

BOARD MEETING DATE: September 21, 2001

AGENDA NO. 11

REPORT: Hearing Board Variances and Appeals

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

The total number of appeals filed during the period August 1 to August 31, 2001 is 3, and the total number of appeals filed during the period January 1 to August 31, 2001 is 9.

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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	1					11
202(b)								1						1
202(c)					1			1						2
203(a)							1		1					2
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					2
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)									1					1
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					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(c)(1)									1					1
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									1					1
1146.1(c)(1)								1						1
1146.1(c)(2)(B)								1						1
1150.1								1						1
1150.1(d)(4)		1						2	1					3
1150.1(d)(5)									1					1
1150.1(d)(6)		1						2	1					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

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)(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
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
1469.0									1					1
1469(d)(1)									1					1
1469(e)(2)									1					1
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					1
2012(c)(2)														0
2012(c)(2)(A)		1	1	1	1	1	1	1	1					8
2012(c)(3)(A)			1		1	1	1	2	1					7
2012(c)(3)(B)			1		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		1					4
2012(g)(3)					1			1						2
2012(h)(3)														0
2012(h)(4)							1		1					2
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

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	2001	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2012(I)			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 August 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. City of Glendale Case No. 3478-22 (A. Mednick)	203(b) 1134(c)(1)	Petitioner needs additional time to conduct repairs to bring SCR into compliance with 9 ppm limit.	Not Opposed/Granted	IV granted for 90 days commencing 9/1/01 or until the RV currently scheduled for 10/23/01, whichever occurs first.	NOx TBD
2. County of Orange Integrated Waste Management Department Case No. 3818-13 (C. Engelhardt)	1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6)	Petitioner discovered subsurface fire in landfill and shut down gas extraction wells to reduce air in fire zone. Shut down of wells could cause methane emissions at landfill surface to exceed limits in rule.	Not Opposed/Granted	SV granted commencing 08/29/01 and continuing through 11/26/01, the FCD.	Cannot be determined.
3. Equilon Enterprises LLC Case No. 4982-21 (C. Engelhardt)	462(d)(1)(A)(i)	Petitioner seeks to disconnect its vapor recovery system in order to perform maintenance. During the maintenance, petitioner will use a District-permitted portable vapor recovery system. However, because the portable system is not CARB certified, petitioner's use of the system would violate District rules, and petitioner therefore seeks a variance to use this system.	Opposed/Granted	SV granted for 12 non-consecutive days in a window of time commencing upon notification to the Clerk of the Board and continuing through 11/15/01.	None
4. Excellor Plating Co., Inc. Case No. 5248 (E. Sernel)	203(a) 203(b) 1469	Petitioner does not have permit to use perchloroethylene, is exceeding ampere-hour limit condition in permit and failed to perform test to show compliance.	Opposed /Denied	RV denied.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
5. SCAQMD vs. Atlantic Richfield Company Case No. 1011-255 (C. Engelhardt)	407(a)(2)(A) 468	Problem of configuration and control of sulfur pits and vents with intermittent emissions. This to be controlled by new pressure vessels connected to TGU.	Stipulated/Issued	O/A issued; Board to retain jurisdiction over this matter until 10/10/01.	
6. SCAQMD vs. Blue Diamond Materials, a Division of Sully Miller Contracting Co. Case No. 5255 (B. Theis)	202(a)	District seeks order that would allow respondent to operate hot mix asphalt plant at location where natural gas is not available, provided respondent installs controls on diesel equipment that would more than offset the added emissions caused by the use of liquefied petroleum gas in the asphalt plant.	Stipulated/Issued	O/A issued; Board to retain jurisdiction over this matter until 06/01/02.	
7. SCAQMD vs. City of Los Angeles (General Services Dept.) Case No. 5190 (C. Engelhardt)	203 1146.1	District seeks order requiring respondent to retrofit boilers with low-NOx burners to achieve compliance with Rule 1146.1.	Stipulated/Issued	O/A issued; Board to retain jurisdiction over this matter until 10/31/01.	
8. SCAQMD vs. Metal Coaters of California, Inc. Case No. 5254 (E. Sernel)	203 2004	Facility exceeded their 2001 RECLAIM allocation. Will purchase adequate ERCs and make considerable modifications to reduce NOx and natural gas usage.	Stipulated/Issued	O/A issued; Board to retain jurisdiction over this matter until 12/31/03.	
9. Size Control Plating Company, Inc. Case No. 5256 (C. Engelhardt)	1469(d)(1) 1469(e)(2)	Petitioner recently learned that District had rejected compliance test. Petitioner wants to install new filter housing before retesting.	Not Opposed/Granted	IV granted for 90 days or until the RV currently scheduled for 10/10/01, whichever occurs first.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
10. 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	Petitioner discovered software misreporting CEMS data. Needs variance while vendor makes corrections or if vendor will not, petitioner needs to find another vendor to provide new DAS hardware and software.	Not Opposed/Granted	RV granted commencing 08/29/01 and continuing through 05/31/02, 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

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

O/A: Order for Abatement

Mod.: modification

N/A: Not Applicable