

BOARD MEETING DATE: July 20, 2001

AGENDA NO. 21

REPORT: Hearing Board Variances and Appeals

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of June 1 through June 30, 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 Were Requested in 2001 and June 2001 Hearing Board Cases.**

The total number of appeals filed during the period June 1 to June 30, 2001 is 3, and the total number of appeals filed during the period January 1 to June 30, 2001 is 6.

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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
# of HB Actions*														
Involving Rules														
202														0
202(a)				1	2	2	2							7
202(b)														0
202(c)					1									1
203(a)								1						
208														1
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
402.0							1							1
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)														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)							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)(4)(A)														0
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							2
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
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									2
1118(d)(1)(2)					1									1
1118(d)(1)(3)					1									1
1118(d)(2)		1												1
1118(d)(3)		1												1
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														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
1122(e)(4)(A)														0
1122(e)(4)(B)														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
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)(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)							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
1176(e)(6)														0
1176(f)														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
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	
2004(d)							1							1	
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		1	1							3	
2012 Appen. A, Attach. C, Sec. 7						1								1	
2012 Appen A					1									1	
2012 Appen A, Chap. 2							1							1	
2012(c)(2)														0	
2012(c)(2)(A)		1	1	1	1	1	1							6	
2012(c)(3)(A)			1		1	1	1							4	
2012(c)(3)(B)			1		1	1	1							4	
2012(c)(10)					1									1	
2012(d)(2)(A)														0	
2012(d)(2)(D)														0	
2012(g)(1)					1	1	1							3	
2012(g)(3)					1									1	
2012(h)(3)														0	
2012(h)(4)								1						1	
2012(h)(5)			1			1								2	
2012(h)(6)		1			1									2	
2012(i)						1								1	
2012(j)(2)														0	
2012(m)						1								1	
2012(l)			1											1	
H&S 41701		1						2						3	

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

Report of June 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. 3D Systems, Inc. Case No. 5117 (J. Panasiti)	1122(d)(3)	Petitioner desires variance to use non-compliant cleaning solvent.	Opposed/Denied	MFCD/EXT: Denied	
2. Ashland, Inc. Case No. 4796-3 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Petitioner is waiting for District review of submitted source test.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 5/15/01 were extended through 1/15/02.	None
3. Avis Rent A Car, Inc. Case No. 5229 (No Appearance Consent Calendar)	461(c)(2)(A) 461(c)(2)(B) 461(c)(2)(C) 461(e)(2) 461(e)(5)	Failed back pressure test of VRS requiring excavation and identification of possible leaks in underground lines with repair of same.	Not Opposed/Granted	SV granted commencing 6/6/01 and continuing through 7/15/01, the FCD.	None
4. Chevron Products Company Case No. 831-308 (No Appearance Consent Calendar)	203(b) 2004(f)(1)	Additional time needed to resolve anomalous source test results or seek permit condition change.	Not Opposed/Granted	RV granted commencing 6/21/01 and continuing through 1/31/02, the FCD.	PM ₁₀ 66 lbs/day
5. Equilon Enterprises LLC Case No. 4982-8 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Petitioner is waiting for District review of submitted source test.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 5/15/01 were extended through 1/15/02.	None
6. Equilon Enterprises LLC Case No. 4982-15 (No Appearance Consent Calendar)	203(b) 461(c)(1)(A) 461(c)(1)(B) 461(c)(1)(C) 461(e)(2) 461(e)(2)(A) 461(e)(2)(B)(i) 461(e)(3) 461(e)(4) 461(e)(5)	Respondent needs additional time to bring remaining service stations into compliance by replacing existing equipment with CARB certified equipment and passing all testing required by Rule 461.	Stipulated/Issued	Mod. O/A issued commencing 6/21/01; the Board retains jurisdiction until 5/30/02 or when compliance with Rule 461 is achieved, whichever occurs sooner.	
7. ExxonMobil Oil Corporation Case No. 1183-292 (A. Mednick)	2004(c)(1)(C)	Additional time needed to negotiate protocols for recalculating historical emissions data, and to do the calculations.	Not Opposed/Granted	MFCD/EXT granted commencing 06/27/01 and continuing through 4/23/02, the FCDm	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
8. Falcon Foam Case No. 3529-5 (E. Sernel)	203(b) 2004(f)(1) 1175(c)(2) 1175(c)(4)(B)(ii)(II)	Petitioner seeks time to pursue a rule change to provide alternative compliance options for pentane emissions.	Not Opposed/ Granted	MFCD/EXT: The variance and FCD which extended through 6/28/01 were extended through 04/30/02.	VOC TBD
9. Mountain View Power Company, LLC Case No. 5155-1 (C. Engelhardt)	203(b) 2004(f)(1) 2012, App. A, Att C, Sec. B.2	Petitioner sought extension of time to perform annual RATA.	No Position/Dismissed	IV dismissed without prejudice.	
10. Sbicca of California Case No. 4757 (E. Sernel)	1145(c)(2)	Additional time needed to attempt to find compliant coatings that meet petitioner's requirements, or to obtain a rule change.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 6/30/01 were extended through 6/20/02.	VOC 15 lbs/day
11. SCAQMD vs. Bear Mountain, Inc. Case No. 5188 (A. Mednick)	203(a)	Respondent seeks additional time to determine method of bringing internal combustion engines into compliance or installing other equipment as alternative to IC engines.	Stipulated/Issued	Mod. O/A issued commencing 6/12/01; the Board retains jurisdiction over this matter until 12/1/02.	
12. SCAQMD vs. CanFibre U.S. Ltd. Case No. 5172-1 (No Appearance Consent Calendar)	203(b)	Respondent seeks additional time to perform demonstrations for possible acquirers of the company.	Stipulated/Issued	Mod. O/A issued commencing 7/06/01; the Board retains jurisdiction over this matter until 10/9/01.	
13. SCAQMD vs. D & D Services, Inc., dba West Coast Rendering Company Case No. 3462-2 (E. Sernel)	2004(d)	Respondent exceeded 2000 NOx allocation. District seeks order imposing compliance schedule, including schedule for installing SCR.	Stipulated/ Issued	O/A issued commencing 06/28/01; the Board retains jurisdiction over this matter until 6/30/02.	
14. SCAQMD vs. Hillman Holding LLC dba O.H. Kruse Case No. 5182 (C. Engelhardt)	203(b) 402 403(d)(1) 403(d)(2)	Respondent needs additional time to secure funding for construction of new fully enclosed mill.	Stipulated/Issued	Mod. O/A issued commencing 06/28/01; the Board retains jurisdiction over this matter until 10/15/03.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
15. SCAQMD vs. Krystal Koach Case No. 5237 (E. Sernel)	203(b)	Facility is periodically exceeding spray booth limits, as well as the daily facility limit on coating usage. District seeks order requiring company to come into compliance,	Stipulated/Issued	O/A issued commencing 06/7/01; the Board retains jurisdiction over this matter until 12/31/02.	
16. SCAQMD vs. Southern California Edison Company Case No. 1262-67 (A. Mednick)	463(d)(2)	Strict compliance with Rules would require frequent degassing and cleaning of tanks because of repeated emptying and filling of floating roof tanks. Respondent seeks extension of abatement order in order to seek compliance alternative through possible enactment of Intercredit Trading Rules by the District.	Stipulated /Issued	Mod. O/A issued commencing 6/21/01; the Board retains jurisdiction over this matter until 6/30/02.	
17. SCAQMD vs. Y2K Textiles, Inc. Case No. 5238 (J. Panasiti) (K. Meleski)	202(a) 401(b)(1) H&S Code Section 41701	District sought abatement order to shut down operations or comply with regulations. Company has repeated violations, control equipment not capable of compliance with all dryers in operation.	Issued	O/A issued 06/7/01 requiring Y2K to cease operating until compliance demonstrated.	
18. SCAQMD vs Y2K Textiles, Inc. Case No. 5238 (No Appearance)	N/A	Hearing Board met to clarify prior order.	Intent of O/A clarified.	N/A	
19. SCAQMD vs. Y2K Textile, Inc. Case No. 5238 (J. Panasiti)	202(a) 401(b)(1) H&S Code Section 41701	Respondent seeks modification of order for abatement to resume operations after showing of compliance.	No Position/Issued	Mod. O/A commencing 06/27/01; the Board retains jurisdiction over this matter until 9/30/01.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
20. Smurfit Newsprint Corporation Case No. 4773-2 (C. Engelhardt)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(3)(A) 2012(c)(3)(B) 2012(g)(1) 2012(h)(4) 2012 Appendix A, Chapter 2, Paragraph A.1	Anomaly discovered in DAS/CEMS software. Time needed to recalculate data and fix software.	Not Opposed/Granted	IV granted commencing 6/6/01 and continuing through 8/31/01, the FCD.	None
21. Southern California Gas Company Case No. 137-45B (No Appearance Consent Calendar)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Unanticipated delay in evaluation of source test by District requiring more time.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 6/21/01 were extended through 9/21/01.	None
22. Vista Metals Corporation Case No. 4891-2 (A. Mednick)	N/A	District objected to Vista's request for issuance of witness subpoenas and subpoena duces tecum.	Board issued 11 subpoenas for witnesses and subpoena duces tecum.	N/A	
23. Vista Metals Corporation Case No. 4891-2 (A. Mednick)	N/A	District sought rehearing of Board decision to issue subpoena duces tecum.	District's motion for Rehearing- Reconsideration of Subpoena Duces Tecum denied.	N/A	

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 Final Compliance Date and Extension of a Variance

O/A: Order for Abatement

Mod.: modification

N/A: Not Applicable