

BOARD MEETING DATE: August 17, 2001

AGENDA NO. 14

REPORT: Hearing Board Variances and Appeals

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of July 1 through July 31, 2001.

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 and Order for Abatements Were Requested in 2001** and **July 2001 Hearing Board Cases**.

The total number of appeals filed during the period July 1 to July 31, 2001 is 0, and the total number of appeals filed during the period January 1 to July 31, 2001 is 6.

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Rules from which Variances and Order for Abatements were Requested in 2001

	2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
# of HB Actions*														
Involving Rules														
202														0
202(a)				1	2	2	2	3						10
202(b)								1						1
202(c)					1			1						2
203(a)							1							
208														2
218														0
221(b)														0
401														0
401(a)														0
401(b)		1												1
401(b)(1)							2							2
401(b)(1)(A)														0
401(b)(1)(B)														0
402							1	1						2
403(d)(1)							1							1
403(d)(2)							1							1
404														0
404(a)		1												1
404(b)														0
405														0
405(a)		1												1
405(b)														0
407(a)														0
407(a)(2)(A)								1						1
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)							1							1
461(c)(1)(B)					1	1	1							3
461(c)(1)(C)							1							1
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					1							4
461(c)(2)(B)		3			1	1	1							6
461(c)(2)(C)							1							1
461(c)(3)(A)								1						1
461(c)(4)(B)														0
461(c)(4)(B)(ii)														0
461(e)(1)				1										1
461(e)(2)							2							2
461(E)(2)(A)							1							1
461(e)(2)(B)(i)							1							1
461(e)(2)(C)						2								2
461(e)(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
461(e)(4)							1							1
461(e)(5)							2	1						3
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
462(d)(1)(A)(ii)		1		1			3							5
462(d)(2)(A)(i)														0
462(e)(1)(E)		1												1
462(e)(1)(E)(ii)		1		1			3							5
462(e)(2)(A)(i)														0
462(h)(1)		1		1			3							5
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							2
463(e)(3)(C)			1											1
463(e)(4)			1											1
464(b)(1)			1											1
468								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						2
1107(c)(7)		1												1
1107(d)								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			1						3
1118(d)(1)(2)					1									1
1118(d)(1)(3)					1									1
1118(d)(2)		1						1						2
1118(d)(3)		1						1						2
1118(d)(4)(B)		1			1			1						3
1118(d)(5)(A)		1			1			1						3
1118(d)(5)(B)		1			1			1						3
1118(e)		1			1			1						3
1118(f)		1			1			1						3
1121														0
1122(c)(2)(A)														0
1122(c)(2)(E)														0
1122(c)(3)(A)														0
1122(d)(3)							1							1
1122(e)(2)(A)														0
1122(e)(2)(B)														0
1122(e)(2)(C)														0
1122(e)(2)(D)														0

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
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
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)							1							1
1145(h)(1)(E)														0
1146(c)(7)(B)														0
1146.1(c)(1)								1						1
1146.1(c)(2)(B)								1						1
1150.1								1						1
1150.1(d)(4)		1						2						3
1150.1(d)(6)		1						2						3
1150.1(e)														0
1150.1(e)(1)								1						1
1150.1(e)(2)														0
1150.1(e)(3)								1						1
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)							1							1
1175(c)(4)(B)(ii)(II)							1							1
1176														0
1176(e)(1)														0
1176(e)(2)														0
1176(e)(2)(B)														0
1176(e)(3)(A)														0

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
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	
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(c)(1)(C)							1	1						2	
2004(d)							1	2						3	
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. B.2				1		1	1	1						4	
2012 Appen. A, Attach. C, Sec. 7						1								1	
2012 Appen A					1			2						3	
2012 Appen A, Chap. 2							1							1	
2012(c)(2)														0	
2012(c)(2)(A)		1	1	1	1	1	1	1						7	
2012(c)(3)(A)			1		1	1	1	2						6	
2012(c)(3)(B)			1		1	1	1	1						5	
2012(c)(10)					1			1						2	
2012(d)(2)(A)														0	
2012(d)(2)(D)														0	
2012(e)(2)(B)								1						1	
2012(g)(1)					1	1	1							3	
2012(g)(3)					1			1						2	
2012(h)(3)														0	
2012(h)(4)							1							1	
2012(h)(5)			1			1								2	
2012(h)(6)		1			1			1						3	
2012(i)						1								1	
2012(j)(2)														0	
2012(m)						1								1	
2012(l)			1											1	
H&S 41700								1						1	
H&S 41701		1					2							3	

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

Report of July 2001 Hearing Board Cases

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Order	Excess Emissions
1. Arco Polypropylene LLC Case #1011-244 (No Appearance; Consent Calendar)	202(a) 2004(f)(1)	Petitioner awaiting issuance of modified permit by the District.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 8/1/01 were extended to 11/1/01.	None
2. Arco Polypropylene LLC Case #1011-245 (No Appearance Consent Calendar)	202(a) 2004(f)(1)	Petitioner awaiting issuance of modified permit by the District.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 8/1/01 were extended to 11/1/01 or until petitioner's emission limit for the thermal oxidizer has been modified in its facility permit, whichever comes first.	PM ¹⁰ 8.5 lbs/day
3. California Dairies, Inc. Case #5052-1 (No Appearance; Consent Calendar)	202(a) 202(c) 203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(3)(A) 2012(c)(3)(B) 2012(c)(10) 2012(g)(1) 2012(g)(3) 2012(h)(6) 2012, Appendix A	Petitioner needs additional time to repair fuel meters, conduct CEMS source testing, and obtain District approval for its CEMS.	Not Opposed/Granted	RV granted through 10/1/01, or until petitioner has received provisional approval of its CEMS certification, whichever comes first.	None
4. Classic Oil, Inc. Case #5252 (A. Mednick)	461(c)(3)(A) 461(e)(5)	Petitioner recently purchased a gasoline service station from a party that failed to disclose the station's existing administrative and equipment deficiencies. Petitioner needs time to correct the problems.	Not Opposed/Granted	IV granted commencing 7/24/01 and continuing for 90 days or until the short variance hearing currently scheduled for 8/23/01, whichever comes first.	VOC 700 lbs/mo

5. County of Orange Integrated Waste Management Department Case # 3818-12 (C. Engelhardt)	1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6)	Petitioner seeks to disconnect one of its flares for a brief period while it removes the old, corroded flare and replaces it with a new flare.	Not Opposed/Granted	SV granted commencing 7/18/01 and continuing through (DATE), the FCD.	Methane to be determined
6. Eastern Municipal Water District Case #4937-14 (J. Panasiti)	202(b) 203(b)	Flare shutdown at least ten times per day. Storage vessel for excess gases is near capacity and may require venting to the atmosphere.	Not Opposed/Dismissed	IV dismissed.	
7. ExxonMobil Oil Corporation Case #1183-292 (A. Mednick)	2004(c)(1)(C)	Petitioner seeks additional time to submit proposed methodologies, obtain District approval for the methodologies, and perform recalculations of specified RECLAIM data.	Not Opposed/Granted	Mod. I/P and Conditions granted.	None
8. ExxonMobil Oil Corporation Case #1183-312 (J. Panasiti)	1118(d)(1) 1118(d)(2) 1118(d)(3) 1118(d)(4)(B) 1118(d)(5)(A) 1118(d)(5)(B) 1118(e) 1118(f)	Petitioner is awaiting final review of revised flare monitoring plan.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 7/31/01 were extended to 9/28/01.	None
9. LVH Coatings Ltd. Case #PV016 (C. Engelhardt)	1107(c)(2) 1107(d)	Petitioner seeks to use non-compliant coating in an electrocoating process, while petitioner seeks to obtain a rule change.	Not Opposed/Granted	RPV granted commencing 7/31/01 and continuing through 1/31/02, the FCD.	VOC 479 lbs/total
10. Mountain View Power Company, LLC Case #5155-1 (C. Engelhardt)	203(b) 2004(f)(1) 2012, Appendix A, Attachment C, Section B.2	Due to a lack of a contract, Petitioner's boilers are off-line. Petitioner will conduct required RATA testing prior to future operation.	Not Opposed/Granted	SV granted commencing 7/18/01 and continuing through 9/30/01, the FCD.	None

11. Reliant Energy Etiwanda, LLC Case #5250 (E. Sernel)	203(b) 2004(f)(1) 2012(c)(3)(A)	Petitioner needs time to correct software problem that developed when petitioner revised its software to accommodate the District's new PDN contractor.	Not Opposed/Granted	IV granted commencing 7/12/01 and continuing for 90 days or until the short variance hearing currently scheduled for 8/29/01.	None
12. SCAQMD vs. Atlantic Richfield Company Case #1011-251 (C. Engelhardt)	407(a)(2)(A) 468	Respondent requested that the Order be extended for two years to allow time for construction of control option.	Opposed/No Action	Mod. Stipulated O/A. The Board ruled that it did not have jurisdiction to hear the matter because the Executive Officer had not stipulated to modifying and extending the Stipulated Order.	
13. SCAQMD vs. City of Los Angeles, Department of Water & Power Case #1263-44 (P. Mieras)	2004(d)	Due to unavoidable construction and installation delays encountered by Respondent and data indicating that one of selected control technologies for Valley Units 3 & 4 is incompatible, petitioner requires additional time to 1) install and tune 6 peaker units at the Valley and Harbor Stations, and 2) procure and install FGR on Haynes Unit 4 in lieu of water injection on Valley Units 3 and 4.	Stipulated/Issued	Mod. O/A issued commencing 7/26/01. The Board shall retain jurisdiction over this matter until 7/1/03.	
14. SCAQMD vs. Oh Boy! Corporation Case #5246 (E. Sernel)	1146.1(c)(1) 1146.1(c)(2)(B)	Petitioner has three non-compliant boilers. One will be replaced and the other two will become auxiliary/backup boilers.	Stipulated/Issued	Stipulated O/A issued commencing 7/12/01. The Board shall retain jurisdiction over this matter until 6/30/02.	
15. SCAQMD vs. Terra Universal, Inc. Case #5243 (E. Sernel)	402 H&S §41700	Respondent has been causing overspray damage to adjacent business from conventional paint spraying and cleaning operations.	Not Opposed/Issued	O/A issued commencing 7/12/01.	

16. SCAQMD vs. U.S. Dying and Finishing Case #4783-4 (E. Sernel)	203(b) 2004(d) 2004(f)(1) 2012, Appendix A 2012(e)(2)(B)	Petitioner will retrofit 4 boilers and replace 7 boilers in order to reduce NOx emissions and comply with RECLAIM requirements.	Stipulated/Issued	Stipulated O/A issued commencing 7/12/01. The Board shall retain jurisdiction over this matter until 1/31/04.	
17. SCAQMD vs. Villa Park Landfill, County of Orange Case #5249 (C. Engelhardt)	1150.1(d)(4) 1150.1(d)(6) 1150.1(e)(1) 1150.1(e)(3)	District seeks to require respondent to install a new collection and control system for landfill gas.	Stipulated/Issued	Stipulated O/A issued commencing 7/18/01. The Board shall retain jurisdiction over this matter until 6/30/02.	
18. SCAQMD vs. Waste Management Disposal Services of California, Inc. Case #3824-6 (C. Engelhardt)	1150.1	District requests respondent be ordered to implement remedial landfill gas reduction plan.	Stipulated/Issued	Stipulated O/A issued commencing 7/25/01. The Board shall retain jurisdiction over this matter until 11/7/01.	
19. Torch Operating Company Case #5089-6 (J. Panasiti)	203(b) 2004(f)(1)	Petitioner cannot install the water injection system on its gas turbine until the District completes its review and issues a permit to construct.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 8/10/01 were extended to 12/8/01.	NO _x 2.2 lbs/day

Key to Acronyms

EV: Emergency Variance

FCD: Final Compliance Date

H&S: Health & Safety Code

I/P: Increments of Progress

IV: Interim Variance

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

Mod.: Modification

N/A: Not Applicable

O/A: Order for Abatement

RPV: Regular Product Variance

RV: Regular Variance

SV: Short Variance

TBD: To be determined