

BOARD MEETING DATE: August 1, 2003

AGENDA NO. 19

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of June 1 through June 30, 2003.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

EC:SM:rd

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

The total number of appeals filed during the period June 1 to June 30, 2003 is 2, and the total number of appeals filed during the period January 1 to June 30, 2003 is 6.

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### Report of June 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. Caddock Electronics, Inc. Case #5351-1 (A. Mednick)		Petitioner requested relief from I/P that are no longer necessary for compliance.	Not Opposed/Granted	Modified I/P granted deleting I/P Nos. 4 and 6.	
2. California Dairies, Inc. Case #5052-2 (R. Bagg) (C. Engelhardt)	203(b) 2004(f)(1) 2012(j)(2)	Petitioner cannot conduct a source test of the spray drier due to low production of fluid milk.	Opposed/Denied	SV denied because the Board was unable to make the finding that it was beyond the reasonable control of petitioner to be in compliance with District rules.	
3. Chevron Products Company Case #831-316 (N. Feldman)	203(b) 2004(f)(1)	Petitioner needs to disconnect the emission control system in order to repair pipe between the basic device and control system.	Not Opposed/Granted	SV granted for 28 consecutive days during a 120-day window of time and shall commence upon notification pursuant to Condition No. 2 of the shutdown of the Hot Vapor Disposal System and continue through 10/16/03, the FCD.	VOC: TBD
4. City of Los Angeles, Department of Water and Power Case #1263-52 (E. Engelhardt)	203(b) 2004(f)(1) 2012, Appendix A, Attachment C, Section B.2 3002(c)(1)	RATA test due by 6/30/03 cannot be done on time because valve malfunction precludes operation of Unit 5 at full load, as required for testing.	Not Opposed/Granted	EV granted commencing 7/1/03 and continuing through 7/30/03, the FCD.	None
5. City of Pasadena Case #2244-16 (N. Feldman)	2009(b)(2) 2009(f)(2)	Due to litigation threat and potential labor disputes, City cannot meet repowering schedule in its Rule 2009 Compliance Plan.	Not Opposed/Granted	RV is granted commencing 7/1/03 and continuing through 5/31/04 for Rule 2009(f)(2) and for that portion of petitioner's approved Rule 2009 Compliance Plan that specifies 7/1/03 as the installation date for SCR on gas turbines Nos. 1 & 2; and commencing 1/1/04 and continuing through 5/31/04 for Rule 2009(b)(2) and that portion of petitioner's approved Rule 2009 Compliance Plan that specifies 12/31/03 as the operational date for SCR on gas turbines Nos. 1 & 2.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
6. ConocoPhillips Company Case #4900-57 (E. Sernel)	203(b) 2004(f)(1) 1173(d)(1)(C) 1173(d)(1)(D)(iii) 1173(g)(1)	Petitioner cannot conduct CEMS RATA test due 6/30/03 until pump serving FCCU is repaired at next turnaround.	Not Opposed/Granted	RV granted commencing 7/1/03 and continuing through 3/15/04, the FCD.	VOC: 0.5 lb/day
7. Mission Foods Corporation Case #5400-1 (E. Sernel)	202 203 1303	Petitioner has been in violation of various District rules since 1999.	Not Opposed/Dismissed	IV dismissed for lack of good cause.	
8. Rim of the World Unified School District Case #5366-1 (B. Theis)	203(a) 461(c)(1)(B) 461(c)(2)(A)	Respondent requested an extension to complete CARB certification of gasoline vapor control system serving a vaulted underground gasoline storage tank.	Not Opposed/Granted	M/E granted commencing 6/12/03 and continuing through 10/31/04.	ROG: 0.05 lb/mo.
9. SCAQMD vs. American Waste Industries Case #5386-1 (C. Engelhardt)	402	Respondent operating a recycling facility in such a manner as to result in the issuance of 10 notices of violation since 1999.	Stipulated/Issued	Modification of an O/A issued commencing 6/5/03. The Hearing Board shall retain jurisdiction over this matter until 10/31/03.	
10. SCAQMD vs. Bhavin Patel, individually and dba Kona Cleaners Case #5398-1 (B. Theis)	203(a)	Respondent operating a dry cleaning operation without a permit to operate.	Stipulated/Issued	O/A issued commencing 6/11/03. The Hearing Board shall retain jurisdiction over this matter until 6/11/04, unless the order is amended or modified.	
11. SCAQMD vs. City of Los Angeles, Department of Water and Power Case #1263-44 (N. Feldman)	2004(d)	District and respondent have resolved matter and respondent seeks a termination of O/A.	Stipulated/Terminated	O/A terminated.	
12. SCAQMD vs. Community Recycling & Resource Recovery, Inc. Case #5390-1 (P. Mieras) (E. Sernel)	402 H&S 41700	Respondent operating a recycling facility in such a manner as to result in over 200 complaints of odor and dust and the issuance of 12 notices of violation since 2000.	Stipulated/Issued	O/A issued commencing 6/5/03. The Hearing Board shall retain jurisdiction over this matter until 12/31/03.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
13. SCAQMD vs. DWA Composite Specialties, Inc. Case #5389-2 (C. Engelhardt)	203(a) 442	Respondent has exceeded the new Rule 442 VOC limit as of January 1, 2003.	Stipulated/Issued	O/A issued commencing 6/12/03. The Hearing Board shall retain jurisdiction over this matter until 1/15/04, unless the order is amended or modified.	
14. SCAQMD vs. Golden Cheese Company of California and Nationwide Boiler, Inc. Case #5259-1 & 5263-1 (Consent Calendar; No Appearance)	203(b)	Extension of O/A to give respondent additional time to replace rental boiler with a compliant, permanent boiler.	Stipulated/Issued	Modification of O/A issued commencing 6/26/03. The Hearing Board shall retain jurisdiction over this matter until 12/31/03, or the date final compliance is achieved with respect to District Rule 203(b), at which time this Order will expire.	
15. SCAQMD vs. Golden West Homes, a Division of HBOs Manufacturing dba Golden West Homes Case #5392-1 (C. Engelhardt)	203(a) 203(b)	Respondent exceeds facility cap for VOC.	Stipulated/Issued	O/A issued commencing 6/25/03. The Hearing Board shall retain jurisdiction over this matter until 9/25/03.	
16. SCAQMD vs. Mission Foods Corporation Case #5400-2 (E. Sernel)	203(a)	Respondent operating tostada and tortilla chip processing lines without a permit to operate and is operating air pollution control equipment in need of repair.	Stipulated/Issued	O/A issued commencing 6/26/03. The Hearing Board shall retain jurisdiction over this matter until 3/31/04.	
17. Southern California Edison Company Case #1262-67 (A. Mednick)	463(d)(2)	Respondent requests a short extension to review a recently issued permit.	Stipulated/Issued	Modification of an O/A issued commencing 6/11/03. The Hearing Board shall retain jurisdiction over this matter until (i) 7/10/03, or (ii) the date on which Respondent achieves compliance with Rule 463, whichever date comes first.	
18. Southern California Edison Company Case #1262-78 (E. Sernel)	2009.1(f)(2) 2009.1(f)(3)	Petitioner awaiting issuance of permit to construct to complete installation of SCR NOx controls.	Not Opposed/Granted	Ex parte granted commencing 6/24/03 and continuing through 7/1/03.	NOx: TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
19. Thums Long Beach Company Case #2515-7 (Consent Calendar; No Appearance)	203(b) 2004(f)(1)	Petitioner must shut down the vapor recovery system in order to complete repairs on a pipe that was leaking VOCs.	Not Opposed/Granted	SV shall commence at the time and date specified in the notice given to the District pursuant to Condition No. 5 and shall terminate twelve hours thereafter, but no later than 7/31/03, the FCD.	ROG: TBD
20. Thums Long Beach Company Case #2515-9 (B. Theis)	203(b) 2004(f)(1)	Petitioner seeks to conduct diagnostic testing that could result in excess emissions of ammonia.	Opposed/Dismissed	IV dismissed for lack of good cause.	
21. Thums Long Beach Company Case #2515-9 (B. Theis)	203(b) 2004(f)(1)	Petitioner discovered ammonia slip problems with SCR and must conduct diagnostic testing. This testing may result in exceedances of the ammonia slip limit.	Not Opposed/Granted	SV granted commencing 6/19/03 and continuing through 9/17/03 for: (i) the SCR as it relates to the 5 ppmv ammonia emission limit in the chart in Section H of P/O No. 129497; (ii) diagnostic testing as reported to the District in Condition No. 6 as it relates to the 5 ppmv NO <sub>x</sub> limit listed in the chart in Section H; and in the last sentence of Condition A99.1 of P/O No. 129497 for turbine, Device D2; (iii) the 24 startup limit in Condition Nos. A99.1 (except for the last sentence of A99.1) and A99.2 of P/O No. 129497; and (iv) the 24 startup limit as specified in variance Condition No. 4. The variance shall commence 6/30/03 for Condition No. D29-1 and commence 6/21/03 for Condition No. D29-2 and continue through 9/17/03, the FCD.	Ammonia: TBD NO <sub>x</sub> per day: TBD NO <sub>x</sub> per startup: 62.56 lbs (5 starts = 313 lbs) CO per startup = 22.39 lbs (5 starts = 112 lbs) ROG per startup = 0.11 lb (5 starts = 1 lb)

### Key to Acronyms

EV: Emergency Variance  
IV: Interim Variance  
SV: Short Variance

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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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  
 I/P: Increments of Progress





	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action		
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)						1								1			
1145(c)(2)														0			
1145(c)(6)														0			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146														0			
1146(c)(3)(A)				1										1			
1146.1														0			
1146.1(c)(1)						2								2			
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			
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			
1164(c)(1)(B)						1								1			
1164(c)(2)						1								1			
1166(c)(2)														0			
1168(c)(1)														0			
1168(c)(2)														0			



2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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			3			1							4			
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		1	1								5			
2012(c)(2)(A)		2											2			
2012(c)(2)(B)													0			
2012(c)(3)					1								1			
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)				1									1			
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)							1						1			
2012(m)													0			
2012(m) Appen. A, Chp 2, except Sections E & Attach C.				1									1			
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	2		2	1							11			
H&S 41700	1						1						2			
H&S 41701	2	1	1										4			