

BOARD MEETING DATE: December 21, 2001

AGENDA NO. 18

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2001.

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

The total number of appeals filed during the period November 1 to November 30, 2001 is 2, and the total number of appeals filed during the period January 1 to November 30, 2001 is 12.

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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
<b># of HB Actions*</b>														
<b>Involving Rules</b>														
202														0
202(a)				1	2	2	2	3	1	2	1	4		18
202(b)								1						1
202(c)					1			1						2
203(a)							1		1		1			3
208														0
218														0
221(b)														0
401														0
401(a)														0
401(b)		1										1		2
401(b)(1)							2			1				3
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			2
404(b)														0
405														0
405(a)		1									1			2
405(b)														0
407(a)														0
407(a)(2)(A)								1	1		1			3
409.0											1			1
431.1(c)(1)														0
431.1(d)(1)														0
444														0
444(a)														0
444(c)														0
444(d)														0
461												2		2
461(c)							1							1
461(c)(1)(A)					1	1	1							3
461(c)(1)(B)							1					1		2
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)		3					1							4
461(c)(2)(A)		3			1	1	1				3			9
461(c)(2)(B)							1				3			4
461(c)(2)(C)								1				1		2
461(c)(3)(A)														0
461(c)(4)(B)														0
461(c)(4)(B)(ii)				1										1
461(e)(1)							2							2
461(e)(2)							1							1
461(E)(2)(A)							1							1
461(e)(2)(B)(i)						2								2
461(e)(2)(C)							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)(3)							1							1
461(e)(4)							2	1						3
461(e)(5)												1		1
462(c)(1)(A)(ii)														0
462(c)(3)(B)														0
462(c)(4)(B)(i)														0
462(c)(7)(A)(ii)		1												1
462(d)(1)(A)		1		1			3					1		6
462(d)(1)(A)(ii)									1		3			4
462(d)(2)(A)(i)		1												1
462(e)(1)(E)		1		1			3					1		6
462(e)(1)(E)(ii)											3			3
462(e)(2)(A)(i)		1		1			3							5
462(h)(1)			1								3			4
463(c)(1)														0
463(c)(1)(A)			1											1
463(c)(1)(A)(I)-(iv)														0
463(c)(1)(B)														0
463(c)(1)(C)			1											1
463(c)(1)(D)														0
463(c)(1)(E)														0
463(c)(2)														0
463(c)(2)(B)														0
463(c)(3)(B)														0
463(c)(3)(C)			1				1							2
463(d)(2)			1											1
463(e)(3)(C)			1											1
463(e)(4)			1											1
464(b)(1)								1	1					2
468			1								1			2
1104(c)(1)														0
1106(c)(1)														0
1106.1(c)(1)														0
1106.1(c)(1)(A)		1						1						2
1107(c)(2)		1									1			2
1107(c)(7)								1						1
1107(d)														0
1110.2														0
1110.2(d)(1)(B)														0
1110.2(e)(1)(A)														0
1113(c)(2)		1			1			1		1				4
1118(d)(1)					1							1		2
1118(d)(1)(2)					1									1
1118(d)(1)(3)		1						1		1				3
1118(d)(2)		1						1		1		1		4
1118(d)(3)		1			1			1		1		1		5
1118(d)(4)(B)		1			1			1		1		1		5
1118(d)(5)(A)		1			1			1		1		1		5
1118(d)(5)(B)		1			1			1		1		1		5
1118(e)		1			1			1		1		1		5
1118(f)												1		1
1121														0
1122(c)(2)(A)														0
1122(c)(2)(E)														0
1122(c)(3)(A)							1							1
1122(d)(3)														0
1122(e)(2)(A)														0
1122(e)(2)(B)														0
1122(e)(2)(C)														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)(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)		2												2
1134(c)									1					1
1134(c)(1)		2									1			3
1134(d)														0
1134(d)(1)														0
1134(f)		2												2
1134(g)(2)		1												1
1135(c)(3)														0
1135(c)(3)(C)		1												1
1135(c)(4)(D)														0
1135(e)							1							1
1145(h)(1)(E)														0
1145(h)(1)(E)														0
1150.1(e)(3)									1					1
1146.1								1						1
1146.1(c)(1)								1						1
1146.1(c)(2)(B)								1		1				2
1150.1		1						2	1					4
1150.1(d)(1)(C)(i)											1			1
1150.1(d)(4)									1					1
1150.1(d)(5)		1						2	1					4
1150.1(d)(6)														0
1150.1(e)								1						1
1150.1(e)(1)														0
1150.1(e)(2)								1						1
1150.1(e)(3)		1									1			2
1150.1(e)(1)(C)		1												1
1150.1(e)(2)(C)		1												1
1150.1(e)(3)(C)														0
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)								1						1
1175(c)(2)								1						1
1175(c)(4)(B)(ii)(II)														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														0	
1176(e)(1)														0	
1176(e)(2)														0	
1176(e)(2)(B)														0	
1176(e)(3)(A)														0	
1176(e)(6)														0	
1189(C)(1)														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)		1												1	
1415(d)(3)														0	
1418(d)(2)(A)														0	
1421														0	
1421(d)														0	
1421(d)(1)(C)														0	
1421(d)(3)(A)														0	
1469.0										1				1	
1469(c)(2)									1					1	
1469(d)(1)									1		1			2	
1469(e)(1)											1			1	
1469(e)(2)							1	1						2	
2004(c)(1)(C)							1	2						3	
2004(d)														0	
2004(k)														0	
2009(d)												1		1	
2009(f)(2)												1		1	
2011 Appendix A														0	
2011 Attachment C														0	
2011(c)(2)										1		1		2	
2011(c)(2)(A)										1	1			2	
2011(c)(3)(A)											1			1	
2011(e)(1)											1	1		2	
2011(f)(3)														0	
2011(g)														0	
2011(k)											1			1	
2011(k) Appen. A, Chap. 2													1	1	
2012				1		1	1	1						4	
2012 Appen. A, Attach. C, Sec. B.2						1								1	
2012 Appen. A, Attach. C, Sec. 7				1				2						3	
2012 Appen A							1		1					2	
2012 Appen A, Chap. 2														0	
2012(c)(2)		1	1	1	1	1	1	1	1	1		1		10	
2012(c)(2)(A)			1		1	1	1	2	1	1	1	1		10	
2012(c)(3)(A)			1		1	1	1	1	1		1			7	
2012(c)(3)(B)					1			1						2	
2012(c)(10)														0	
2012(d)(2)(A)														0	
2012(d)(2)(D)								1						1	
2012(e)(2)(B)					1	1	1		1					4	
2012(g)(1)					1			1			2	1		5	
2012(g)(3)														0	
2012(h)(3)							1		1					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
2012(h)(4)			1			1								2
2012(h)(5)		1			1			1			1			4
2012(h)(6)						1						1		2
2012(i)										1				1
2012(j)(2)						1								1
2012(m)			1								1			2
2012(m) Appen. A, Attach. C												1		1
2012(l)										1				1
3002(c)(1)								1				1		2
H&S 41700		1					2			1				4

## Report of November 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. Apro LLC Case #5277 (J. Panasiti)	203(b) 461	Petitioner has been exceeding the throughput limit in his permit since April 2001, and seeks a variance until application for change in that condition is approved by the District.	Opposed/Dismissed	IV dismissed for lack of good cause. SV still scheduled for 11/28/01.	
2. Apro, LLC Case #5277 (J. Panasiti)	203(b) 461	Petitioner has been exceeding the throughput limit in his permit since April 2001, and seeks a variance until application for change in that condition is approved by the District.	Opposed/Denied	SV denied.	
3. ARCO Polypropylene, LLC Case #1011-244 (A. Mednick)	202(a) 2004(f)(1)	Petitioner awaiting issuance of modified permit by the District.	Not Opposed/Granted	MFCD/EXT granted commencing 11/0/01 and continuing through 02/15/02, the FCD.	None.
4. ARCO Polypropylene, LLC Case #1011-245 (C. Engelhardt)	202(a) 2004(f)(1)	Petitioner awaiting issuance of modified permit by the District.	Not Opposed/Granted	MFCD/EXT granted commencing 11/0/01 and continuing through 02/15/02, the FCD.	PM <sub>10</sub> : 8.5 lbs/day calculated as a 30-day rolling average.
5. Atlantic Richfield Company Case #1011-226A (Consent Calendar Item)	462(d)(1)(A) 462(e)(1)(E)	Petitioner needs additional time to obtain District approval of test method, conduct test, and await District review and approval of test.	Not Opposed/Granted	MFCD/EXT granted commencing 11/28/01 and continuing through 06/30/02, the FCD.	None
6. City of Burbank, Burbank Water & Power Case #1474-15 (B. Theis)	203(b) 2004(f)(1) 2009(d) 2009(f)(2)	Petitioner needs additional time in which to modify compliance plan. Plan requires petitioner to submit permit applications for implementing NO <sub>x</sub> BARCT, but delays in securing information from vendors caused petitioner to miss modification deadline.	Not Opposed/Granted	SV granted commencing 11/28/01 and continuing through 02/15/02, 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. Cyclean of Los Angeles, LLC Case #5275 (C. Engelhardt)	401(b) H&S 41701(b)	Plan for recycled asphalt and rejuvenating agent requires smoke filters on top of silos and best available reactivation agent.	Not Opposed/Granted	SV granted commencing 11/7/01 and continuing through 01/15/02, the FCD	Opacity: TBD
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 needs extension pending final review and issuance of conditional approval letter by the District.	Not Opposed/Granted	MFCD/EXT granted commencing 11/14/01 and continuing through 02/12/02, the FCD.	None.
9. ExxonMobil Oil Corporation Case #1183-349 (J. Panasiti)	203(b) 2004(f)(1) 2011(c)(2) 2011(e)(1) 2011(k) [including App. A., Ch. 2 (except Section E) & Attach. C] 2012(c)(2) 2012(g)(1) 2012(m) [including App. A, Ch. 2 (except Section E) & Attach. C]	Petitioner seeks to bypass SCR connected to the FCCU while it repairs the blower motor.	Not Opposed/Granted	RV granted for 7days in a window-of-time commencing upon notification to the District pursuant to Condition No. 1, and continuing through 11/5/02, FCD.	NO <sub>x</sub> : 6.3 tons total over 7-day variance period.
10. SCAQMD vs. Blue Diamond Materials Case #5255 (B. Theis)	202(a)	Respondent seeks to increase production during O/A period based on source test results showing better than expected efficiency.	Stipulated/Issued	Mod. O/A issued 11/21/01 through 6/1/02, the FCD. The Hearing Board shall retain jurisdiction over this matter until 6/1/02.	
11. SCAQMD vs. Yaralian Texaco Service Case #5271 (A. Mednick)	203(b) 461(e)(5) 461(c)(2)(C)	Petitioner awaiting completion of repairs to be followed by reverification testing.	Stipulated/Issued	O/A issued 11/01/01 through 03/31/02. The Hearing Board shall retain jurisdiction over this matter until 03/31/02, or the date FCD is achieved.	
12. Sempra Energy Solutions/Central Plants, Inc. Case #3447-62 (A. Mednick)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner seeks time to perform repairs to engines that run water pumps.	Not Opposed/Granted	RV granted commencing 11/01/01 and continuing through 02/15/02, the FCD.	NO <sub>x</sub> : TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
13. State of California, Department of General Services Case #5258 (C. Engelhardt)	202(a) 461(c)(1)(B)	Petitioner seeks to operate gasoline storage and dispensing equipment pending state certification.	Not Opposed/Granted	RV granted commencing 11/7/01 and continuing through 06/30/02, the FCD.	VOC: TBD
14. Torch Operating Company Case #5089-6 (J. Panasiti)	203(b) 2004(f)(1)	Petitioner continues to wait for District to issue Permit to Construct.	Not Opposed/Granted	MFCD/EXT granted commencing 12/8/01 and continuing through 04/07/02, the FCD.	NO <sub>x</sub> : 2.2 lbs/hour
15. Torch Operating Company Case #5089-8 (J. Panasiti)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(h)(6)	Petitioner has submitted application requesting the District to reclassify flare; petitioner seeks variance extension so that District staff can complete processing of application.	Not Opposed/Granted	MFCD/EXT granted commencing 11/30/01 and continuing through 04/07/02, the FCD.	None.

**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 a Final Compliance Date and Extension of a Variance