(m) Appdx. A				1									1
2015(c)(3)(D)			1										1
H&S 41701	1	1	2	2		3							9

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

Report of July 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
1. California Steel Industries, Inc. #4624-14 (N. Feldman)	203(b) 2004(f)(1) 2012(c)(2)	Petitioner seeks additional time to perform ACEMS recertification test. Test was delayed because of numerous technical difficulties.	Not Opposed/Granted	Emergency variance granted commencing 7/8/99 and continuing through 8/7/99, the final compliance date.	None
2. Epsilon Foam Corporation #5088 (N. Feldman)	203(b)	Boiler that doubles as air pollution control device exploded. Time needed to replace it with one that can handle the pentane emissions.	Not Opposed/Granted	Emergency variance granted commencing 7/29/99 and continuing through 8/10/99, the final compliance date.	VOC: 620 lbs/day
3. Federal Express Corporation #5068 (A. Mednick)	203(a) 461(c)(2)(A)	There are no CARB-certified vapor recovery systems for mobile refuelers available.	Not Opposed/Denied	Regular variance denied.	
4. Hexacomb Corporation #5074 (C. Engelhardt)	203(a)	Petitioner exceeds 50 gallons per day adhesive limit in permit to operate.	Opposed/Denied	Short variance denied.	
5. M.B.B.P. Inc., dba Sunrise Jet Center #5103 (A. Mednick)	203(a) 461(c)(2)(A)	There are no CARB-certified phase II vapor recovery systems available for mobile refuelers. Petitioner seeks to continue to operate until a system is certified by CARB. Petitioner will install a phase II system once a system has been certified by CARB.	Not Opposed/Granted	Interim variance granted commencing 7/28/99 and continuing for 90 days or until the regular variance hearing currently scheduled for 10/6/99, can be held.	VOC: 50 lbs/day
6. Matthews International Corporation #4863 (Consent Calendar)	1407(d)(2)	Petitioner needs additional time to work with CARB and the District to obtain a rule change.	Not Opposed/Granted	Modification of a Final Compliance Date and Extension of a Variance granted. The variance and final compliance date which extended through 7/14/99 were extended through 7/7/00.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
7. Newark Pacific Paperboard Corp. #4867-1 (Consent Calendar)	1146(c)(1) 1146(c)(7)(B)	District is working on rule amendment that would bring petitioner into compliance. Additional time is needed for rule to be amended.	Not Opposed/Granted	Modification of a Final Compliance Date and Extension of a Variance granted. The variance and final compliance date which extended through 7/1/99 were extended through 12/31/99.	None
8. Solid Concepts, Inc. #5075 (C. Engelhardt)	203(a) 1122(d)(3)	Petitioner seeks additional time to locate a solvent that will work effectively in its process.	Not Opposed/Granted	Regular variance granted commencing 7/22/99 and continuing through 7/20/00, the final compliance date.	IPA: 10 lbs/day

(e:hb/VarJul99)