

BOARD MEETING DATE: November 9, 2001

AGENDA NO. 13

REPORT: Hearing Board Variances and Appeals

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

The total number of appeals filed during the period October 1 to October 31, 2001 is 0, and the total number of appeals filed during the period January 1 to October 31, 2001 is 10.

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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			14
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
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														0
444(a)														0
444(c)														0
444(d)														0
461														0
461(c)							1							1
461(c)(1)(A)					1	1	1							3
461(c)(1)(B)							1							1
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
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)														0
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							5
462(d)(1)(A)(ii)									1		3			4
462(d)(2)(A)(i)		1												1
462(e)(1)(E)		1		1			3							5
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
1118(d)(1)(2)					1									1
1118(d)(1)(3)		1						1		1				3
1118(d)(2)		1						1		1				3
1118(d)(3)		1			1			1		1				4
1118(d)(4)(B)		1			1			1		1				4
1118(d)(5)(A)		1			1			1		1				4
1118(d)(5)(B)		1			1			1		1				4
1118(e)		1			1			1		1				4
1118(f)														0
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
2011 Appendix A														0
2011 Attachment C														0
2011(c)(2)										1				1
2011(c)(2)(A)										1	1			2
2011(c)(3)(A)											1			1
2011(e)(1)											1			1
2011(f)(3)														0
2011(g)														0
2011(k)											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				9
2012(c)(2)(A)			1		1	1	1	2	1	1	1			9
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			4
2012(g)(3)														0
2012(h)(3)							1		1					2
2012(h)(4)			1			1								2
2012(h)(5)		1			1			1			1			4
2012(h)(6)						1								1

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	2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2012(i)										1				1
2012(j)(2)						1								1
2012(m)			1								1			2
2012(l)										1				1
3002(c)(1)								1						1
H&S 41700		1					2			1				4

## Report of October 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. Ashland, Inc. Case No. 4796-4 (A. Mednick)	202(a) 462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Petitioner needs time to replace blower on vapor recovery control system.	Not Opposed/Granted	IV granted for 90 days or until the SV hearing scheduled for 12/13/01, whichever occurs first.	None
2. Ceilings Plus Case No. 5269 (E. Sernel)	203(b) 1107(c)(2)	Petitioner seeks to use a noncompliant topcoat for a one-time contract that requires petitioner to use a unique finish. Petitioner had expected its subcontractor to perform all coating operations. When petitioner learned that the subcontractor would not apply the topcoat, petitioner tested a series of compliant topcoats, but none of them performed to the customer's satisfaction.	Not Opposed/Granted	SV granted commencing 10/25/01 and continuing through 11/01/01, the FCD.	VOC: 30 lbs/during variance period.
3. City of Glendale Case No. 3478-22 (A. Mednick)	203(b) 1134(c)(1)	Petitioner has installed SCR controls, but the equipment is intermittently exceeding the 9 ppm limit specified in the rule and in petitioner's permit. Petitioner seeks time to modify the SCR system to bring it into compliance.	Not Opposed/Granted	RV granted commencing 10/23/01 and continuing through 08/15/02 for Unit 8 BK and through 07/15/02 for Unit 8A.	NOx: TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
4. City of Los Angeles Bureau of Sanitation Case No. 1212-24 (C. Engelhardt)	1150.1(e)(3)	Applicant sought a variance from instantaneous emission limit for landfill gases. Exceedances of emission limit due to intermittent failure of cogeneration contractor to collect and combust adequate levels of landfill gas, causing increase in landfill gas quantity and pressure.	Not Opposed/Granted	RV granted commencing 10/10/01 and continuing through 04/30/02, the FCD.	Methane: 7 lbs/day
5. Don Kott Ford Case No. 5262 (E. Sernel)	203(b) 1150.1(d)(1)(C)(i)	Petitioner needs time to repair flare that is used to control landfill gas emissions.	Not Opposed/Granted	SV granted commencing 10/09/01 and continuing through 01/06/02, the FCD.	Non-Methane Organic Compound: TBD ROG: TBD
6. Equilon Enterprises LLC Case No. 4982-23 (A. Mednick)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Petitioner needs time to replace blower on vapor recovery control system	Not Opposed/Granted	IV granted for 90 days or until the SV hearing scheduled for 12/13/01, whichever occur first.	None
7. Higgins Brick Company Case No. 5140-1 (E. Sernel)	203(b) 2004(f)(1) 2012(g)(1)in regard only to 2012(h)(5)	Has limit on natural gas use and needs variance for some additional days before closing for the year. Will switch to low NOX burners.	Not Opposed/Granted	SV granted commencing with written notification to Clerk of Board when kiln reaches 90 billion Btu and continuing through 1/15/02, the FCD.	None
8. Metal Finishing Marketers, Inc. Case No. 5270 (E. Sernel)	203(b)	Company sought to operate chrome, nickel, and copper plating tanks in violation of permit limits while it evaluates control equipment options.	Not Opposed/Dismissed	IV dismissed.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
9. Nationwide Boiler Inc. Case No. 5263 (E. Sernel)	203(b)	Because of an unforeseen change in the schedule for installation of a new boiler at its facility, petitioner needs to continue operating a rental boiler for an extended period of time. The additional time needed will result in an exceedance of the natural gas usage limit stated in the permit for the rental boiler.	Not Opposed/Granted	RV granted commencing 10/09/01 and continuing through 12/31/01, the FCD.	NOX: 300 lbs/mo.
10. Nygren/Carr Properties, Inc., dba ARCO AM/PM Case No. 5200 (E. Sernel)	461(c)(2)(A) 461(c)(2)(B)	Petitioner has completed and passed all required testing and is awaiting CARB certification of its vapor control equipment.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 11/10/01 were extended through 10/31/02.	None
11. Owens Brockway Glass Container, Inc. Case No. 4472-11 (E. Sernel)	203(b) 2004(f)(1) 404(a) 405(a) 409 2011(c)(2)(A) 2011(c)(3)(A) 2011(e)(1) 2011(k) 2012(c)(2)(A) 2012(c)(3)(A) 2012(g)(1) 2012(m)	Petitioner needs to shut down control equipment to install new ducting and new control system while furnaces remain in hot idle or low production.	Not Opposed/Granted	SV granted for 30 days in a window in time commencing three days prior to the initiation of the removal of the existing flues and SOx control equipment and continuing through 1/31/02, the FCD.	PM: 3,877 lbs/during the variance period.
12. SCAQMD vs. Atlantic Richfield Company Case No. 1011-255 (C. Engelhardt)	407(a)(2)(A) 468	ARCO requests additional time to engineer and construct equipment to control emissions from the refinery's sulfur plant.		Mod. O/A issued commencing 10/10/01; the Board retains jurisdiction over this matter until 04/28/03.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
13. SCAQMD vs. CanFibre U.S. Ltd. Case No. 5172-1 (Consent Calendar)	203(b)	Petitioner needs to operate plant for a short time in order to demonstrate to prospective buyer of plant that it is capable of producing acceptable product.	Stipulated/Issued	Modified O/A issued commencing 10/04/01; the Board to retain jurisdiction over this matter until 01/08/02.	
14. Size Control Plating Co., Inc. Case No. 5256 (C. Engelhardt)	1469(d)(1) 1469(e)(1)	Petitioner seeks time to repair HEPA filters and perform source test.	Not Opposed/Granted	RV granted commencing 10/10/01 and continuing through 07/10/02, the FCD.	None
15. Southern California Gas Company Case No. 137-45C (E. Senel)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Awaiting approval of source test results by District.	Not Opposed/Granted	RV granted commencing 10/09/01 and continuing through 1/31/02, the FCD.	None
16. Southern California Services Stations II, LLC & Serfas Service Station, Inc. Case No. 5199 (E. Sernel)	203(a) 461(c)(2)(A) 461(c)(2)(B)	Petitioner has completed and passed all required testing and is awaiting CARB certification of its vapor control equipment.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 11/10/01 were extended through 10/31/02.	None
17. Time Out, LLC Case No. 5201 (E. Sernel)	461(c)(2)(A) 461(c)(2)(B)	Petitioner has completed and passed all required testing and is awaiting CARB certification of its vapor control equipment.	Not Opposed/Granted	MFCD/EXT: The variance and FCD which extended through 11/10/01 were extended through 10/31/02.	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 Final Compliance Date and Extension of a Variance

O/A: Order for Abatement

Mod.: modification

N/A: Not Applicable