

BOARD MEETING DATE: April 4, 2003

AGENDA NO. 18

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of February 1 through February 28, 2003.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

EC:SM

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Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2003 and February 2003 Hearing Board Cases.**

The total number of appeals filed during the period of February 1 to February 28, 2003 is 2, and the total number of appeals filed during the period of January 1 to February 28, 2003 is 3.

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	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
461(e)(1)														0			
461(e)(2)														0			
461(E)(2)(A)														0			
461(e)(2)(B)(i)														0			
461(e)(2)(C)														0			
461(e)(3)														0			
461(e)(4)														0			
461(e)(5)														0			
461(e)(7)														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)						1								1			
462(d)(1)(A)(ii)														0			
462(d)(2)(A)(i)														0			
462(e)(1)(E)						1								1			
462(e)(1)(E)(ii)														0			
462(e)(2)(A)(i)														0			
462(h)(1)														0			
463(c)						1								1			
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														0			
468(a)														0			
468(b)														0			
475(b)														0			
1103						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(d)(1)(B)														0			
1122(d)(3)														0			

	2003	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			
1122(g)(3)			2											2			
1124														0			
1124(c)(1)(A)														0			
1124(c)(1)(E)														0			
1124(c)(4)														0			
1128(c)(1)														0			
1128(c)(2)														0			
1130(c)														0			
1131.0			1											1			
1130(c)(4)														0			
1132(d)(2)				1										1			
1132(d)(3)			1	1										2			
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)														0			
1145(c)(2)														0			
1145(c)(6)														0			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146														0			
1146.1														0			
1146.1(c)(1)														0			
1146.1(c)(2)(B)														0			
1146.1(e)(1)(B)														0			
1146.2														0			
1146.2(c)(1)														0			
1146.2(c)(3)														0			
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(d)(7)			1											1			
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			

	2003	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														0			
1158(d)(2)														0			
1158(d)(5)														0			
1158(d)(7)														0			
1158(d)(7)(A)(ii)														0			
1158(d)(8)														0			
1166(c)(2)														0			
1168(c)(1)														0			
1168(c)(2)														0			
1171(c)(1)														0			
1171(c)(1)(A)(i)														0			
1171(c)(1)(b)(i)														0			
1171(c)(1)(i)														0			
1171(c)(5)														0			
1173(c)														0			
1173(f)(1)														0			
1175(c)(2)			1	1										2			
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			
1425(d)(1)(A)														0			
1469														0			
1469(c)														0			
1469(c)(2)														0			
1469(d)(1)														0			
1469(e)(1)														0			
1469(e)(2)														0			
1469(h)														0			
1469(l)														0			
1189(c)(3)														0			
2004(c)(1)(C)														0			
2004(d)														0			
2004(f)(1)			6	5										11			
2004(k)														0			

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
2009(b)(2)														0			
2009(c)														0			
2009(f)(1)														0			
2009(f)(2)														0			
2009.1														0			
2009.1(c)														0			
2009.1(f)(1)														0			
2009.1(f)(2)														0			
2009.1(f)(3)														0			
2011 Appendix A														0			
2011 Attachment C														0			
2011(c)(2)			1											1			
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, Section A.3 a-c, A.5 and B. 1-4 and Appen. A, Chap. 2, Section C.2.a, c & d														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 Appen A, Chap. 2, Sec. A														0			
2012 Appen A, Chap. 2, Sec. A1.g.														0			
2012 Appen A, Chap. 2, Sec. B														0			
2012 Appen A, Chap. 2, Sec. E														0			
2012(c)(2)			2	1										3			
2012(c)(2)(A)				2										2			
2012(c)(2)(B)														0			
2012(c)(3)(A)														0			
2012(c)(3)(B)														0			
2012(c)(10)														0			
2012(d)(2)(A)														0			
2012(d)(2)(D)														0			
2012(e)(2)(B)														0			
2012(g)(1)														0			
2012(g)(3)														0			
2012(h)(3)				1										1			
2012(h)(4)														0			
2012(h)(5)														0			
2012(h)(6)														0			
2012(i)														0			
2012(j)(2)														0			
2012(m)														0			
2012(m) Appen. A, Attach. C														0			
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														0			
3002(c)(1)			3	3										6			
H&S 41700			1											1			
H&S 41701			2	1										3			

## Report of February 2003 Hearing Board Cases

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. Equilon Enterprises, LLC Case #4982-33 (J. Panasiti)	203(b) 401 2004(f)(1) H&S 41701	Petitioner will restart FCCU after a regularly scheduled turnaround. Petitioner will encounter unstable operations during startup when the FCCU is placed back into service.	Not Opposed/Granted	SV granted for 10 days commencing upon notification per Condition No. 5. The SV shall occur within a 30-day window of time commencing 2/14/03 and continuing through 3/15/03, the FCD.	Opacity: TBD
2. Kimberly-Clark Worldwide, Inc. Fullerton Mill Case #4777-3 (N. Feldman)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(h)(3) 3002(c)(1)	Cogeneration unit shut down for maintenance. Upon restart, CEMS operation could not be restored within prescribed timeframe.	Not Opposed/Granted	IV granted commencing 2/19/03 and continuing for 90 days or until the SV hearing currently scheduled for 3/27/03, whichever occurs first.	None
3. Paramount Petroleum Corporation Case #2914-66 (A. Mednick)	203(b) 2004(f)(1)	Petitioner unable to complete commissioning of new cogeneration unit within 60 days and meet requirements that apply after the 60-day period.	Not Opposed/Granted	EV granted commencing 2/11/03 and continuing through 3/13/03, the FCD.	NO <sub>x</sub> & CO: TBD
4. Premier Industries, Inc. (dba Insulfoam) Case #5333-1 (A. Mednick)	202(c) 1175(c)(2) 3002(c)(1)	Petitioner unable to comply through enhanced ageing of styrene beads. Intends to seek compliance through rule amendment or installation of additional control equipment.	Not Opposed/Granted	MFCD/EXT granted commencing 2/28/03 and continuing through 6/6/03.	ROG: TBD
5. SCAQMD vs. Juan Gonzalez, individually and dba L.A. Central Iron Works Case #5370-1 (E. Sernel)	203(a)	Respondent operating without a valid permit to operate.	Stipulated/Issued	O/A issued commencing 2/27/03. The Hearing Board shall retain jurisdiction over this matter until 3/1/06.	
6. SCAQMD vs. PurEnergy Operating Services, LLC and Alliance Colton, LLC Case #5227 (E. Sernel)	202(a) 203(b) 218(b)(2) 2004(f)(1) 2012(c)(2)(A)	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	Modified O/A to act as a SV with respect to rules and permit conditions. The SV shall commence 2/19/03 and continue through 5/20/03. The Hearing Board shall retain jurisdiction over this matter until 11/30/03.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
7. SCAQMD vs. TABC, Inc. Case #4202-5 (B. Theis)	1132(d)(2) 1132(d)(3)	District sought Order for Abatement to require respondent to bring spray booths into compliance through a combination of strategies including product design, production scheduling and changes, increased capture efficiency, increased transfer efficiency and solvent use reduction.	Stipulated/Issued	O/A issued commencing 2/5/03. The Hearing Board shall retain jurisdiction over this matter until 7/30/05.	
8. Sunlaw Cogeneration Partners I – Federal and Sunlaw Cogeneration Partners I Growers Case #4421-3 (E. Sernel)	203(b) 2004(f)(1) 2012(c)(2) 3002(c)(1)	Petitioner unable to perform annual RATA tests. Petitioner did not operate power generating equipment due to lack of demand and contract to produce such. Startup to perform test without buyer for power would generate unnecessary emissions.	Not Opposed/Granted	SV granted commencing 2/27/03 and continuing through 3/31/03, the FCD.	None

### 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  
 NMOC: Non-Methane Organic Compound