

BOARD MEETING DATE: June 7, 2002

AGENDA NO. 14

REPORT: Hearing Board Report

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

The total number of appeals filed during the period April 1 to April 30, 2002 is 1, and the total number of appeals filed during the period January 1 to April 30, 2002 is 6.

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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
202														0
202(a)		2	2											4
202(b)		1												1
202(c)		1												1
203(a)					3									3
208														0
218														0
218(c)(1)(A)					1									1
221(b)														0
401														0
401(a)														0
401(b)														0
401(b)(1)														0
401(b)(1)(A)														0
401(b)(1)(B)														0
402			2											2
403(d)(1)			1	1										2
403(d)(2)			1	1										2
404														0
404(a)														0
404(b)														0
405														0
405(a)														0
405(b)														0
407(a)														0
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
461(c)(1)(B)		1	1											2
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)					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

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
461(e)(2)(B)(i)			1											1
461(e)(2)(C)														0
461(e)(3)			1											1
461(e)(4)			1											1
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)														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)														0
463(e)(3)(C)														0
463(e)(4)														0
464(b)(1)														0
468		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)														0
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
1121														0
1122(c)(2)(A)														0
1122(c)(2)(E)														0

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	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)														0
1135(c)(3)(C)														0
1135(c)(4)(D)														0
1135(e)														0
1145(c)(6)		1												1
1145(h)(1)(E)														0
1145(h)(1)(E)														0
1146.0		1												1
1146.1		1												1
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
1150.1(d)(5)				1										1
1150.1(d)(6)				1										1
1150.1(e)														0
1150.1(e)(1)				1										1
1150.1(e)(2)				1										1
1150.1(e)(3)				1										1
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
1151(5)														0
1151(d)(1)														0
1151(e)(1)														0
1151(e)(2)														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
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
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														0
1421(d)														0
1421(d)(1)(C)														0
1421(d)(3)(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
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
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

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
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									3
2012(c)(2)(B)					1									1
2012(c)(3)(A)		1			1									2
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									2
H&S 41700			1											1

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

Report of April 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. AES Huntington Beach, LLC Case No. 5202-3 (J. Panasiti)	203(b) 218(c)(1)(A) 2004(f)(1)	CEMS for CO did not undergo certification testing because the equipment that it monitors has had startup and sustained operation problems.	Opposed/Denied	SV denied.	
2. Equilon Enterprises LLC dba Shell Oil Products US, Wilmington Terminal Case No. 4982-29 (E. Sernel)	203(b) 3002(c)(1)	Petitioner submitted required source test plan in a timely manner but had not yet received District approval of the plan. Therefore petitioner unable to schedule source test within prescribed one-year time limit.	Not Opposed/Granted	SV granted commencing 04/15/02 and continuing to 07/14/02 or until source test of thermal oxidizer is performed pursuant to an approved source test protocol, whichever occurs first.	None.
3. ExxonMobil Oil Corporation Case No. 1183-292 (Consent Calendar)	2004(c)(1)(C)	Petitioner is awaiting feedback from District regarding submitted information in order to complete recalculation of quarterly emission certification for the periods from and including January 1, 1998 through June 30, 1998.	Not Opposed/Granted	MFCD/EXT granted commencing 4/18/02 and continuing through 10/1/02, the FCD.	None
4. Falcon Foam, a Division Of Atlas Roofing Company Case No. 3529-5 (E. Sernel)	203(b) 2004(f)(1) 1175(c)(2) 1175(c)(4)(B)(ii)(II)	Additional time required for petitioner to conduct and evaluate test to determine whether additional aging of higher pentane beads will bring it into compliance in lieu of a rule change.	Not Opposed/Granted	MFCD/EXT granted commencing 4/30/02 and continuing through 8/30/02, the FCD.	VOC: TBD
5. Los Angeles County Olive View Center Case No. 4007-6 (A. Mednick)	203(b) 1134(d)(2)(B)(ii)	Petitioner unaware that annual hand held device testing and once every five-year full source testing did not comply with the annual source test requirement of R1134.	Not Opposed/Granted	SV granted commencing 4/16/02 and continuing through 5/15/02, the FCD.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
6. Los Angeles Department Of Water and Power Case No. 1263-49 (C. Engelhardt)	203(b) 2004(f)(1) 2012, Appendix A, Attachment C, Section B.2	Petitioner unable to conduct annual RATA test due to unit being out of service. Unit out of service due to modifications to switch rack required to eliminate security risk in the event of losing another generating unit at the power station.	Not Opposed/Granted	RV granted commencing 04/09/02 and continuing through 09/30/02, the FCD.	None.
7. Los Angeles Department Of Water and Power Case No. 1263-50 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner needs time to develop corrective measures for six new simple cycle combustion turbines that failed to meet BACT as guaranteed by manufacturer.	Not Opposed/Granted	RV granted commencing 04/09/02 and continuing through 09/30/02, the FCD.	VOC: TBD Ammonia: TBD PM ₁₀ : TBD
8. Mountain View Power Company LLC Case No. 5155-2 (E. Sernel)	203(b) 2004(f)(1)	Source test is required 180 days after installation of NOx control and was due by 2/24/02. Power plant boiler has not operated since 9/01 due to market conditions.	Not Opposed/Granted	MFCD/EXT granted commencing 4/16/02 and continuing through 10/1/02, the FCD.	None
9. Pharmavite Corporation Case No. 5312 (B. Theis)	203(b)	Catalytic converter on ICE failed and petitioner could not find company to repair it. Petitioner will replace with BACT compliant unit.	Not Opposed/Granted	IV granted for 45 days or until the RV hearing currently scheduled for 6/15/02.	NO _x : TBD PM: TBD ROG: TBD
10. Recot, Inc. Case No. 5141-1 (N. Feldman)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner has applied for change in CO limit permit condition that District has agreed to change. Awaiting EPA Title V review.	Not Opposed/Granted	IV granted for 90 days or until the noticed hearing currently scheduled for 5/30/02, whichever occurs first.	CO: 10 lbs/day
11. SCAQMD vs. Custom Fiberglass Manufacturing Co. Case No. 4974-2 (B. Theis)	203(a)	Company operating spray booths and curing ovens without permitted control equipment in violation of R203 (a).	Stipulated/Issued	Stipulated O/A issued 04/03/02 and continuing through 11/01/02.	
12. SCAQMD vs. Oh Boy! Corporation Case No. 5246 (E. Sernel)	1146.1(c)(1) 1146.1(c)(2)(B)	Company operates three boilers in violation of R1146.1 NOx limit.	Stipulated/Issued	Mod. O/A issued 04/10/02 and continuing through 09/30/02.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
13. Southern California Service StationII. LLC, Serfas Service Station And J.A.C.C.K. Case No. 5199 (Consent Calendar)	203(a) 461(c)(2)(A) 461(c)(2)(B)	Modification of variance needed to change name of operator to the new owner.	Not Opposed/Granted	Mod. Of Variance granted commencing 04/10/02 and continuing until receipt of California Air Resources Board (CARB) certification with respect to Rule 461 and upon receipt of the permits to operate from the District for Rule 203(a) or on 10/31/02, whichever occurs first.	None.
14. Torch Operating Company Case No. 5089-6 (B. Theis)	203(b) 2004(f)(1)	Petitioner awaiting District and EPA (Title V) review of application for permit to construct water injection system to reduce emissions.	Not Opposed/Granted	MFCD/EXT granted commencing 04/07/02 and continuing through 10/04/02, the FCD.	NO _x : 2.2 lbs/hr.
15. Torch Operating Company Case No. 5089-8 (B. Theis)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(h)(6)	Awaiting District action on permit application.	Not Opposed/Granted	MFCD/EXT granted commencing 04/07/02 and continuing through 10/04/02, the FCD.	None.
16. U.S. Gypsum Company Case No. 4529-6 (B. Theis)	2012(c)(2)(A) 2012(c)(2)(B) 2012(c)(3)(A) 2012, Appendix A, Chapter 2, Section A 2012, Appendix A, Chapter 2, Section B	CEMS developed calibration problems. Service technician not able to repair promptly. CEMS returned to factory for repairs.	Not Opposed/ Granted	EV granted 4/25/02 and continuing through 5/22/02, the FCD.	None
17. West Coast Porcelain Case No. 5285 (E. Sernel)	203(a)	New burners for porcelain curing oven failed to meet BACT requirements. Petitioner working with staff to determine what can be done to further reduce emissions.	Not Opposed/Granted	RV granted commencing 4/17/02 and continuing through 7/31/02, the FCD.	NO _x : TBD

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