

BOARD MEETING DATE: December 1, 2002

AGENDA NO. 15

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of October 1 through October 31, 2002.

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

The total number of appeals filed during the period October 1 to October 31, 2002 is 0, and the total number of appeals filed during the period January 1 to October 31, 2002 is 13.

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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
# of HB Actions*														
Involving Rules														
201		1					1							2
202														0
202(a)		2	2			1				2	5			12
202(b)		1				1	1		1					4
202(c)		1						1			1			3
203											1			1
203(a)					3	2	3		4	1	1			14
208														0
218														0
218(c)(1)(A)					1									1
221(b)														0
401														0
401(a)														0
401(b)						1				1				2
401(b)(1)														0
401(b)(1)(A)														0
401(b)(1)(B)														0
402			2				1	1	2		2			8
403(d)(1)			1	1			2				1			5
403(d)(2)			1	1			2				1			5
404														0
404(a)						1			1					2
404(b)														0
405														0
405(a)						1			1					2
405(b)														0
407(a)						1								1
407(a)(2)(A)			1											1
409									1					1
431.1(c)(1)														0
431.1(d)(1)														0
444														0
444(a)														0
444(c)														0
444(d)														0
461		1									1			2
461(c)(1)											1			1
461(c)(1)(A)			1			1	1	1						4
461(c)(1)(B)		1	1			1	1	1						5
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)											1			1
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

*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)			1			1								2
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)								1						1
462(d)(1)(A)(ii)		2									2			4
462(d)(2)(A)(i)														0
462(e)(1)(E)								1						1
462(e)(1)(E)(ii)		2									2			4
462(e)(2)(A)(i)														0
462(h)(1)		2									2			4
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				2
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					2
1118(d)(4)(B)			1											1
1118(d)(5)(A)			1						1					2
1118(d)(5)(B)			1											1
1118(e)			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
1118(f)			1											1
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
1122(g)(3)									1					1
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(b)(2)											1			1
1145(c)(2)						1								1
1145(c)(6)		1												1
1145(h)(1)(E)														0
1145(h)(1)(E)														0
1146		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
1146.2										1				1
1146.2(c)(1)										1				1
1146.2(c)(3)									2	1				3
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

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	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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											1			1
1158(d)(2)											3			3
1158(d)(5)											1			1
1158(d)(7)											1			1
1158(d)(7)(A)(ii)											1			1
1158(d)(8)											1			1
1166(c)(2)														0
1168(c)(1)														0
1171(c)(1)								1						1
1171(c)(1)(A)(i)			1											1
1171(c)(1)(i)							1							1
1171(c)(5)								1						1
1173(c)														0
1173(f)(1)														0
1175(c)(2)					1						1			2
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		1								1	1			2
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

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	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1469(l)		1												1
1189(c)(3)							1							1
2004(c)(1)(C)					1									1
2004(d)								1	1					2
2004(k)														0
2009(c)				1						1				2
2009(f)(1)				1						1				2
2009.1								1						1
2009.1(c)											1			1
2009.1(f)(1)											1			1
2009.1(f)(2)											1			1
2009.1(f)(3)											1			1
2011 Appendix A														0
2011 Attachment C														0
2011(c)(2)														0
2011(c)(2)(A)									1					1
2011(c)(3)(A)									1					1
2011(e)(1)									1					1
2011(f)(3)														0
2011(g)														0
2011(k)														0
2011(k) Appen. A, Chap. 2, Section A.3 a-c, A.5 and B. 1-4 and Appen. A, Chap. 2, Section C.2.a, c & d									1					1
2012 Appen. A, Attach. C, Sec. B.2			1		1			1						3
2012 Appen. A, Attach. C, Sec. 7														0
2012 Appen A									1					1
2012 Appen A, Chap. 2														0
2012 Appen A, Chap. 2, Sec. A					1						1			2
2012 Appen A, Chap. 2, Sec. A1.g.								1						1
2012 Appen A, Chap. 2, Sec. B					1									1
2012 Appen A, Chap. 2, Sec. E											1			1
2012(c)(2)														0
2012(c)(2)(A)		1			2		1		1					5
2012(c)(2)(B)					1									1
2012(c)(3)(A)		1			1		1		1					4
2012(c)(3)(B)		1												1
2012(c)(10)														0
2012(d)(2)(A)														0
2012(d)(2)(D)														0
2012(e)(2)(B)									1					1
2012(g)(1)		1							1		1			3
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(m) Appen. A, Chap. 2, Sections 2.A.1 a-c, e.g, and B. 1-4 and Appendix A, Chapter 3, Section C.2 a, c & d									1					1
3002(c)(1)					2		1	3	1	1	4			12
H&S 41700			1					1	1					3

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

Report of October 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. Ashland, Inc. Case #4796-3 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(l)	Source test conducted pursuant to variance conditions to determine compliance with District rules. Extension required while District reviews test data and determines whether it will issue permits.	Not Opposed/Granted	MFCD/EXT granted commencing 10/16/02 and continuing through 3/15/03.	None
2. B.P. West Coast Products, LLC Case #1011-262 (J. Panasiti)	203(b) 403(d)(1) 1158(d)(2) 1158(d)(3) 1158(d)(7) 1158(d)(8) 2004(f)(1)	Labor dispute at port unexpectedly stopped loading of ships with coke. Enclosed storage space insufficient to accommodate growing stockpile. Open stockpiling needed to store coke that continues to flow from local refineries until ships can again be reloaded.	Opposed/Dismissed	IV dismissed.	
3. City of Burbank, Burbank Water & Power Case #1474-16 (N. Feldman)	203(b) 2004(f)(1) 3002(c)(1)	Source test revealed that SCR serving natural gas turbine exceeded ammonia slip limit. Turbine must be operated in violation of Rule 1303 and permit conditions in order to conduct diagnostic testing.	Not Opposed/Granted	IV granted commencing 10/10/02 and continuing for 90 days or until the RV hearing currently scheduled for 11/27/02, whichever comes first.	VOC 31.32 lbs/day NH ₃ 5.88 lbs/day
4. County Sanitation Districts, Los Angeles County Case #3715-17 (C. Engelhardt)	202(a)	Newly installed micro-turbines at landfill failed to meet CO limit upon testing. Petitioner needs to operate turbines in violation of rules in order to test effectiveness of corrective measures. Petitioner may also need to operate micro-turbines in the event of a power emergency.	Not Opposed/Granted	IV granted commencing 10/16/02 and continuing for 90 days or until the RV hearing currently scheduled for 11/21/02, whichever comes first.	CO 82.2 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
5. Equilon Enterprises LLC dba Shell Oil Products Case #4982-8 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Final compliance date cannot be met because the District has not yet completed its review and approval of data for issuing new permits.	Not Opposed/Granted	MFCD/EXT granted commencing 10/16/02 and continuing through 3/15/03.	None
6. Exide Technologies Case #3151-17 (J. Panasiti)	2009.1(c) 2009.1(f)(1) 2009.1(f)(2) 2009.1(f)(3) 2012(g)(1) 2012, Appendix A, Chap. 2, §(A) & (E) 3002(c)(1)	A programming problem was discovered in the CEMS software. Variance needed to allow petitioner to continue operations while software is repaired and historical data is corrected.	Not Opposed/Granted	RV granted commencing 10/31/02 and continuing through 5/31/03, the FCD.	None
7. ExxonMobil Oil Corporation Case #1183-360 (Consent Calendar; No Appearance)	203(b) 2004(f)(1)	Petitioner's CO boiler is listed as a CO control device. In order to do required maintenance it must be shut down and bypassed while FCCU remains in operation. This is contrary to permit conditions.	Not Opposed/Granted	SV granted commencing 11/29/02 and continuing through 1/3/03.	None
8. ExxonMobil Oil Corporation Case #1183-356 (C. Engelhardt)	1158 1158(d)(2) 1158(d)(3) 1158(d)(5) 1158(d)(7)(A)(ii)	Labor dispute at port unexpectedly stopped loading of ships with coke. Enclosed storage space insufficient to accommodate growing stockpile. Open stockpiling needed to store coke that continues to flow from local refineries until ships can again be reloaded.	No Position/Granted	SV shall commence on the date petitioner provides notice to the District pursuant to Condition No. 3 and shall continue for 90 days thereafter.	PM ₁₀ to be determined

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
9. Los Angeles Export Terminal (LAXT) Case #4715-2 (J. Panasiti)	203(b) 1158(d)(2)	Labor dispute at port unexpectedly stopped the loading of ships with coke. Enclosed storage space insufficient to accommodate growing coke stockpile. Open stockpiling needed to store coke that continues to flow from local refineries until ships can again be reloaded.	Not Opposed/Granted	IV shall commence on the date that notice is given to the District pursuant to Condition No. 5 and shall continue through 11/20/02.	To be determined based on Rule 403 compliance test
10. Praxair, Inc. Case #4616-8 (B. Theis)	202(a) 2004(f)(1)	Extension requested because District staff has not yet completed review of request to change permit conditions.	Not Opposed/Granted	SV granted commencing 10/2/02 and continuing through 12/18/02.	NO _x TBD based on the number of startups and the length of the startups
11. Premier Industries, Inc. Case #5333 (A. Mednick)	202(c) 1175(c)(2) 3002(c)(1)	Permit denied for expanded polystyrene foam product manufacturing operation. Source test showed petitioner cannot meet Rule 1175 limit for VOC emissions. Petitioner needs to operate to meet contractual obligations and test corrective measures.	Not Opposed/Granted	RV granted commencing 10/2/02 and continuing through 2/28/03, the FCD.	ROG TBD
12. PurEnergy Operating Services, LLC & Alliance Colton, LLC Case #5227-5 (E. Sernel)	202(a) 203(b) 2004(f)(1) 3002(c)(1)	Petitioner must disassemble combustors on four turbines at each of two sites for annual maintenance and inspection. During restart and retuning, emissions are expected to exceed limits.	Not Opposed/Granted	SV granted commencing 11/1/02 and continuing through 1/29/03.	NO _x 10 lbs/per each 8 operating hour period CO 10 lbs/per each 8 operating hour period
13. Rexam PLC, Rexam Beverage Can Company Case 5290 (J. Panasiti)	203(b) 2004(f)(1)	Extension needed to complete project described in supplemental compliance plan.	Not Opposed/Granted	MFCD/EXT granted commencing 10/31/02 and continuing through 1/31/03.	VOC 34 lbs/day
14. Sbicca of California Case #4757-A (E. Sernel)	1145(b)(2)	Extension required to provide additional time to research complaint coatings.	Not Opposed/Granted	RV granted commencing 10/31/02 and continuing through 5/15/03, FCD.	VOC 7.37 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
15. SCAQMD vs. Excello Plating Company Case - #5248-1A (E. Sernel)	1469	Modification of O/A required because respondent failed to install, make fully operational and source test an air pollution control device.	Not Opposed/Issued	Stipulated O/A issued commencing 10/8/02. The Board shall retain jurisdiction over this matter until 7/31/03.	
16. SCAQMD vs. Aries Prepared Beef Company dba Smokehouse Dog Treats #5324 (C. Engelhardt)	203 402	Respondent sought modification to O/A to incorporate findings of consultant into compliance plan.	Not Opposed/Issued	Mod. O/A issued commencing 10/3/02. The Board shall retain jurisdiction over this matter until 5/30/03.	
17. SCAQMD vs. Carolyn Lakey, individually, and dba Lakey's Cleaners and Laundry Case #5321 (B. Theis)	203(a)	Respondent failed to renew permit and must now install new equipment in order to secure permit to operate again. Respondent cannot immediately comply.	Not Opposed/Issued	O/A issued commencing on 10/16/02. The Board shall retain jurisdiction over this matter until 10/16/03.	
18. SCAQMD vs. Glendale Mobil Service Case #5338-1 (N. Feldman)	203(a) 461	Respondent failed to comply with several provisions of Rule 461.	Not Opposed/Issued	Stipulated O/A issued commencing 10/10/02. The Board shall retain jurisdiction over this matter until 3/31/03.	
19. SCAQMD vs. Hillman Holdings, LLC dba O.H. Kruse Case #5182 (C. Engelhardt)	203(b) 402 403(d)(1) 403(d)(2)	Respondent desires to comply with District rules by moving its operation to a compliant facility. That facility is up for sale through a bankruptcy. Extension of time is needed due to unexpected delay in the proceedings.	Not Opposed/Issued	Mod. O/A issued commencing 10/30/02. The Board shall retain jurisdiction over this matter until 10/15/03.	
20. SCAQMD vs. PurEnergy Operating Services, LLC & Alliance Colton, LLC Case #5227 (E. Sernel)	202(a) 203(b) 2004(f)(1)	Electric generating gas turbines newly equipped with emission control equipment at two facilities were found unable to meet emission limits during startup and shutdown operations.	Not Opposed/Issued	Mod. O/A issued commencing 10/31/02. The Board shall retain jurisdiction over this matter until 11/30/03.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
21. Southern California Gas Company Case #137-54 (B. Theis)	202(a) 2004(f)(1)	Two hot oil heaters required to dehydrate stored natural gas was found to exceed NO _x emission limits in recent tests. Heaters must be operated to dehydrate gas prior to distribution in order to prevent corrosion of transmission pipeline.	Not Opposed/Granted	RV granted commencing 10/31/02 and continuing through 10/31/03, the FCD.	NO _x .2 lbs/day
22. Wilshire Terrace Corporation Case #5341 (C. Engelhardt)	203(b) 461(c)(1) 461(c)(2)	Petitioner seeks to operate remote fill uncertified gasoline dispensing facility until it can be brought into compliance.	Opposed/Denied	IV denied.	

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
- O/A: Order for Abatement
- MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance