

BOARD MEETING DATE: July 21, 2000

AGENDA NO. 15

REPORT: Hearing Board Variances and Appeals

SYNOPSIS: During the period of April 1 through April 30, 2000, the Hearing Board took action on 18 Variances and 0 Appeals.

COMMITTEE: Not Applicable.

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

EC:JD:sm

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Two summaries are attached: **Rules From Which Variances Were Requested in 2000 and April 2000 Hearing Board Cases.**

The total number of appeals filed during the period April 1 to 30, 2000 is 0, and the total number of appeals filed during the period January 1 to April 30, 2000 is 19.

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**Rules from which Variances were Requested in 2000**

	2000	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
<b># of HB Actions*</b>														
<b>Involving Rules</b>														
202														0
202(a)		1		1	1									3
202(b)		1												1
202(c)														0
208														0
218														0
221(b)														0
401		1		1										2
401(a)														0
401(b)		1	2	1	2									6
401(b)(1)					1									1
401(b)(1)(A)														0
401(b)(1)(B)														0
404		1		1										2
404(a)			1	1										2
404(b)														0
405		1		1										2
405(a)			1	1										2
405(b)														0
407(a)(1)														0
407(a)(2)														0
405(a)														0
431.1(c)(1)														0
431.1(d)(1)														0
444.0														0
444(a)				1	1									2
444(c)				1										1
444(d)					1									1
461														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)														0
461(c)(2)(A)		1												1
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
462(c)(3)(B)														0
462(c)(4)(B)(i)														0
462(c)(7)(A)(ii)														0
462(d)(1)(A)														0
462(d)(1)(A)(ii)		4	1	2	2									9
462(d)(2)(A)(i)		1												1

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

	2000	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
462(e)(1)(E)(ii)		4	1	2	2									9
462(e)(2)(A)(i)		1												1
462(h)(1)		1	1	1	2									5
463(c)(1)(A)														0
463(c)(1)(B)														0
463(c)(1)(C)														0
463(c)(1)(E)														0
463(c)(2)														0
463(c)(2)(B)														0
463(c)(3)														0
464(b)(1)		1												1
1104(c)(1)		1												1
1106(c)(1)														0
1106.1(c)(1)														0
1106.1(c)(1)(A)														0
1107(c)(2)														0
1110.2		1												1
1110.2(d)(1)(B)			1	1										2
1110.2(e)(1)(A)				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)(B)				1										1
1118(d)(5)(A)				1										1
1118(d)(5)(B)				1										1
1118(e)				1										1
1118(f)				1										1
1121					1									1
1122(c)(2)(A)														0
1122(c)(2)(E)														0
1122(c)(3)(A)														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)(4)(A)														0
1122(e)(4)(B)														0
1124														0
1124(c)(1)(A)														0
1124(c)(1)(E)				1										1
1128(c)(1)				1										1
1128(c)(2)				1										1
1130(c)					1									1
1130(c)(4)														0
1134(d)(1)														0
1134(f)														0
1135(e)														0
1145(c)(2)					1									1
1146(c)(1)														0
1146(c)(7)(B)														0
1146.1(c)														0
1146.1(e)(1)														0
1150.1(e)(6)(A)(i)					1									1
1150.1(e)(6)(A)(ii)					1									1
1150.1(f)(1)(A)(iii)(I)					1									1
1150.1(f)(1)(H)(i)					1									1

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

	2000	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1151(c)(1)(B)					1									1
1151(c)(8)					1									1
1151(d)(1)														0
1158(d)(8)			1											1
1166(c)(2)														0
1168(c)(1)			1											1
1171(c)(1)														0
1173(c)														0
1173(f)(1)			1	1										2
1176														0
1176(e)(1)		1												1
1176(e)(2)		1												1
1176(e)(2)(B)														0
1176(e)(3)(A)														0
1176(e)(6)		1												1
1176(f)		1												1
1401(d)(1)			1											1
1401(d)(1)(A)				1										1
1401(d)(1)(B)				1										1
1405(d)(3)(C)														0
1407(d)				1										1
1407(d)(1)														0
1407(d)(2)														0
1407(d)(4)														0
1407(f)(1)														0
1418(d)(2)(A)														0
1421(d)(1)(C)		1												1
1421(d)(3)(A)		1												1
1421(e)(2)(c)					1									1
2011 Appendix A				1	1									2
2011(c)(2)		1												1
2011(c)(2)(A)		1												1
2011(c)(3)(A)				1	1									2
2011(e)(1)		1												1
2011(f)(3)		1												1
2011(g)		1												1
2011(k)		1												1
2012			1											1
2012 Appendix A		4		3	3									10
2012 Attachment C				2	1									3
2012(c)(2)		1												1
2012(c)(2)(A)		4		1	2									7
2012(c)(3)(A)		3		3	3									9
2012(c)(3)(B)		3		1	2									6
2012(d)(2)(A)		1												1
2012(d)(2)(D)		1												1
2012(g)(1)		3		1	2									6
2012(h)(3)		1												1
2012(h)(4)		2			2									4
2012(h)(5)		1												1
2012(i)		1												1
2012(j)(2)		1												1
2012(m)		1		1										2
2012(l)		1												1
H&S 41701		1	1	2	2									6

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

## Report of April 2000 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. American Water Heater Company Case #PV015 (N. Feldman)	1121	Petitioner desires to sell noncompliant domestic water heaters.	Opposed/Dismissed	RV-Product dismissed	
2. Ashland, Inc. Case #4796-3 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Due to equipment malfunction during source test, additional time is needed to retest when equipment is repaired.	Not Opposed/Granted	RV granted commencing 4/26/00 and continuing through 7/15/00, the FCD.	Excess VOC: TBD
3. Central Plants Case #3447-48 (No Appearance; Consent Calendar)	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, Chapter 2, Para. A.1	Additional software problems have surfaced despite assurances and patches from vendors.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 4/15/00, were extended through 6/30/00, the FCD.	None.
4. Central Plants Case #3447-49 (No Appearance; Consent Calendar)	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, Chapter 2, Para. A.1	Additional software problems have surfaced despite assurances and patches from vendors.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 4/15/00, were extended through 6/30/00, the FCD.	None.
5. Country Hills Cleaners Case #5150 (J. Panasiti)	203(b) 1421(e)(2)(c)	Time is needed to bring dry cleaning equipment into compliance.	Not Opposed/Granted	EV granted commencing 4/4/00 and continuing through 5/3/00, the FCD.	Excess Perc: TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
6. Deft, Inc. Case #PV010 (J. Panasiti)	1113(c)(2)	High VOC brushing lacquer. Has researched for alternatives and will hire chemist to find a solution. Needs additional year.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 4/19/00, were extended through 4/20/01, the FCD.	Excess VOC: 61 lbs/day
7. Equilon Enterprises LLC Case #4982-8 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Due to equipment malfunction during source test, additional time is needed to retest when equipment is repaired.	Not Opposed/Granted	RV granted commencing 4/26/00 and continuing through 7/15/00, the FCD.	Excess VOC: TBD
8. Fansteel/California Drop Forge Case #4284-3 (Consent Calendar Item) (A. Mednick)	202(a) 2004(f)(1)	Additional time required to order, install, and test alternate control equipment.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 5/4/00, were extended through 8/15/00, the FCD.	Excess Emissions: NO <sub>x</sub> : 11.5 lbs/day CO: 22.9 lbs/day
9. Joseph L. Chiraco Case #5059 (J. Panasiti)	203(a)	Needs extra time to complete electrical hook-up.	Not Opposed/Granted	MFCD/Ext: The variance and FCD which extended through 4/15/00, were extended through 6/30/00, the FCD.	Excess NO <sub>x</sub> : TBD
10. L. A. County Sanitation District Case #3715-12 (J. Panasiti)	1150.1(e)(6)(A)(i) 1150.1(e)(6)(A)(ii), 1150.1(f)(1)(A)(iii)(I); 1150.1(f)(1)(H)(i)	Petitioner is appealing compliance plan issued by District. Variance needed while pending.	Not Opposed/Granted	IV granted commencing 4/6/00 and continuing for 90 days or until the RV hearing scheduled for 6/14/00, whichever occurs first.	None.
11. Los Angeles Department of Water and Power Case 1263-43 (J. Panasiti)	2012, Attachment C, Subdivision B, Paragraph 2	Postpone RATA testing of boiler, which is not in operation, until LADWP determines that increased demand make it economically feasible to bring boiler back on line	Not Opposed/Granted	RV granted commencing 4/12/00 and continuing through 9/30/00, the FCD.	None.
12. Mobil Oil Corp Case #1183-326 (J. Panasiti)	203(b) 2004(f)(1)	Petitioner sought relief from permit condition requiring full operation of CO boiler, while petitioner repaired CO boiler fan.	Opposed/Denied	IV denied. A SV hearing is currently scheduled for 4/18/00.	None
13. Prime Alliance Case #5147 (N. Feldman)	401(b)	Need time to increase water pressure necessary to optimize operation of new control equipment	Not Opposed/Granted	SV granted commencing 4/6/00 and continuing through 7/5/00, the FCD.	Opacity: Up to 10%

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
14. Rhodia, Inc. Case No. 5044-2 (No Appearance; Consent Calendar)	203(b) 2004(f)(1) 2011(c)(3)(A), 2011, Appendix A, preface to Ch. 1, Ch. 2 and Ch.5; Section E of Ch. 2 2012(c)(3)(A) 2012, Appendix A, preface to Ch.1, Ch. 2 and Ch. 7, [all to the extent that those sections require Missing Data to be automatically triggered, calculated and transmitted]	Petitioner seeks time to modify CEMS software so that missing data will be triggered, calculated and transmitted automatically, rather than semi- automatically.	Not Opposed/Granted	SV granted commencing 4/27/00, and continuing through 6/20/00, the FCD.	None.
15. State of California Department of Forestry and Fire Protection Case #4929-2 (N. Feldman)	401(b)(1) 444(d) H&S 41701	Petitioner seeks to burn pallets and two buildings for the purpose of training fire fighters, where burns may need to occur on "no burn" days.	Not Opposed/Granted	SV granted commencing 5/9/00 and continuing through 5/10/00, the FCD.	Excess Opacity: TBD
16. Sunshine Plastics Corp. Case #4832-1 (N. Feldman)	203(a) 1130(c)	Petitioner seeks additional time to receive city permits and complete installation of VOC incineration system.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 5/1/00, were extended through 11/1/00, the FCD.	Excess VOC: TBD
17. US Govt., AF Dept., March AFB Case #2051-23 (C. Engelhardt)	401(b) 444(a) H&S 41701	In preparation for annual air show, petitioner will clear vegetation using open burning. Petitioner will also perform several aircraft demonstrations using pyrotechnics which may produce excess emissions.	Not Opposed/Granted	SV granted for: (i) one day in a window-of-time commencing 5/3/00 and continuing through 5/14/00, to allow open burning in a field; and (ii) commencing 5/13/00 and continuing through 5/14/00, the FCD.	Excess Emissions: NO <sub>x</sub> : 130 lbs VOC: TBD Opacity: TBD
18. Wings West, Inc. Case #5154 (A. Mednick)	203(a) 1145(c)(2) 1151(c)(1)(B) 1151(c)(8)	Petitioner needs time to find replacement for solvents exceeding rule VOC limits.	Opposed/Dismissed	IV dismissed for lack of good cause. A RV hearing is currently scheduled for 5/23/00.	

(e:hb/VarApr00)

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
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Key to Acronyms

EV: Emergency Variance

IV : Interim Variance

SV: Short Variance

RV: Regular Variance

H&S: Health & Safety Code

TBD: To be determined

FCD: Final Compliance Date

MFCD/EXT: Modification of Final Compliance Date and Extension of a Variance