

BOARD MEETING DATE: March 1, 2002

AGENDA NO. 20

REPORT: Hearing Board Report

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

The total number of appeals filed during the period January 1 to January 31, 2002 is 2.

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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
202(b)		1												1
202(c)		1												1
208														0
218														0
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														0
403(d)(1)														0
403(d)(2)														0
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)														0
461(c)(1)(B)			1											1
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)														0
461(c)(2)(A)														0
461(c)(2)(B)			1											1
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)														0
461(E)(2)(A)														0
461(e)(2)(B)(i)														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)(C)														0
461(e)(3)														0
461(e)(4)														0
461(e)(5)														0
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)														0
1118(d)(1)(2)														0
1118(d)(1)(3)														0
1118(d)(2)														0
1118(d)(3)														0
1118(d)(4)(B)														0
1118(d)(5)(A)														0
1118(d)(5)(B)														0
1118(e)														0
1118(f)														0
1121														0
1122(c)(2)(A)														0
1122(c)(2)(E)														0
1122(c)(3)(A)														0
1122(d)(3)														0

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	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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)														0
1134(c)														0
1134(c)(1)														0
1134(d)														0
1134(d)(1)														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
1150.1(e)(3)														0
1146.0		1												1
1146.1		1												1
1146.1(c)(1)														0
1146.1(c)(2)(B)														0
1150.1														0
1150.1(d)(1)(C)(i)														0
1150.1(d)(4)														0
1150.1(d)(5)														0
1150.1(d)(6)														0
1150.1(e)														0
1150.1(e)(1)														0
1150.1(e)(2)														0
1150.1(e)(3)														0
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
1153(c)(1)(B)														0
1158(d)(8)														0
1166(c)(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
1168(c)(1)														0
1171(c)(1)														0
1173(c)														0
1173(f)(1)														0
1175(c)(2)														0
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)														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)														0
2004(d)														0
2004(k)														0
2009(d)														0
2009(f)(2)														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
2011(k) Appen. A, Chap. 2														0
2012														0
2012 Appen. A, Attach. C, Sec. B.2														0
2012 Appen. A, Attach. C, Sec. 7														0
2012 Appen A														0
2012 Appen A, Chap. 2														0
2012(c)(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
2012(c)(2)(A)		1												1
2012(c)(3)(A)		1												1
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)														0
2012(i)														0
2012(j)(2)														0
2012(m)														0
2012(m) Appen. A, Attach. C		2												2
2012(l)														0
3002(c)(1)														0
H&S 41700														0

Report of January 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)(1)	District has not yet completed its final review of the source test and granted the permit for the vapor recovery system.	Not Opposed/Granted	MFCD/EXT granted commencing 01/9/02 and continuing through 10/16/02, the FCD.	None
2. California Department of Transportation District 7 Case #5293 (B. Theis)	203(a) 1146(c)(1) 1146.1(c)(2)(A)	Petitioner sought variance to continue operating boilers while it takes steps to bring them into compliance for the first time with rule that has been in effect for several years.	Opposed/Dismissed	EV dismissed for lack of good cause. SV hearing is currently scheduled for 02/5/02.	
3. Chevron Products Company Case #831-308 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner needs time to resolve problem with testing protocol that it believes results in erroneously high results.	Granted/Not Opposed	MFCD/EXT granted commencing 02/01/02 and continuing through 07/31/02, the FCD.	PM ₁₀ : 71 lbs/day
4. City of Pasadena Case #2244-15 (B. Theis)	203(b) 2004(f)(1)	Petitioner applied for permit modification to extend number of hours of operation for gas turbines to reflect RECLAIM limit; District has not yet processed application.	Granted/Not Opposed	MFCD/EXT granted commencing 02/02/02 and continuing through 02/01/03, the FCD.	TBD
5. Custom Fiberglass Manufacturing Company Case #4974-1 (B. Theis)	202(a) 202(b) 1145(c)(6)	Petitioner sought a variance from VOC destruction efficiency requirements while control equipment was repaired. Petitioner also sought a variance from collection efficiency requirement until a new full-enclosure structure was constructed surrounding coating operation.	Not Opposed/Granted	SV granted commencing 12/18/01 and shall terminate on 01/30/02 as to Condition No. 8 of Research Operations P/C Appl. No. 394802 only and on 02/22/02 as to all other rules and permit conditions.	VOC: 3,917 lbs total MEK: TBD IPA: TBD Xylene: TBD Toluene: TBD Propylene Glycol: TBD Ethyl Benzene: TBD
6. Equilon Enterprises, LLC Case #4982-8 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	District has not yet completed its final review of the source test and granted the permit for the vapor recovery system	Not Opposed/Granted	MFCD/EXT granted commencing 01/9/02 and continuing through 10/16/02, the FCD.	None.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
7. ExxonMobil Oil Corporation Case #1183-353 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner sought to place CO boiler in waste heat mode to avoid excess pressure causing flue gas to bypass the SCR control device.	Not Opposed/Granted	SV granted commencing 01/10/02 and continuing through 03/13/02, the FCD.	None.
8. Fender Musical Instruments Corporation Inc. #3523-5 (E. Sernel)	203(a)	Petitioner sought variance to continue to operate until RV hearing after permit for VOC emission control system using ultra-violet light was denied by District.	Not Opposed/Granted	IV granted commencing 01/29/02 and continuing for 90 days or until the RV hearing currently scheduled for 02/28/02, whichever occurs first.	VOC: 57 lbs/day
9. Gulfstream Aerospace Corporation Case #4327-1 (E. Sernel)	203(a)	Petitioner requested time to make changes to control system to bring it back into compliance.	Not Opposed/Granted	IV granted commencing 01/29/02 and continuing for 90 days or until the RV hearing currently scheduled for 03/28/02, whichever comes first.	VOC: 4.8 lbs/day
10. Laxmi Holdings, Inc. dba Canyon Auto Wash Case #5280 (E. Sernel)	202(c) 461(c)(1)(B) 461(c)(2)(B)	Petitioner sought a variance to perform testing and operate a vapor recovery system that includes components that are not CARB-certified, as required by rule. CARB is in the process of considering certification for this type of system.	Not Opposed/Granted	RV granted commencing 01/9/02 and shall expire upon receipt of CARB certification, denial certification, or on 10/31/02, whichever comes first.	None.
11. Long Beach Generation, LLC Case #5098-4 (C. Engelhardt)	203(b) 2004(f)(1) 475(b)	Petitioner needed to bring gas turbine on line briefly to tune and source test. Unit is peaker that has not been needed for commercial operation.	Not Opposed/Granted	SV granted commencing 01/8/02 and continuing through 03/6/02, the FCD.	PM: 141.6 lbs/day
12. Los Angeles Department of Water and Power Case #1263-48 (C. Engelhardt)	203(b) 2004(f)(1) 2012, Appendix A, Attach C, Section B.2	Petitioner sought to delay performance of RATA test on CEMS serving a boiler in order to complete repair of boiler tubes so that boiler could be safely operated at full load as required for RATA test.	Not Opposed/Granted	SV granted commencing 01/9/02 and continuing through 04/9/02, the FCD.	None.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
13. Mountain View Power Company, LLC Case #5155-2 (E. Sernel)	203(b) 2004(f)(1)	Petitioner sought a variance to extend February 24, 2002 deadline to perform a source test after installation of new control equipment. Petitioner's power plant has not operated since September 2001, and would have to be started up solely to perform source test.	Not Opposed/Granted	RV granted commencing 02/24/02 and continuing through 04/18/02, the FCD.	None.
14. Reliant Energy Etiwanda, LLC Case #5250-1 (C. Engelhardt)	202(b) 203(b) 2004(f)(1)	Petitioner requested extension of time to conduct testing after initial startup of SCR control system. Unit broke down prior to the scheduled test date and could not be repaired in time to meet deadline.	Not Opposed/Granted	IV granted commencing 01/8/02 and continuing until the completion of the source test or the SV hearing currently scheduled for 02/5/02, whichever comes first.	None
15. Rexam PLC, Rexam Beverage Can Company Case #5290 (J. Panasiti)	203(b) 2004(f)(1)	Petitioner failed source test, and sought additional time to retest with different test method and make repairs, if needed.	Not Opposed/Granted	SV granted commencing 01/17/02 and continuing through 03/15/02, the FCD.	VOC: TBD
16. SCAQMD vs. Alliance Colton LLC Case No. 5227 (E. Sernel)	201 202(a) 203(b) 2004(f)(1)	District sought extension and modification of stipulated order for abatement. Respondent could not comply with emission limits during startup and shut down periods. District working with respondent for revision of permits that will bring respondent back into compliance.	Not Opposed/Issued	Mod. O/A issued 01/29/02 and shall act as a variance. Board shall retain jurisdiction over this matter until 10/31/02.	
17. SCAQMD vs BP West Coast Products, Inc. Case #1011-255 Consent Calendar Item (C. Engelhardt)	407(a)(2)(A) 468	BP West Coast Products took possession of the refinery and assumed responsibility for the modification of the sulfur pits from ARCO as required in prior order issued to ARCO.	Not Opposed/Issued	Mod. O/A issued 01/15/02 and continuing through 04/28/03, the FCD.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
18. SCAQMD vs. Esmat "Sam" Elhilu, individually, and dba S. & S. Service Station, Inc., a California Corporation and dba Freeway Chevron Case #5288 (C. Engelhardt)	203 461	District sought order for abatement to require gas station to replace non-CARB certified equipment with certified equipment.	Not Opposed/Issued	Stipulated O/A issued 01/8/02 and continuing through 03/30/02.	
19. SCAQMD vs. Excello Plating Company Case #5248-1 (E. Sernel)	203(b) 1469	District sought modification and extension of order for abatement since respondent had not yet fully complied with prior order requiring respondent to properly operate and maintain chrome plating operation.	Not Opposed/Issued	O/A issued commencing 01/15/02 and continuing through 10/1/02, the FCD.	
20. SCAQMD vs. Golden Cheese Company of California and Nationwide Boiler, Inc. Case #5259-1 & 5263-1 (E. Sernel)	203(b)	District sought order for abatement requiring rental boiler to be replaced with a compliant, permanent boiler.	Not Opposed/Issued	Stipulated O/A issued commencing 01/16/02 and continuing through 11/30/02, the FCD.	
21. SCAQMD vs. Textek, Inc. Case #5281-1 (B. Theis)	203(a)	District sought order for abatement to require respondent to cease violating VOC limits from industrial towel cleaning operation or install new compliant equipment.	Not Opposed/Issued	Stipulated O/A issued 01/10/02 and continuing through 09/1/02.	
22. SCAQMD vs. John Yriguez dba Sals Plating Case #5189 (E. Sernel)	201 203(a) 1469(c)(2) 1469(e) 1469(h) 1469(l)	District sought modification and extension of order for abatement requiring operator to continue proper operation and maintenance of chrome plating system, to train operators on proper testing methods and to maintain proper records.	Not Opposed/Issued	Mod. O/A issued commencing 01/29/02 and continuing through 07/30/02, the FCD.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
23. Smurfit Newsprint Corporation Case #4773-2 (J. Panasiti)	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	Unique design and requirements of cogen plant and CEMS have taken more time than expected to complete the installation and testing of new DAS system.	Granted/Not Opposed	Mod. I/P granted commencing 01/30/02 and continuing through 05/31/02, the FCD.	None.
24. West Coast Porcelain Case #5285 (E. Sernel)	203(a)	Permits were denied on 12 new burners for curing oven because District determined they were not BACT. Petitioner needed time to either show that burners are in fact BACT or if not, to replace burners meeting the BACT requirement.	Not Opposed/Granted	SV granted commencing 01/17/02 and continuing through 04/17/02, the FCD.	NOx: TBD

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 a Final Compliance Date and Extension of a Variance