

BOARD MEETING DATE: April 20, 2001

AGENDA NO. 22

REPORT: Hearing Board Variances and Appeals

SYNOPSIS: During the period of February 1 through March 31, 2001, the Hearing Board took action on 15 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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Three summaries are attached: **Rules From Which Variances Were Requested in 2001, February 2001 Hearing Board Cases, and March 2001 Hearing Board Cases.**

The total number of appeals filed during the period February 1 to March 31, 2001 is 3, and the total number of appeals filed during the period January 1 to March 31, 2001 is 3.

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**Rules from which Variances were Requested in 2001**

	2001	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	
202(b)														0	
202(c)														0	
208														0	
218														0	
221(b)														0	
401														0	
401(a)														0	
401(b)		1												1	
401(b)(1)														0	
401(b)(1)(A)														0	
401(b)(1)(B)														0	
403(d)(1)														0	
404														0	
404(a)		1												1	
404(b)														0	
405														0	
405(a)		1												1	
405(b)														0	
407(a)														0	
407(a)(2)														0	
431.1(c)(1)														0	
431.1(d)(1)														0	
444.0														0	
444(a)														0	
444(c)														0	
444(d)														0	
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)		3												3	
461(c)(2)(B)		3												3	
461(c)(2)(C)														0	
461(c)(4)(A)														0	
461(c)(4)(B)														0	
461(c)(4)(B)(ii)														0	
461(e)(1)				1										1	
461(e)(3)														0	
461(e)(5)														0	
462(c)(1)(A)(ii)														0	
462(c)(3)(B)														0	
462(c)(4)(B)(i)														0	
462(c)(7)(A)(ii)														0	
462(d)(1)(A)		1												1	

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

	2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
462(d)(1)(A)(ii)		1		1										2
462(d)(2)(A)(i)														0
462(e)(1)(E)		1												1
462(e)(1)(E)(ii)		1		1										2
462(e)(2)(A)(i)														0
462(h)(1)		1		1										2
463(c)(1)			1											1
463(c)(1)(A)														0
463(c)(1)(A)(I)-(iv)			1											1
463(c)(1)(B)														0
463(c)(1)(C)														0
463(c)(1)(D)			1											1
463(c)(1)(E)														0
463(c)(2)														0
463(c)(2)(B)														0
463(c)(3)(B)														0
463(c)(3)(C)														0
463(d)(2)			1											1
463(e)(3)(C)			1											1
463(e)(4)			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)		1												1
1107(c)(7)		1												1
1110.2														0
1110.2(d)(1)(B)														0
1110.2(e)(1)(A)														0
1113(c)(2)														0
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														0
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)														0
1128(c)(1)														0
1128(c)(2)														0
1130(c)														0
1130(c)(4)														0
1134(c)		2												2
1134(d)		2												2

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

	2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action
1134(d)(1)														0	
1134(f)														0	
1134(g)(2)		2												2	
1135(c)(3)		1												1	
1135(c)(3)(C)														0	
1135(c)(4)(D)		1												1	
1135(e)														0	
1145(c)(2)														0	
1145(h)(1)(E)														0	
1146(c)(1)														0	
1146(c)(7)(B)														0	
1146.1(c)														0	
1150.1(d)(4)		1												1	
1150.1(d)(5)		1												1	
1150.1(d)(6)		1												1	
1150.1(e)														0	
1150.1(e)(1)(c)														0	
1150.1(e)(2)														0	
1150.1(e)(3)														0	
1150.1(e)(1)(C)		1												1	
1150.1(e)(2)(C)		1												1	
1150.1(e)(3)(C)		1												1	
1150.1(e)(6)(A)(I)														0	
1150.1(e)(6)(A)(ii)														0	
1150.1(f)(1)(A)(iii)(I)														0	
1150.1(f)(1)(H)(i)														0	
1151(c)(1)(B)														0	
1151(c)(8)														0	
1151(2)														0	
1151(5)														0	
1151(d)(1)														0	
1151(e)(1)														0	
1151(e)(2)														0	
1153(c)(1)(B)														0	
1158(d)(8)														0	
1166(c)(2)														0	
1168(c)(1)														0	
1171(c)(1)														0	
1173(c)														0	
1173(f)(1)														0	
1175(c)(2)														0	
1176														0	
1176(e)(1)														0	
1176(e)(2)														0	
1176(e)(2)(B)														0	
1176(e)(3)(A)														0	
1176(e)(6)														0	
1176(f)														0	
1189(c)(1)														0	
1401(d)(1)														0	
1401(d)(1)(A)														0	
1401(d)(1)(B)														0	
1405(d)(3)(C)														0	
1407(d)														0	
1407(d)(1)														0	
1407(d)(2)														0	
1407(d)(4)														0	
1407(f)(1)														0	
1415(d)(3)		1												1	

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

2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action
1418(d)(2)(A)													0	
1421													0	
1421(d)													0	
1421(d)(1)(C)													0	
1421(d)(3)(A)													0	
1421(e)(2)(c)													0	
2004(k)													0	
2011 Appendix A													0	
2011 Attachment C													0	
2011(c)(2)													0	
2011(c)(2)(A)													0	
2011(c)(3)(A)													0	
2011(e)(1)													0	
2011(f)(3)													0	
2011(g)													0	
2011(k)													0	
2012													0	
2012 Appen. A, Attach. C, Sec. 2													1	
2012(c)(2)													0	
2012(c)(2)(A)		1	1	1									3	
2012(c)(3)(A)													1	
2012(c)(3)(B)													1	
2012(d)(2)(A)													0	
2012(d)(2)(D)													0	
2012(g)(1)													0	
2012(h)(3)													0	
2012(h)(4)													0	
2012(h)(5)												1	1	
2012(h)(6)		1											1	
2012(i)													0	
2012(j)(2)													0	
2012(m)													0	
2012(l)												1	1	
H&S 41701		1											1	

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

**Report of February 2001 Hearing Board Cases**

<b>Case Name and Case No.</b>	<b>Rules</b>	<b>Reason for Petition</b>	<b>District Position/ Hearing Board Action</b>	<b>Type and Length of Variance</b>	<b>Excess Emissions</b>
1. California Pre-Stain, Inc. Case #5120A (J. Panasiti)	1104(c)(1)	Competitors are subject to currently less stringent Rule 1113. Petitioner cannot immediately comply without losing business to competitors.	Not Opposed/Granted	RV granted commencing 2/6/01 and continuing through 6/30/02, the FCD.	VOC: 8.2 lbs/day
2. Chevron Products Company Case #831-307 (C. Engelhardt)	203(b) 2004(f)(1) 463(c)(1) 463(d)(2) 463(c)(1)(A)(i)-(iv) 463(c)(1)(D) 463(e)(3)(C) 463(e)(4)	Floating roof on fuel storage tank was damaged and fell into the tank. Need time to empty tank so roof can be repaired and restored to its correct position.	Not Opposed/Granted	SV granted commencing 2/21/01 and continuing through 2/27/01, the FCD.	VOC: 1,000 lbs/day (estimated to occur for three days)
3. L.A. County Civic Center Co-Gen Plant Case #3665-3A (A. Mednick)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(3)(A) 2012(c)(3)(B) 2012(h)(5) 2012(l)	Time needed to make modifications to equipment and source test.	Not Opposed/Granted	RV granted commencing 2/6/01 and continuing through 5/31/02, the FCD.	None.
4. Precision Aerospace Corporation Case #5213 (J. Panasiti)	203(b)	Petitioner needs additional time to install a continuous VOC monitor.	Not Opposed/Granted	SV granted 2/28/01 and continuing through 5/28/01, the FCD.	None.

Key to Acronyms

FCD: Final Compliance Date

SV: Short Variance

RV: Regular Variance

## Report of MARCH 2001 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. A & Z Grinding Case #5217 (A. Mednick)	202(a)	Petitioner had misunderstood method of reading amp-hour meter; pollution control equipment is operating and source test has been completed; company seeks to exceed amp-hour limit in P/C while it awaits issuance of P/O, which will likely increase allowable amp-hours.	Granted/Not Opposed	IV granted commencing 3/6/01 and continuing for 90 days or until the regular variance hearing currently scheduled for 4/25/01, whichever comes first.	None
2. B Braun Medical Inc. Case #4780-3 (N. Feldman)	203(b) 2004(f)(1)	Petitioner seeks to conduct tune-up on its SCR system as a preventive maintenance measure; petitioner expects to exceed the NOX ppm limit in its permit during some portions of the tuning operation.	Not Opposed/Granted	SV variance granted for two 3-day periods commencing at the time specified in the notice given pursuant to Condition No. 1. The variance shall occur in a window of time commencing 4/1/01 and continuing through 6/29/01.	NO <sub>x</sub> 500 lbs/total for the variance period
3. Cardlock Fuels System, Inc. Case #5218 (E. Sernel)	203(b) 461(e)(1)	Petitioner failed test of vapor recovery system and requested time for testing contractor to fabricate proper testing equipment.	No Position/Dismissed	EV dismissed.	
4. Chemoil Terminals Corporation Case #4970-2 (No Appearance; Consent Calendar)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Petitioner seeks additional time to obtain CARB certification of equipment.	Not Opposed/Granted	MFCD/EXT: The variance and final compliance date which extended through 3/31/01 were extended through 2/1/02.	None
5. Chevron Products Company Case #831-308 (A. Mednick)	203(b) 2004(f)(1)	Results of source test indicate petitioner exceeds PM <sub>10</sub> emission limit. Petitioner believes test method yields erroneously high results.	Not Opposed/Granted	IV granted commencing 3/28/01 and continuing for 90 days or until the regular variance hearing currently scheduled for 6/6/01, whichever comes first.	PM <sup>10</sup> 66 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
6. City of Pasadena Case #2244-15 (No Appearance; Consent Calendar)	203(b) 2004(f)(1)	City utility is awaiting District amendment of their permit allowing them more operating hours for their peaking unit boilers	Not Opposed/Granted	RV granted commencing 3/21/01 and continuing through 2/1/02, the FCD.	NOx TBD
7. El Segundo Power, LLC Case #5097-2 (A. Mednick)	203(b) 2004(f)(1)	Malfunction has caused ammonia slip to exceed limit. Petitioner must continue to emit ammonia in excess of limit in order to maintain NOx emission within allocation.	Granted/Not Opposed	IV granted commencing 3/6/01 and continuing for 90 days or until the regular variance hearing currently scheduled for 4/25/01, whichever comes first.	NH3 72 lbs/day
8. Falcon Foam, A Div. Of Atlas Roofing Corp. Case #3529-5 (E. Sernel)	203(b) 2004(f)(1)	Petitioner's permit restricts the pentane content in the beads used in the manufacturing process. Petitioner will conduct additional source tests to determine compliance options, including possible permit amendment.	Not Opposed/Granted	RV granted commencing 3/21/01 and continuing through 6/28/01, the FCD.	TBD
9. Ripon Cogeneration, Inc. Case #5211 (C. Engelhardt)	2012(c)(2)(A)	Cogen system (including CEMS unit) must be taken off line to install new SCR and upgrades to existing CEMS.	Not Opposed/Granted	SV shall commence upon issuance of the CEMS modified permit and shall continue for 30 days thereafter.	None
11. Riverside Canal Power Company Case #5156-1 (A. Mednick)	2012, Appendix A, Attachment C, §B.2	RATA test is due March 31, 2001 on equipment that is out of service. Petitioner seeks to postpone RATA test until equipment is back in service.	Not Opposed/Granted	RV granted commencing 4/1/01 and continuing through 7/1/01, the FCD.	None
12. Ultramar, Inc. Case #3845-41 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner seeks to disconnect CEMS for 12 hours while equipment is reconfigured to improve safety.	Not Opposed/Granted	SV granted commencing upon petitioner's notice to the District, 24 hours prior to the bypass, and shall be for 12 hours in a window of time commencing 3/19/01 and continuing through 3/23/01, the FCD.	NOx 68 lbs/day

**Key to Acronyms**

EV: Emergency 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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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 a Final Compliance Date and Extension of a Variance