

BOARD MEETING DATE: November 1, 2002

AGENDA NO. 14

REPORT: Hearing Board Report

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

The total number of appeals filed during the period September 1 to September 30, 2002 is 0, and the total number of appeals filed during the period January 1 to September 30, 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				7
202(b)		1				1	1		1					4
202(c)		1						1						2
203(a)					3	2	3		4	1				13
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					6
403(d)(1)			1	1			2							4
403(d)(2)			1	1			2							4
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
461(c)														0
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)														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)								1						1
462(d)(1)(A)(ii)		2												2
462(d)(2)(A)(i)														0
462(e)(1)(E)								1						1
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				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
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
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(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
1150.1(e)(6)(A)(ii)														0
1150.1(f)(1)(A)(iii)(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
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
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
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				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
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

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
2009.1								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
2012 Appen A, Chap. 2, Sec. A1.g.								1						1
2012 Appen A, Chap. 2, Sec. B					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					2
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				8
H&S 41700			1					1	1					3

Report of September 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 Riverside, Public Utilities Department Case #5336 (A. Mednick)	202(a) 2004(f)(1)	Catalyst on four turbines may be defective. Petitioner needs to operate equipment in order to determine cause of problem.	Not Opposed/Granted	SV granted commencing 9/4/02 and continue through 12/2/02 for emission limit requirements specified in Section H of Facility P/O/C No. 129810 and shall commence on 9/30/02 and continue through 12/2/02 for Condition No. D29-1 of Section H of Facility P/O/C No. 129810.	NH3: TBD
2. El Segundo Power, LLC Case #5097-4 (Consent Calendar Item)	2009(c) 2009(f)(1)	Extension requested because new issue raised by the District will require additional time to either settle the case or resolve it on appeal.	Not Opposed/Granted	MFCD/EXT granted commencing 9/11/02 and continuing through 12/1/02, the FCD.	None.
3. ExxonMobil Oil Corporation Case #1183-359 (C. Engelhardt)	203(b) 401(b) 2004(f)(1) H&S 41701	Variable frequency drive on forced draft fan serving the FCCU/SCR failed. SCR must be temporarily taken out of service for repair of variable frequency drive.	Not Opposed/Granted	SV granted commencing 9/30/02 for 10 hours during a period to commence with the start of the installation of the variable frequency drive. The 10 hours need not be continuous, and shall not extend beyond October 15, 2002, the FCD.	None.
4. Los Angeles Department of Water and Power Case #1263-50 (C. Engelhardt)	202(a) 2004(f)(1) 3002(c)(1)	Extension of variance required because one Harbor Unit 5 that earlier showed compliance with the permitted ammonia emission limit is showing signs of catalyst degeneration such that the catalyst must be changed a second time. Further, Valley Unit 14 tests showed that it failed the VOC limit and petitioner needs time to discuss the interpretation of the test results because at the very low VOC emission levels the test method has a 50% error margin.	Not Opposed/Granted	MFCD/EXT granted commencing 9/24/02 and continuing through 3/28/03, the FCD.	NH3: TBD for a maximum of 90 operating days. VOC: TBD for a maximum of 90 operating days.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
5. Platinum One Enterprises, Inc. Case #5337 (C. Engelhardt)	1107(c)(2) 203(a)	Petitioner believed Rule 1151 applied to their operations. Petitioner was recently advised by the District that Rule 1107 applies instead. Petitioner needs time to work with coating suppliers to find compliant coatings.	Not Opposed/Granted	SV granted commencing 9/18/02 and continuing through 12/17/02, the FCD.	VOC: 4.7 lbs/day
6. Praxair, Inc. Case #4616-8 (B. Theis)	202(a) 2004(f)(1)	Petitioner has been unable to complete startups of reformer heater and SCR within the time limit imposed by permit conditions and has been unable to locate a reliable CEMS for ammonia as required. Petitioner has an application for change in permit conditions pending before the District.	Not Opposed/Granted	IV granted commencing 09/19/02 for 90 days or until the SV hearing currently scheduled for 10/2/02, whichever occurs first.	None.
7. Rexam PLC/Rexam Beverage Can Company Case #5290 (J. Panasiti)	203(b) 2004(f)(1)	Petitioner needs extension of variance to achieve 77 percent total control efficiency required by permit condition.	Opposed/Granted	MFCD/EXT granted commencing 09/20/02 and continuing through 10/31/02, the FCD.	VOC: TBD
8. SCAQMD vs. Jill Baxter, Keith Baxter & Guillermo Lopez, a partnership, dba West Coast Cylinder Works - #5179-1 (E. Sernel)	203 1469	District sought further modification and extension of O/A because respondent failed to comply with certain conditions of prior O/A.	Not Opposes/Issued	O/A issued commencing 9/11/02. The Board shall retain jurisdiction over this matter until 12/31/02.	
9. SCAQMD vs. Garden Grove Unified School District Case #5328-1 (C. Engelhardt)	1146.2	District sought O/A to require scheduled replacement of 18 boilers at six sites to comply with NO _x requirements of R 1146.2.	Not Opposed/Issued	O/A issued commencing 9/24/02. The Board shall retain jurisdiction over this matter until 3/30/03.	
10. SCAQMD vs Saddleback Community College Case - #5317 (J. Panasiti)	1146.2(c)(1) 1146.2(c)(3)	District sought O/A to require scheduled replacement of eight boilers with two new boilers to comply with NO _x requirements of R 1146.2.	Not Opposed/Issued	O/A issued commencing 9/17/02. The Board shall retain jurisdiction over this matter until 7/1/03.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
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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