

BOARD MEETING DATE: August 2, 2002

AGENDA NO. 11

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of June 1 through June 30, 2002.

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 Orders for Abatement Were Requested in 2002** and **May 2002 Hearing Board Cases**.

The total number of appeals filed during the period June 1 to June 30, 2002 is 1, and the total number of appeals filed during the period January 1 to June 30, 2002 is 9.

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**Rules from which Variances and Order for Abatements were Requested in 2002**

	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
<b># of HB Actions*</b>														
<b>Involving Rules</b>														
201		1					1							2
202														0
202(a)		2	2			1								5
202(b)		1				1	1							3
202(c)		1												1
203(a)					3	2	3							8
208														0
218														0
218(c)(1)(A)					1									1
221(b)														0
401														0
401(a)														0
401(b)						1								1
401(b)(1)														0
401(b)(1)(A)														0
401(b)(1)(B)														0
402			2				1							3
403(d)(1)			1	1			2							4
403(d)(2)			1	1			2							4
404														0
404(a)						1								1
404(b)														0
405														0
405(a)						1								1
405(b)														0
407(a)						1								1
407(a)(2)(A)			1											1
409.0														0
431.1(c)(1)														0
431.1(d)(1)														0
444														0
444(a)														0
444(c)														0
444(d)														0
461		1												1
461(c)														0
461(c)(1)(A)			1			1	1							3
461(c)(1)(B)		1	1			1	1							4
461(c)(1)(C)			1			1								2
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)					1									1
461(c)(2)(B)		1			1									2
461(c)(2)(C)														0
461(c)(3)(A)														0
461(c)(4)(B)														0
461(c)(4)(B)(ii)														0
461(e)(1)														0
461(e)(2)			1			1								2

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

	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
461(E)(2)(A)			1			1								2
461(e)(2)(B)(i)			1			1								2
461(e)(2)(C)														0
461(e)(3)			1			1								2
461(e)(4)			1			1								2
461(e)(5)			1			1								2
461(e)(7)							1							1
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)														0
462(d)(1)(A)(ii)		2												2
462(d)(2)(A)(i)														0
462(e)(1)(E)														0
462(e)(1)(E)(ii)		2												2
462(e)(2)(A)(i)														0
462(h)(1)		2												2
463(c)(1)														0
463(c)(1)(A)														0
463(c)(1)(A)(I)-(iv)														0
463(c)(1)(B)														0
463(c)(1)(C)														0
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)														0
463(d)(2)							1							1
463(e)(3)(C)														0
463(e)(4)														0
464(b)(1)														0
468		1												1
468(a)						1								1
468(b)						1								1
475(b)		1												1
1104(c)(1)														0
1106(c)(1)														0
1106.1(c)(1)														0
1106.1(c)(1)(A)														0
1107(c)(2)							1							1
1107(c)(7)														0
1107(d)														0
1110.2														0
1110.2(d)(1)(B)														0
1110.2(e)(1)(A)														0
1113(c)(2)														0
1118(d)(1)			1											1
1118(d)(1)(2)														0
1118(d)(1)(3)														0
1118(d)(2)			1											1
1118(d)(3)			1											1
1118(d)(4)(B)			1											1
1118(d)(5)(A)			1											1
1118(d)(5)(B)			1											1
1118(e)			1											1
1118(f)			1											1

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

	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1121														0
1122(c)(2)(A)														0
1122(c)(2)(E)														0
1122(c)(3)(A)														0
1122(d)(3)														0
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
1124														0
1124(c)(1)(A)														0
1124(c)(1)(E)														0
1128(c)(1)				1										1
1128(c)(2)				1										1
1130(c)														0
1130(c)(4)														0
1134(c)														0
1134(c)(1)														0
1134(d)														0
1134(d)(1)														0
1134(d)(2)(B)(ii)														0
1134(f)														0
1134(g)(2)														0
1135(c)(3)						1								1
1135(c)(3)(C)														0
1135(c)(4)						1								1
1135(c)(4)(D)														0
1135(e)														0
1145(c)(2)						1								1
1145(c)(6)		1												1
1145(h)(1)(E)														0
1145(h)(1)(E)														0
1146.0		1												1
1146.1		1				1								2
1146.1(c)(1)					1									1
1146.1(c)(2)(B)					1									1
1146.1(e)(1)(B)				1										1
1150.1														0
1150.1(d)(1)(C)(i)														0
1150.1(d)(4)				1		1								2
1150.1(d)(5)				1										1
1150.1(d)(6)				1		1								2
1150.1(e)														0
1150.1(e)(1)				1		1								2
1150.1(e)(2)				1										1
1150.1(e)(3)				1		1								2
1150.1(e)(1)(C)														0
1150.1(e)(2)(C)														0
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

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	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
1171(c)(1)(A)(i)			1											1
1171(c)(1)(i)							1							1
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
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)														0
1415(d)(3)														0
1418(d)(2)(A)														0
1421							1							1
1421(d)														0
1421(d)(1)(C)														0
1421(d)(3)(A)														0
1425(d)(1)(A)														0
1469.0		1												1
1469(c)		1												1
1469(c)(2)		1												1
1469(d)(1)														0
1469(e)(1)														0
1469(e)(2)														0
1469(h)		1												1
1469(l)		1												1
1189(c)(3)								1						1
2004(c)(1)(C)					1									1
2004(d)														0
2004(k)														0
2009(c)				1										1
2009(f)(1)				1										1
2011 Appendix A														0
2011 Attachment C														0
2011(c)(2)														0
2011(c)(2)(A)														0
2011(c)(3)(A)														0

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

	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2011(e)(1)														0
2011(f)(3)														0
2011(g)														0
2011(k)														0
2011(k) Appen. A, Chap. 2														0
2012														0
2012 Appen. A, Attach. C, Sec. B.2			1		1									2
2012 Appen. A, Attach. C, Sec. 7														0
2012 Appen A														0
2012 Appen A, Chap. 2														0
2012 Appen A, Chap. 2, Sec. A							1							1
2012 Appen A, Chap. 2, Sec. B							1							1
2012(c)(2)														0
2012(c)(2)(A)		1			2		1							4
2012(c)(2)(B)					1									1
2012(c)(3)(A)		1			1		1							3
2012(c)(3)(B)		1												1
2012(c)(10)														0
2012(d)(2)(A)														0
2012(d)(2)(D)														0
2012(e)(2)(B)														0
2012(g)(1)		1												1
2012(g)(3)														0
2012(h)(3)														0
2012(h)(4)		1												1
2012(h)(5)														0
2012(h)(6)					1									1
2012(i)														0
2012(j)(2)														0
2012(m)			1											1
2012(m) Appen. A, Attach. C		2												2
2012(l)														0
3002(c)(1)					2		1							3
H&S 41700			1											1

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

## Report of June 2002 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. City of Los Angeles Department of General Services Case No. 5190-1 (A. Mednick)	201 203(a) 461(c)(1)(A) 461(c)(1)(B)	Petitioner using non-compliant remote fill systems to refill underground gasoline storage tanks at various sites.	Opposed/Granted in Part and Denied in Part	RV granted commencing 6/6/02 and continuing through 6/6/03 for Parker Center (Facility ID #029470) and 77 <sup>th</sup> Street Police Division (Facility ID #106355). RV denied for Central Police Division (Facility ID #100721) and City Hall East (Facility ID #008374).	VOC: TBD
2. International Color Posters Case No. 5313 (A. Mednick)	202(b) 1171(c)(1)(ii)	Petitioner requires time to find compliant solvent. Petitioner previously believed that a different section of rule 1171 was applicable.	Not Opposed/Denied	RV denied.	
3. Kimberly-Clark Worldwide Inc. – Fullerton Mill Case No. 4777-2 (B. Theis)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(3)(A)	After repair of CEMS by petitioner, petitioner is required to give District 14 days notice prior to conducting CEMS certification tests. However Rule 2012 (c)(2) allows only 192 hours time to restore operation of CEMS.	Not Opposed/Granted	IV granted for 90 days or until the SV currently scheduled for 6/27/02.	None
4. Murray's Iron Works Case No. 3703-1 (B. Theis)	203(b) 1107(c)(2)	Petitioner needs time to find compliant coating. Has been thinning coating resulting in excess VOC for more than a year.	Opposed/Denied	RV denied.	
5. Pharmavite Corporation Case No. 5312 (B. Theis)	203(b)	Excess backpressure on catalytic converter serving ICE used for emergency fire pump prevents ICE from operating at required rpm. Petitioner must disconnect converter in order to conduct regular required readiness testing and to have it available in case of a fire until a new engine can be acquired and installed.	Not Opposed/Granted	RV granted commencing 6/5/02 and continuing through 8/28/02.	NO <sub>x</sub> : 15.6 lbs/Total Variance period.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
6. Recot, Inc. Case No. 5141-1 (Consent Calendar)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner has filed an application for a change in permit conditions as a result of determining that CO limit not appropriate for dual function heat exchanger that also functions as a VOC and PM control device.	Not Opposed/Granted	RV granted commencing 5/30/02 and continuing through 1/31/03.	CO: 10.29 lbs/day
7. SCAQMD vs. Chevron Products Company Case No. 831-312 (J. Panasiti)	1189(c)(3)	Respondent Chevron Products Co. will not meet 7/1/03 deadline for compliance with rule 1189(c)(3) unless it installs emission control equipment on the Steam Methane Reformer (SMR) at a cost of \$20 million. Instead respondent will construct a replacement for the SMR that will result in lower emissions than if the existing SMR were equipped with new emission controls.	Stipulated/Issued	Stipulated O/A issued commencing 6/25/02 and continuing through 12/31/04.	
8. SCAQMD vs. Hillman Holdings, LLC dba O.H. Kruse Case No. 5182 (C. Engelhardt)	203(b) 402 403(d)(1) 403(d)(2)	District sought additional conditions to stipulated order for abatement intended to abate dust nuisance from grain and feed facility.	Stipulated/Modified	Stipulated Mod. O/A modified and extended through 10/15/03.	
9. SCAQMD vs Mitchell Moore dba Towne Cleaners Case No. 5304 (C. Engelhardt)	203(a) 1421	District requested Order for Abatement to require respondent to cease operating leaking dry cleaning equipment.	Stipulated/Issued	Stipulated O/A issued commencing 6/6/02 and continuing through 7/15/02.	
10. SCAQMD vs. Precision Specialty Metals Case No. 4386-1 (E. Sernel)	203(b) 2004(f)(1)	Respondent has acquired business with non-compliant furnace. Stipulated Order for Abatement requires respondent to modify furnace to bring it into compliance.	Not Opposed/Issued	O/A issued commencing 6/27/02 and continuing through 12/31/04.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
11. SCAQMD vs. Quikrete- Southern California, Inc. Case No. 5287 (C. Engelhardt)	203(b) 403(d)(1) 403(d)(2)	District requested modifications to order for abatement to require respondent to implement dust control recommendations of consultant	Not Opposed/Modified	O/A modified and extended commencing 6/20/02 and continuing through 10/1/02.	
12. SCAQMD vs. Sam Massry, dba 7 Day Market Case No. 5315 (B. Theis)	461(e)(7)	District requested order for abatement to require respondent to keep records and properly repair and maintain gasoline vapor recovery equipment or shut down its operations.	Not Opposed/Issued	O/A issued commencing 6/5/02 and continuing through 6/4/03.	
13. SCAQMD vs. Southern California Edison Co. Case No. 1262-67 (A. Mednick)	463(d)(2)	Modification and extension of stipulated order for abatement requested to provide for review by the District of proposal for alternate means to comply.	Not Opposed/Issued	Mod. O/A modified and extended commencing 6/30/02 and continuing through 1/31/03.	
14. Triage Archival Restoration Services Case No. 5323 (A. Mednick)	203(a) 203(b) 1425(d)(1)(A)	Petitioner has purchased required control device, needs SV while awaiting delivery, installation and start-up of the equipment.	Not Opposed/Granted	SV granted commencing 6/25/02 and continuing through 9/23/02.	PERC: 9.75 lbs/day

### Key to Acronyms

EV: Emergency Variance  
 IV: Interim Variance  
 SV: Short Variance  
 RV: Regular Variance  
 TBD: To be determined  
 FCD: Final Compliance Date  
 MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance  
 O/A: Order for Abatement  
 Mod. O/A: Modification of Order for Abatement