

BOARD MEETING DATE: January 10, 2003

AGENDA NO. 19

REPORT: Hearing Board Report

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

The total number of appeals filed during the period November 1 to November 30, 2002 is 1, and the total number of appeals filed during the period January 1 to November 30, 2002 is 14.

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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	5	1		13
202(b)		1				1	1		1			1		5
202(c)		1						1			1			3
203											1			1
203(a)					3	2	3		4	1	1	1		15
208														0
218														0
218(c)(1)(A)					1									1
221(b)														0
401												1		1
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		2	1		9
403(d)(1)			1	1			2				1	1		6
403(d)(2)			1	1			2				1	1		6
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			2
461(c)(1)											1			1
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)											1			1
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

*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)			1			1								2
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			4
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(h)(1)		2									2			4
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
1124(c)(4)												1		1
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(b)(2)											1			1
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

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	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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											1			1
1158(d)(2)											3			3
1158(d)(5)											1			1
1158(d)(7)											1			1
1158(d)(7)(A)(ii)											1			1
1158(d)(8)											1			1
1166(c)(2)														0
1168(c)(1)												1		1
1171(c)(1)								1						1
1171(c)(1)(A)(i)			1											1
1171(c)(1)(b)(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			2
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	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

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	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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
2009.1								1						1
2009.1(c)											1			1
2009.1(f)(1)											1			1
2009.1(f)(2)											1			1
2009.1(f)(3)											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					0
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			2
2012 Appen A, Chap. 2, Sec. A1.g.								1						1
2012 Appen A, Chap. 2, Sec. B					1									1
2012 Appen A, Chap. 2, Sec. E											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		1			3
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	4	2		14
H&S 41700			1					1	1			1		4

*Does not include variances for Rules 203-Permits or 2004(f) (1)-RECLAIM

Report of November 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 Burbank, Burbank Water and Power Case No. 1474-16 (E. Sernel)	203(b) 2004(f)(1) 3002(c)(1)	Source test revealed that SCR serving natural gas turbine exceeded ammonia slip limit. Turbine must be operated in violation of Rule 1303 and permit conditions in order to conduct diagnostic testing.	Not Opposed/Granted	RV granted commencing 11/27/02 and continuing through 6/1/03.	VOC 522 lbs/total NH3 98 lbs/total NOx 1.14 ton/total CO 1 ton/total
2. Corona Energy Partners, LTC. Case No. 3704-6 (N. Feldman)	1171(c)(1)(b)(i)	Gas turbine serving as part of a cogeneration facility had to be shut down due to carbon build-up on turbine blades. Petitioner must use noncompliant solvent to remove carbon.	Not Opposed/Granted	Ex Parte variance granted commencing 11/15/02 and continuing through 11/16/02, the FCD.	VOC 100 lbs/day
3. County Sanitation Districts, County of Los Angeles Case No. 3715-17 (Consent Calendar)	202(a)	Petitioner installed ten microturbines at request of District to determine if their operation could produce energy and reduce NOx compared to flaring. Tests show NOx compliance but not for CO. Variance requested to provide time to redesign fuel injectors.	Not Opposed/Granted	RV granted commencing 11/26/02 and continuing through 8/22/03, the FCD.	CO 82 lbs/day
4. Darling International, Inc. Case No. 4061-10 (E. Sernel)	203(b) 2004(f)(1) 3002(c)(1)	Accidental fire destroyed baghouse. Grinding and milling equipment served by baghouse needed to continue operation to preclude odor nuisance.	Not Opposed/Granted	Ex Parte variance granted commencing 11/20/02 and continuing for 30 days or until the SV hearing currently scheduled for 12/5/02, whichever occurs first.	PM 53 lbs/day
5. ExxonMobil Oil Corporation Case No. 1183-355 (Consent Calendar)	202(b) 2004(f)(1)	Petitioner has redesigned burners in attempt to achieve 80% of firing rate that is necessary for conducting compliance tests. Further time needed for optimization testing prior to conducting compliance test at 80% firing rate.	Not Opposed/Granted	MFCD/EXT granted commencing 11/27/02 and continuing through 2/20/03.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
6. Gulfstream Aerospace Corporation Case No. 4327-2 (B. Theis)	203(a) 1124(c)(4)	Petitioner failed to demonstrate compliance using catalytic oxidizer. Requested variance to operate while solution found.	Not Opposed/Dismissed	IV dismissed.	
7. Kaiser International Corporation Case No. 5110 (J. Panasiti).	Denial Emission Reduction Credits	Petitioner appealed the decision of the Executive Officer to refuse petitioner's application for emission reduction credits.	Denied/Upheld EO's decision	Appeal Denied. The Board upheld as proper the EO's decision to refuse petitioner's Application Nos. 336587 & 336588 for emission reduction credits.	
8. Nelco Products, Inc. Case No. 5346 (B. Theis)	203(b)	Source test revealed control efficiency of thermal oxidizer is 1% less than the required 98%. Petitioner needs to operate to fine tune equipment.	Not Opposed/Granted	IV granted for 90 days or until the SV hearing currently scheduled for 11/20/02, whichever occurs first.	VOC 15 lbs/day
9. Pick Your Part Case No. 5350 (A. Mednick)	203(b)	Gas blower on landfill gas collection system failed. Petitioner cannot comply with R1150.1 until blower repaired.	Not Opposed/Granted	Ex Parte variance granted for 30 days or until the EV hearing currently scheduled for 11/12/02.	VOC 14. lbs/day NMOC 35.8 lbs/day
10. SCAQMD vs. Bianchi International, Inc. Case No. 5334-1 (B. Theis)	1168(c)(1)	Petitioner uses noncompliant adhesives and sought time to find complaint alternative.	Stipulated/Issued	Stipulated O/A issued commencing 11/26/02. The Board shall retain jurisdiction over this matter until 2/28/04.	
11. SCAQMD vs. Golden Cheese Company of California and Nationwide Boiler Inc. Case Nos. 5259-1 & 5263-1 (E. Sernel)	203(b)	District sought extension of order for abatement requiring rental boiler to be replaced with a compliant, permanent boiler.	Stipulated/ Modified	Mod. O/A issued commencing 11/27/02 and continuing through 6/30/03. The Board retains jurisdiction over this matter until 6/30/02.	
12. SCAQMD vs. Trojan Stone, Inc. Case No. 5245 (C. Engelhardt)	403(d)(1) 403(d)(2)	District sought O/A for marble and other stone grinding equipment that was creating a public nuisance due to dust.	Stipulated/Issued	O/A issued commencing 11/27/02 and continuing through 3/31/03. The Board shall retain jurisdiction over this matter until 4/15/03.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
13. SCAQMD vs. Zamora Mexican Foods, Inc. Case No. 5344 (J. Panasiti)	401 402 H&S §41700 H&S §41701	District sought O/A to require respondent to cease operating frying equipment that was causing a public nuisance.	District's Petition/Issued	O/A issued requiring Respondent to cease and desist operating or allowing the operation of any and all deep fryers at the facility. If Respondent wishes to operate subject equipment, a petition requesting a hearing to modify the O/A must be filed.	

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