

BOARD MEETING DATE: October 20, 2000

AGENDA NO. 23

REPORT: Hearing Board Variances and Appeals

SYNOPSIS: During the period of July 1 through July 31, 2000, the Hearing Board took action on 17 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 July 2000 Hearing Board Cases.**

The total number of appeals filed during the period July 1 to 31, 2000 is 4, and the total number of appeals filed during the period January 1 to July 31, 2000 is 27.

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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
# of HB Actions*														
Involving Rules														
202														0
202(a)		1		1	1		1							4
202(b)		1												1
202(c)														0
208														0
218														0
221(b)														0
401		1		1										2
401(a)							1							1
401(b)		1	2	1	2									6
401(b)(1)					1									1
401(b)(1)(A)							1	1						2
401(b)(1)(B)							1							1
403(d)(1)(1)								2						2
404		1		1										2
404(a)			1	1										2
404(b)														0
405		1		1										2
405(a)			1	1			1							3
405(b)														0
407(a)							1							1
407(a)(2)														0
431.1(c)(1)														0
431.1(d)(1)														0
444.0														0
444(a)				1	1		1							3
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							2
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	1	2	2						14
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	1	2	2						14
462(e)(2)(A)(i)		1												1
462(h)(1)		1	1	1	2		1	2						8
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
463(c)(3)(C)						1								1
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							2
1118(d)(2)				1			1							2
1118(d)(3)				1			1							2
1118(d)(4)(B)				1			1							2
1118(d)(5)(A)				1			1							2
1118(d)(5)(B)				1			1							2
1118(e)				1			1							2
1118(f)				1			1							2
1121					1									1
1122(c)(2)(A)														0
1122(c)(2)(E)														0
1122(c)(3)(A)														0
1122(d)(3)						1	1							2
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(c)								1						1
1134(d)								1						1
1134(d)(1)														0
1134(f)														0
1134(g)(2)								1						1
1135(e)								1						1
1145(c)(2)					1		2	1						4
1145(h)(1)(E)							1							1
1146(c)(1)								1						1
1146(c)(7)(B)														0
1146.1(c)														0

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
1150.1(d)(1)(c)(4)								1						1
1150.1(d)(5)							1							1
1150.1(d)(6)							2							2
1150.1(e)							1							1
1150.1(e)(1)(c)								1						1
1150.1(e)(2)							1							1
1150.1(e)(3)							1							1
1150.1(e)(1)(C)							2							2
1150.1(e)(2)(C)							1							1
1150.1(e)(3)(C)							1							1
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
1151(c)(1)(B)					1									1
1151(c)(8)					1									1
1151(d)(1)														0
1153(c)(1)(B)						2								2
1158(d)(8)			1											1
1166(c)(2)														0
1168(c)(1)			1											1
1171(c)(1)						1								1
1173(c)														0
1173(f)(1)			1	1										2
1176														0
1176(e)(1)		1					1							2
1176(e)(2)		1					1							2
1176(e)(2)(B)														0
1176(e)(3)(A)														0
1176(e)(6)		1												1
1176(f)		1												1
1189(c)(1)							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)							1							1
1407(d)(4)														0
1407(f)(1)														0
1418(d)(2)(A)														0
1421						1								1
1421(d)(1)(C)		1												1
1421(d)(3)(A)		1												1
1421(e)(2)(c)					1									1
2004(k)							2							2
2011 Appendix A				1	1	1								3
2011 Attachment C						1								1
2011(c)(2)		1				1								2
2011(c)(2)(A)		1					1							2
2011(c)(3)(A)				1	1									2
2011(e)(1)		1				1	1							3
2011(f)(3)		1												1
2011(g)		1												1
2011(k)		1				1								2
2012			1											1
2012 Appendix A	4			3	3	1	2	1						14

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
2012 Attachment C			2	1	1								4
2012(c)(2)	1				1								2
2012(c)(2)(A)	4		1	2		3	1						11
2012(c)(3)(A)	3		3	3		2	1						12
2012(c)(3)(B)	3		1	2		2	1						9
2012(d)(2)(A)	1												1
2012(d)(2)(D)	1												1
2012(g)(1)	3		1	2	1	2							9
2012(h)(3)	1												1
2012(h)(4)	2			2		2							6
2012(h)(5)	1						1						2
2012(i)	1												1
2012(j)(2)	1						1						2
2012(m)	1		1		1								3
2012(l)	1												1
H&S 41701	1	1	2	2		2	1						9

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

Report of July 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. Ashland, Inc. Case #4796-3 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Waiting for the District to review source test.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 7/15/00, were extended through 11/15/00, the FCD.	None.
2. Ceres Environmental Services, Inc. Case #5175 (N. Feldman)	401(b)(1)(A) 403(d)(1) H&S 41701	Time needed to comply with fire department regulations and finish processing of green waste material.	Opposed/Dismissed	IV dismissed without prejudice. The SV hearing is currently scheduled for 8/10/00.	
3. City of Glendale Case #3478-16 (Consent Calendar Item)	1134(c) 1134(d) 1134(g)(2)	Gas turbines exceeded 200-hour/year limit and needs additional time to install SCR NO _x control system using aqueous ammonia.	Not Opposed/Granted	RV granted commencing 7/27/00 and continuing through 1/15/01, the FCD.	None.
4. City of Pasadena Case #2244-12 (A. Mednick)	1135(e) and Sections 2.19 & 2.19.1 of CEMS Requirements Documents for Utility Boilers	Additional required to complete CEMS RATA test.	Opposed/Dismissed	IV dismissed without prejudice. A SV hearing is currently scheduled for 8/2/00.	
5. City of Vernon, Light & Power Case #4957-2 (N. Feldman)	203(b) 2004(f)(1)	As a participant of the California Independent System Operator, petitioner must operate peaking units in excess of the six-hour per day permit condition in order to supply power to the California electric power grid.	Not Opposed/Granted	SV granted commencing 7/25/00, and continuing through 10/23/00, the FCD.	NO _x : 23 lbs/day CO: 146 lbs/day ROG: 19 lbs/day SO _x : 0.16 lb/day PM ₁₀ : 1.82 lbs/day
6. Equilon Enterprises, LLC Case #4982-8 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Waiting for District to review source test.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 7/15/00, were extended through 11/15/00, the FCD.	None.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
7. Garden Grove Sanitary District Case #5167 (C. Engelhardt)	1150.1(d)(1)(C)(4) 1150.1(e)(1)(C)	Additional time is required to install gas extraction wells after denial of an alternative compliance plan.	Not Opposed/Granted	SV granted commencing 7/5/00 and continuing through 10/1/00, the FCD.	None.
8. Liberty Cleaners Case #5169 (A. Mednick)	203(a)	Need time to update equipment and reapply for permit to operate.	Not Opposed/Granted	IV granted commencing 7/5/00 and continuing for 90 days or until the RV hearing currently scheduled for 8/2/00, whichever occurs first.	PERC: 2 lbs/day
9. Los Angeles County Civic Center Case #3665-3 (A. Mednick)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(3)(A) 2012(c)(3)(B), Appendix A as it relates to major sources, Chapter 2 & 7 2012(h)(5), 2012(l) and the relative portions of Appendix A	Time needed to get necessary parts for CEMS system.	Not opposed/granted	MFCD/EXT: The variance and FCD which extended through 7/14/00, were extended through 9/14/00, the FCD.	None.
10. Mattel, Inc. Case #3216-2 (E. Sernel)	203(b) 1145(c)(2) 1145(h)(1)(E)	Petitioner misinterpreted rule and needs time to develop compliant coatings.	Not Opposed/Denied	RV denied.	
11. OLS Energy – Chino Case #3149-6 (J. Panasiti)	203(b) 2004(f)(1)	Need to operate backup steam boilers more hours than are permitted while SCE performs work on electrical generating system	Not Opposed/Granted	SV granted for 9 hours in a window-of-time commencing 7/27/00 and continuing through 10/1/00, the FCD.	NO _x : 9 lbs/total for the boilers & 105.5 lbs/total for the generator.
12. One Hour Martinizing Chang Lee dba Case #5165 (C. Engelhardt)	203(a)	Time is needed to allow petitioner to obtain funds to purchase a compliant dry cleaning machine.	Not Opposed/Granted	RV granted commencing 7/26/00 and continuing through 4/15/01, the FCD.	PERC: TBD
13. Raymond Interior Systems Case #5174 (A. Mednick)	403(d)(1)	For safety reasons, Cal OSHA does not permit petitioner encapsulate swingstage with tarp to control dust.	Opposed/Granted	IV commencing 7/20/00 and continuing for 90 days or until the SV scheduled for 8/1/00, whichever occurs first.	PM: .54 lb/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
14. Sempra Energy Solutions/Central Plants, Inc. Case #3447-54 (Consent Calendar Item)	203(b) 2004(f)(1)	Petitioner has reached agreement with the District on modification to permit, and seeks a variance to follow condition in the agreement, rather than in permit as issued, while waiting for District to formally issue modified permit.	Not Opposed/Granted	RV granted commencing 7/26/00 and continuing through 7/25/01, or the date when the District issues the revised permit with all the corrections agreed upon, whichever occurs first.	None.
15. Sempra Energy Solutions/Central Plants, Inc. Case #3447-55 (Consent Calendar Item)	203(b) 2004(f)(1)	Petitioner has reached agreement with the District on modification to permit, and seeks a variance to follow condition in the agreement, rather than in permit as issued, while waiting for District to formally issue modified permit.	Not Opposed/Granted	RV granted commencing 7/11/00 and continuing through 7/10/01, or the date when the District issues the revised permit with all the corrections agreed upon, whichever occurs first.	None.
16. Sempra Energy Solutions/Central Plants, Inc. Case #3447-56 (Consent Calendar Item)	203(b) 2004(f)(1)	Petitioner has reached agreement with the District on modification to permit, and seeks a variance to follow condition in the agreement, rather than in permit as issued, while waiting for District to formally issue modified permit.	Not Opposed/Granted	RV granted commencing 7/26/00 and continuing through 7/25/01, or the date when the District issues the revised permit with all of the corrections agreed upon, whichever occurs first.	None.
17. Specialty Paper Mills, Inc. Case #5171 (E. Sernel)	2012(j)(2) 2012, Appendix A, Chapter 5, Section C refers to Table 5-B	An unanticipated explosion occurred in the water tube boilers used for drying paper. Tri-annual testing due by 6-30-00 will be postponed until repairs can be completed.	Not Opposed/Granted	EV granted commencing 7/1/00 and continuing through 7/29/00, the FCD.	None.

[\(e:hb/VarJuly00\)](#)

Key to Acronyms

EV: Emergency Variance

IV : Interim Variance

SV: Short 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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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