

BOARD MEETING DATE: January 11, 2002

AGENDA NO. 6

REPORT: Hearing Board Report

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

The total number of appeals filed during the period December 1 to December 31, 2001 is 4, and the total number of appeals filed during the period January 1 to December 31, 2001 is 16.

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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													1	1
202(a)			1	2	2	2	2	3	1	2	1	4		18
202(b)								1						1
202(c)				1				1						2
203(a)							1		1		1		1	4
208														0
218														0
221(b)														0
401														0
401(a)														0
401(b)		1										1	1	3
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		1	3
404(b)														0
405														0
405(a)		1									1		1	3
405(b)														0
407(a)													1	1
407(a)(2)(A)								1	1		1			3
409.0											1			1
431.1(c)(1)														0
431.1(d)(1)														0
444														0
444(a)														0
444(c)														0
444(d)														0
461												2		2
461(c)							1							1
461(c)(1)(A)				1	1		1							3
461(c)(1)(B)							1					1		2
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		2
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

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)(2)(C)							1							1
461(e)(3)							1							1
461(e)(4)							2	1						3
461(e)(5)												1		1
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					1		6
462(d)(1)(A)(ii)									1		3			4
462(d)(2)(A)(i)		1												1
462(e)(1)(E)		1		1			3					1		6
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
468(a)													1	1
468(b)													1	1
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		2
1118(d)(1)(2)					1									1
1118(d)(1)(3)		1						1		1				3
1118(d)(2)		1						1		1		1		4
1118(d)(3)		1			1			1		1		1		5
1118(d)(4)(B)		1			1			1		1		1		5
1118(d)(5)(A)		1			1			1		1		1		5
1118(d)(5)(B)		1			1			1		1		1		5
1118(e)		1			1			1		1		1		5
1118(f)												1		1
1121														0
1122(c)(2)(A)														0
1122(c)(2)(E)														0
1122(c)(3)(A)							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
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)														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													1	1
1145(h)(1)(E)														0
1145(h)(1)(E)														0
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		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													1	1
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

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
1171(c)(1)														0
1173(c)														0
1173(f)(1)							1							1
1175(c)(2)							1							1
1175(c)(4)(B)(ii)(II)														0
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										1			1	2
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
2009(c)													2	2
2009(d)												1		1
2009(f)													1	1
2009(f)(1)													1	1
2009(f)(2)												1		1
2009.1(b)(5)													1	1
2009.1(d)													1	1
2009.1(f)(3)													1	1
2011 Appendix A														0
2011 Attachment C														0
2011(c)(2)										1		1		2
2011(c)(2)(A)										1	1			2
2011(c)(3)(A)											1			1
2011(e)(1)											1	1		2
2011(f)(3)														0
2011(g)														0
2011(k)											1			1
2011(k) Appen. A, Chap. 2												1		1
2012				1		1	1	1						4
2012 Appen. A, Attach. C, Sec. B.2						1							2	3
2012 Appen. A, Attach. C, Sec. 7					1			2						3
2012 Appen A							1		1					2

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
2012 Appen A, Chap. 2														0
2012(c)(2)		1	1	1	1	1	1	1	1	1		1		10
2012(c)(2)(A)			1		1	1	1	2	1	1	1	1		10
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	1		5
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		2
2012(i)										1				1
2012(j)(2)						1								1
2012(m)			1								1			2
2012(m) Appen. A, Attach. C												1		1
2012(l)										1				1
3002(c)(1)								1				1		2
H&S 41700		1					2			1				4

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

Report of December 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. AES Redondo Beach, LLC Case No. 5040-5 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner seeks variance from source test deadline while awaiting District approval of source test protocol.	Not Opposed/Granted	SV granted commencing 12/12/01 and continuing through 1/31/02, the final compliance date.	None
2. Atlantic Richfield Company Case No. 1011-257 (Consent Calendar; No Apperance	203(b) 2004(f)(1)	Petitioner has experienced increased usage of gasoline storage tank used for refueling of on site vehicles. Time needed to upgrade tank or secure change of throughput limitation in permit.	Not Opposed/Granted	SV granted commencing 12/20/01 and continuing through 3/20/02, the final compliance date.	VOC 0.2 lb/day
3. Custom Fiberglass Manufacturing Co. Case No. 4974-1 (A. Mednick)	202 203(b) 1145 1151	Petitioner is unable to meet collection and destruction efficiency requirements for VOC emissions from paint spray booths and drying tunnel. Variance sought to provide time to treat adsorption material and construct enclosure for painting area.	Opposed/Dismissed	IV dismissed.	
4. Darling International, Inc. Case No. 4061-8 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner is awaiting District approval of source test protocol before conducting tests of alternate fuel (yellow grease and tallow) emissions as required by permit to construct condition.	Not Opposed/Granted	RV granted commencing 12/19/01 and continuing through 4/30/02, the final compliance date.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
5. El Segundo Power, LLC Case No. 5097-4 (A. Mednick)	2009(c) 2009(f)(1)	Petitioner seeks variance from requirement to submit a revised Rule 2009 compliance plan within 30 days of District denial of plan; petitioner seeks time to pursue discussions with District staff and/or appeal with Hearing Board regarding its compliance plan.	Not Opposed/Granted	SV granted commencing 12/18/01 and continuing through 3/18/02, the final compliance date.	None
6. El Segundo Power, LLC Case No. 5097-3 (A. Mednick)	203(b) 2004(f)(1) 2012, Attachment C, (B)(2)	Petitioner seeks variance from RATA test deadline because equipment is down for repair due to unexpected equipment failure.	Not Opposed/Granted	SV granted commencing 1/1/02 and continuing through 3/15/02, the final compliance date.	None
7. ExxonMobil Oil Corporation Case No. 1183-351 (A. Mednick)	2009.1(b)(5) 2009.1(d) 2009.1(f)(3)	Petitioner seek variance from requirement to complete a revised Rule 2009.1 compliance plan 60 days prior to December 31, 2001, and from emission limits in District-approved compliance plan.	Not Opposed/Granted	SV granted commencing 12/18/01 and continuing through 12/31/01 for Rule 2009.1(b)(5) & (f)(3) and continuing through 3/18/02 for Rule 2009.1(d), the final compliance date	2,595 lbs/yr
8. Long Beach Generation, LLC Case No. 5098-3 (A. Mednick)	2009(c) 2009(f)	Petitioner seeks additional time to complete studies in order to revise compliance plan required by rule 2009.	Not Opposed/Dismissed	IV dismissed for lack of good cause.	
9. Los Angeles Department Water & Power Case No. 1263-48 (C. Engelhardt)	203(b) 2004(f)(1) 2012, Appendix A, Attachment C, Section B.2	RATA test on CEMS due by December 31, 2001 could not be made because boiler is shut down for repairs until 4/29/02.	Opposed/Dismissed	IV dismissed for lack of good cause.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
10. SCAQMD vs. Alpha Therapeutic Corporation Case No. 4293-2 (C. Engelhardt)	203(b) 2004	Petitioner's hydrochloric acid storage tank failed. In order to keep operating, petitioner replaced it with another without waiting for the permit to be issued. Variance requested pending issuance of a new permit or replacement with identical tank that would not require a permit.	Not Opposed/Issued	O/A issued commencing 12/19/01. The Board shall retain jurisdiction over this matter until 3/30/02.	
11. SCAQMD vs. Excello Plating Co., Inc. Case No. 5248-1 (E. Sernel)	203(b) 1469	Respondent was operating a plating shop without control equipment required to meet Rule 1401 limits, and in excess of permitted amp hour limits	Not Opposed/Issued	O/A issued commencing 12/11/01. The Board shall retain jurisdiction over this matter until 3/31/02.	
12. SCAQMD vs. Rodolpho Villason, individually, and dba Latino Sandblasting & Plastering Case No. 5274 (E. Sernel)	203(a)	Respondent was operating without a valid permit to operate. (Despite adequate notice, Respondent failed to appear at the hearing.)	Not Opposed/Issued	O/A issued commencing 12/11/01. The Board shall retain jurisdiction over this matter until such time as Respondent has filed a complete permit application with the District for the subject equipment.	
13. Tosco Refining Company Case #4900-49 (E. Sernel)	203(b) 407(a) 468(a) 468(b) 2004(f)(1)	Seventy-two hours needed for repair leak in vapor line.	Not Opposed/Granted	SV granted for 72 hours in a window of time commencing 12/11/01 and continuing through 12/25/01, the final compliance date.	2.7 lbs H ₂ S over variance period Sulfur compounds (calculated as SO ₂) to be determined
14. Tosco Refining Company Case No. 4900-48 (C. Engelhardt)	203(b) 401(b) 404(a) 405(a) 2004(f)(1) H&S 41701	Petitioner will shut down FCCU on 12/27/01 for regularly scheduled maintenance. Unit cannot be restarted without periodic short term violations as the systems are adjusted to steady state operation.	Not Opposed/Granted	SV granted for 96 hours in a window of time commencing 1/20/02 and continuing through 2/28/02, the final compliance date.	PM 0.7 ton Opacity up to 100%

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
15. Ultramar, Inc. Case No. 3845-42 (A. Mednick)	203(b) 2004(f)(1)	Petitioner seeks to temporarily bypass SCR in order to repair a cooling fan.	Not Opposed/Granted	SV granted for 12 consecutive hours in a window of time commencing 12/7/01 and continuing through 12/24/01, the final compliance date.	NO _x 125 lbs/total

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

Key to Acronyms

O/A: Order for Abatement
Mod.: Modification
N/A: Not Applicable