

BOARD MEETING DATE: June 16, 2000

AGENDA NO. 18

REPORT: Hearing Board Variances and Appeals

SYNOPSIS: During the period of March 1 through March 31, 2000, the Hearing Board took action on 21 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 2000 and March 2000 Hearing Board Cases.**

The total number of appeals filed during the period March 1 to 31, 2000 is 0, and the total number of appeals filed during the period January 1 to March 31, 2000 is 19.

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Rules from which Variances were Requested in 2000

	2000	Jan	Feb	Mar	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
# of HB Actions*													
Involving Rules													
202													0
202(a)		1		1									2
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									4
401(b)(1)													0
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
444(c)				1									1
444(d)													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									7
462(d)(2)(A)(i)		1											1

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

	2000	Jan	Feb	Mar	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
462(e)(1)(E)(ii)		4	1	2									7
462(e)(2)(A)(i)		1											1
462(h)(1)		1	1	1									3
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
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
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)													0
1130(c)(4)													0
1134(d)(1)													0
1134(f)													0
1135(e)													0
1145(c)(2)													0
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
1150.1(e)(6)(A)(ii)													1
1150.1(f)(1)(A)(iii)(I)													1
1150.1(f)(1)(H)(i)													1

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

	2000	Jan	Feb	Mar	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1151(c)(1)(B)													0
1151(c)(8)													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
2011 Appendix A				1									1
2011(c)(2)		1											1
2011(c)(2)(A)		1											1
2011(c)(3)(A)				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									7
2012 Attachment C				2									3
2012(c)(2)		1											1
2012(c)(2)(A)		4		1									5
2012(c)(3)(A)		3		3									6
2012(c)(3)(B)		3		1									6
2012(d)(2)(A)		1											1
2012(d)(2)(D)		1											1
2012(g)(1)		3		1									4
2012(h)(3)		1											1
2012(h)(4)		2											2
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									4

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

Report of March 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. AES Placerita, Inc. Case #3694-7 (N. Feldman)	2012(g)(1)	Petitioner cannot conduct test required by 12/31/99 because facility has been inoperative since 11/2/99.	Not Opposed/Granted	RV granted 3/21/00 through 6/30/00, the FCD.	None
2. ARCO Products Co. Case #1011-226 (N. Feldman)	462(d)(1)(A)(ii), & (e)(1)(E)(ii)	Source test completed and awaiting District approval.	Not Opposed/Granted	RV granted 4/1/00 through 5/15/00, the FCD.	None.
3. ARCO Products Co. Case #1011-243 (J. Panasiti)	203(b) 401 404 405 2004(f)(1) H&S Code 41701	Time needed to make emergency repairs to FCCU control system.	Not Opposed/Granted	EV granted 3/15/00 through 4/10/00, the FCD, from Rules 203 & 204 only.	None
4. City of Anaheim Case #5146 (N. Feldman)	203(b) 2004(f)(1) 2012, Attachment C	RATA test cannot be conducted until turbine repaired, returned to petitioner, and restarted.	Not Opposed/Granted	SV granted 3/31/00 through 6/29/00, the FCD.	None.
5. David H. Fell & Co. Case #4836-1 (C. Engelhardt)	1407(d)	CARB has indefinitely postponed expected ATCM. Petitioner needs time to develop and implement plan to achieve maximum control.	Not Opposed/Granted	MFCD/Ext granted 4/1/00 through 10/31/00, the FCD.	None.
6. Dietzgen Corporation Case # 4614-1B	203(b) 1128(c)(1) & (2)	Petitioner requires additional time to research alternative paper coatings and to work with the District to amend the test method so that it accurately measures the VOC content of such coatings.	Not Opposed/Granted	RV granted 3/8/00 through 3/8/02 the FCD.	None
7. Fairchild Fasteners Case #4851-3	1124(c)(1)(E)	Additional time needed to complete installation, startup, debugging and testing of new operation.	Not Opposed/Granted	MFCD/Ext granted 4/1/00 through 6/30/00, the FCD.	VOC: 35 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
8. Gould & Bunke Case #5142 (N. Feldman)	444(a) & (c)	Petitioner needs to clear old orchard using controlled burn.	Not Opposed/Granted	SV granted 3/31/00 through 5/30/00 the FCD.	TBD
9. Jim Dandy Cleaners Case # 5135 (N. Feldman)	1401(d)(1)(A)&(B) 1421(d)(2)(A) 203(a)	Time needed to install secondary controls. Failed to comply with prior notices.	No Position/Denied	RV denied	N/A
10. L.A. County Civic Center Co-Generation Plant Case #3665-3 (A. Mednick)	203(b) 2004(f)(1) 2012(c)(2)(A) and (c)(3)(A) & (B), Appendix A	Time needed to obtain parts for CEMS RTU DAS repairs.	Not Opposed/Granted	RV granted 4/6/00 through 7/14/00, the FCD.	None.
11. Long Beach Generation LLC Case No. 5098-1 (J. Panasiti)	203(b) 2004(f)(1) 2012 Attachment C	CEMS cannot be tested as its turbine is being overhauled. Test was due 3-31-00. Will perform RATA as soon as the turbine comes on line.	Not Opposed/Granted	SV granted 4/1/00 through 6/15/00 the FCD	TBD
12. Mobil Oil Corp. Case #1183-324 (N. Feldman)	203(b) 2004(f)(1) 1173(f)(1)	Petition to correct erroneous testimony at prior hearing.	No Position/Denied	Denied request to consider revised testimony in support of SV granted 2/15/00.	N/A
13. Mobil Oil Corp. Case #1183-317 (A. Mednick)	203(b) 401(b) 404(a) 405(a) 2004(f)(1) H&S Code 41701	Varying intermittent failures of 3 to 7 fields of the ESP.	Not Opposed/Granted	EV granted 3/28/00 through 4/19/00, the FCD.	TBD
14. Mobil Oil Corp. Case # 1183-312 (N. Feldman)	1118 (d)(1), (2) & (3) (d)(4)(B), (d)(5)(A) & (B), (e), and (f)	Petitioner seeks additional time to solve problems with its analyzer and obtain District approval for its revised Flare Monitoring and Recording plan.	Not Opposed/Granted	MFCD/Ext granted 3/21/00 through 6/19/00, the FCD.	None
15. Mobil Oil Corp. Case # 1183-325 (N. Feldman)	202(a) 2004(f)(1)	Petitioner seeks time to install additional control equipment on its loading rack.	Not Opposed/Granted	SV granted 3/21/00 through 6/19/00, the FCD.	VOC: 20 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
16. Rhodia, Inc. Case #5044-2 (C. Engelhardt)	203(b) 2004(f)(1) 2011(c)(3)(A), Appendix A 2012(c)(3)(A), Appendix A	Petitioner seeks time to modify its CEMS so that CEMS will perform missing data procedures automatically, rather than semi-automatically.	Not Opposed/Granted	IV granted 3/22/00 for 90 days or until SV hearing scheduled for 4/27/00, whichever occurs sooner.	None
17. Riverside Cement Company Case # 2085-7 (C. Engelhardt)	203(b) 2012 Appendix A 2004(f)(1)	New analyzer replaced recently requires certification. Needs repeat test as calibration gases were below required levels.	Not Opposed/Granted	SV granted 3/1/00 through 4/15/00 the FCD.	None
18. Sargent Fletcher, Inc. Case #4502-1 (A. Mednick)	203(b) 1110.2(e)(1)(A)	Petitioner requests variance to allow it to participate in the amendment process or for engine used a few hours per year and, if unsuccessful, evaluate and implement alternative means of complying.	Not Opposed/Granted	RV granted 3/8/00 through 11/15/00 the FCD.	NOX: 350 lbs/day CO: 75 lbs/day VOC: 30 lbs/day
19. Southern California Gas Company Case #137-45 (J. Panasiti)	462(d)(1)(A)(ii), (e)(1)(E)(ii), & (h)(1)	Flow meter of loading equipment is incompatible. Anemometer used, but requires testing. Testing requires full tanks for accuracy.	Not Opposed/Granted	RV granted 4/1/00 through 8/31/00, the FCD.	None
20. Torch Operating Co. Case # 5089-3 (J. Panasiti)	203(b) 2004(f)(1) 1110.2(d)(1)(B)	Petitioner needs time to retest engine to demonstrate compliance.	Not Opposed/Granted	RV granted 3/15/00 through 10/30/00, the FCD	ROG: .012 lbs/day
21. U.S. Gypsum Company Case #4529-5	203(b) 2004(f)(1) 2012(c) (3)(A) & (m)	Unanticipated breakdown of of the CEMS hard drive, requiring time to replace it with a new drive.	Not Opposed/Granted	EV granted 3/8/00 through 3/31/00 the FCD	None

Key to Acronyms

EV - emergency 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 Variance

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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(e:hb/VarMar00)