

BOARD MEETING DATE: December 5, 2003

AGENDA NO. 11

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of October 1 through October 31, 2003.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

EC:SM:rj

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

The total number of appeals filed during the period October 1 to October 31, 2003 is 2, and the total number of appeals filed during the period January 1 to October 31, 2003 is 12.

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	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action		
461(e)(3)														0			
461(e)(4)														0			
461(e)(5)														0			
461(e)(7)														0			
462(c)(1)(A)(ii)														0			
462(c)(1)(E)										1				1			
462(c)(3)(B)														0			
462(c)(4)(B)(i)														0			
462(c)(7)(A)(ii)														0			
462(d)(1)(A)		1							1					2			
462(d)(1)(A)(ii)				2						2				4			
462(d)(1)(C)									1					1			
462(d)(1)(F)										2				2			
462(d)(2)(A)(i)														0			
462(e)(1)(E)		1												1			
462(e)(1)(E)(ii)				2						2				4			
462(e)(2)(A)(i)														0			
462(e)(4)										1				1			
462(h)(1)				2						2				4			
463(c)		1			1									2			
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			1							3			
463(e)(3)(C)														0			
463(e)(4)						1								1			
464(b)(1)														0			
468														0			
468(a)														0			
468(b)														0			
475(b)														0			
1103		1						1						2			
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			
1110.1											1			1			
1110.2														0			
1110.2(d)										2				2			
1110.2(d)(1)(B)								3						3			
1110.2(e)(1)(A)														0			
1113(c)(2)								1						1			
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)						1		1						2			
1122(d)(3)														0			
1122(e)(2)(A)														0			
1122(e)(2)(B)														0			
1122(e)(2)(C)														0			

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action		
1122(e)(2)(D)														0			
1122(e)(4)(A)														0			
1122(e)(4)(B)														0			
1122(g)(3)		2			2	1		1						6			
1124														0			
1124(c)(1)(A)														0			
1124(c)(1)(E)														0			
1124(c)(4)														0			
1125(c)(1)										1				1			
1128(c)(1)														0			
1128(c)(2)														0			
1130(c)														0			
1131.0		1						1						2			
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)								2		1				3			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146														0			
1146(c)(3)(A)				1										1			
1146(c)(4)								1						1			
1146.1														0			
1146.1(c)(1)						2								2			
1146.1(c)(2)(B)														0			
1146.1(c)(3)											1			1			
1146.1(e)(1)(B)														0			
1146.2														0			
1146.2(c)(1)														0			
1146.2(c)(3)														0			
1150.1											1			1			
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			
1153.0									1					1			
1153(c)(1)(B)														0			

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1158														0		
1158(d)(2)								1						1		
1158(d)(5)														0		
1158(d)(7)														0		
1158(d)(7)(A)(ii)														0		
1158(d)(8)														0		
1164(c)(1)(B)						1		1						2		
1164(c)(2)						1		1						2		
1166(c)(2)														0		
1168.0												1		1		
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)								1						1		
1171(c)(5)(A)(i)										1				1		
1173(c)														0		
1173(d)(1)(c)							1							1		
1173(d)(1)(D)(iii)							1							1		
1173(f)(1)														0		
1173(g)(1)							1							1		
1175(c)(2)		1	1			1								3		
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		
1303								1						1		
1303(a)(1)					1									1		
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)						1	1							2		
2004(f)(1)		6	5	8	6	4	7	15		4	3			58		
2004(k)														0		
2009(b)(2)							1							1		
2009(c)														0		
2009(f)(1)														0		
2009(f)(2)							1							1		
2009.1														0		
2009.1(c)														0		

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
2009.1(f)(1)														0			
2009.1(f)(2)							1	2						3			
2009.1(f)(3)							1							1			
2011 Appendix A														0			
2011 Attachment C														0			
2011(c)(2)		1			1			1						3			
2011(c)(2)(A)								2	1					3			
2011(c)(3)(A)									1					1			
2011(e)(1)					1			2	1					4			
2011(f)(3)														0			
2011(g)														0			
2011(k)								2						2			
2011(k) Appen. A, Chap. 2, except E & Attach C					1									1			
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			
2011(k) Appen. A, Chap. 2, Sections A.3.,a.-c.,e.g. and B.1.-4									1					1			
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		1						6			
2012(c)(2)(A)			2					3	1					6			
2012(c)(2)(B)														0			
2012(c)(3)						1								1			
2012(c)(3)(A)									1					1			
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			2	1					4			
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)								2						2			
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			
2012(m) Appen. A, Chap. 2, Sections 2.A.1.a.-c.,e.g., B.1.-4									1					1			
3002(c)(1)		3	3	2		2	1	2	1	3				17			
H&S 41700		1					1							2			
H&S 41701		2	1	1						1		2		7			

Report of October 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. Aviator, Inc. Case #5432-1 Consent Calendar Item (B. Theis)	401 H&S 41701	Petitioner will exceed opacity limits while filming a movie.	Not Opposed/Granted	SV granted commencing 10/17/03 and continuing through 10/25/03, the FCD.	Opacity: Up to 80% excess per day for 6 days.
2. CSDV Limited Partnership/Trust Company of the West c/o CB Richard Ellis, Inc. Case #5430-1 (C. Engelhardt)	1146.1(c)(3)	Petitioner failed to timely submit a compliance plan as required. Compliance plan was subsequently denied because petitioner exceeded the 18,000 therms per year limit. Petitioner needs to operate noncompliant equipment until mid-February 2004 when it will replace it with compliant equipment.	Not Opposed/Denied	RV denied for lack of good cause.	
3. Equilon Enterprises, LLC Case #4982-37 (N. Feldman)	203(b) 401(b)(1) 2004(f)(1) H&S 41701	Tube failure in the CO boiler resulted in the shut down of FCCU. Opacity limits will be exceeded when the FCCU is restarted.	Not Opposed/Granted	EV granted commencing 10/29/03 and continuing through 11/27/03, the FCD.	TBD
4. Los Angeles, Bureau of Sanitation Case #1212-26 (N. Feldman)	203(b) 1110.1 1150.1	Onsite power plant outage resulted in power loss to the flare station serving the landfill gas collection system. Petitioner must use an emergency generator to continue to operate flares that destroy collected landfill gas emissions.	Not Opposed/Granted	Exparte granted commencing 10/9/03 and continuing for 30 days or until the SV hearing currently scheduled for 10/23/03, whichever comes first.	TBD
5. SCAQMD vs. American Waste Industries Case #5386-1 (C. Engelhardt)	402	District sought modification of O/A to include a requirement for construction of a partial enclosure for the grinding and chipping operation.	Stipulated/Issued	Mod. O/A issued through 3/1/04. The Hearing Board shall retain jurisdiction over this mater until 3/1/04, unless the Order is amended or modified.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
6. SCAQMD vs. G & M Oil Company, Inc. Case #4726-5 (B. Theis)	203(b) 461(c)(2)(B) H&S 41954(f)	Respondent installed and operates a non-CARB-certified gasoline dispenser and hoses.	Stipulated/Issued	O/A issued through 10/08/04. The Hearing Board shall retain jurisdiction over this matter until 10/8/04 unless the Order is amended or modified.	
7. SCAQMD vs. PurEnergy Operating Services, LLC and Alliance Colton, LLC Case #5227 (E. Sernel)	202(a) 203(b) 2004(f)(1)	Respondent awaiting issuance of amended permits to construct to allow for higher emissions of NO _x and CO during startup and shutdown and to remove the condition requiring calculation of NH ₃ slip pursuant to a specific equation.	Stipulated/Issued	M/E-O/A acting as RV is issued commencing 10/31/03 and continuing through 10/31/04. The Hearing Board shall retain jurisdiction over this matter until 11/30/04.	
8. SCAQMD vs. Rainbow Sandals, Inc. Case #5431-2 (B. Thies)	1168	Respondent uses adhesives in the production of footwear with a VOC content in excess of Rule 1168.	Not Stipulated/Issued	O/A issued through 10/30/04. The Hearing Board shall retain jurisdiction over this matter until 10/30/04.	
9. SCAQMD vs. Shea Homes, Inc., et. al dba Shea Homes Case #5384-1 (A. Mednick)	403(d)(1)	Respondent sought additional authority for the District Sr. Staff Specialist to modify certain conditions of O/A in order to be more responsive to changing weather and fugitive dust emission conditions.	Stipulated/Issued	Mod. O/A issued through 5/30/04.	
10. Southern California Edison Company Case #1262-80 (C. Engelhardt)	203(b)	Petitioner (SCE) needs to operate emergency electrical generator at the SCE Service Center in excess of the annual hourly operating limit in order to restore power to the burned out Lake Arrowhead area.	Not Opposed/Granted	Exparte EV granted commencing 10/31/03 and continuing for 30 days or until SV currently scheduled for 11/25/03.	TBD
11. Tidelands Oil Production Company Case #4696-10 (E. Sernel)	202(a)	Petitioner has appealed the permit condition requiring continuous fuel gas monitoring by October 12, 2003. Variance protection is needed during pendency of the appeal.	Not Opposed/Granted	SV granted commencing 10/23/03 and continuing through 1/20/04, the FCD.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
12. Wheelabrator Norwalk Energy Company, Inc. Case #3756-8 (B. Theis)	203(b) 2004(f)(1)	Petitioner sought a variance from the limit on fuel use for its auxiliary boilers. Petitioner finds it necessary to operate auxiliary boilers beyond fuel use limits due to a decrease in the operation of its cogen unit.	Not Opposed/Granted	SV granted commencing on the date specified in the notice given to the District pursuant to Condition No. 5 and continuing through 12/31/03, the FCD.	NO _x : 1.23 lbs/hr. for 1400 hrs.

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
- IA: Interim Authorization