

BOARD MEETING DATE: July 11, 2003

AGENDA NO. 17

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

EC:JD:sm

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

The total number of appeals filed during the period May 1 to May 31, 2002 is 0, and the total number of appeals filed during the period January 1 to May 31, 2002 is 4.

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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)				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			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										2			
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			
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)						1								1			
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	1								5			
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)						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			

	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			
1164(c)(1)(B)						1								1			
1164(c)(2)						1								1			
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			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(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			
2004(f)(1)		6	5	8	6	4								29			
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									2			
2011(c)(2)(A)														0			
2011(c)(3)(A)														0			
2011(e)(1)					1									1			
2011(f)(3)														0			
2011(g)														0			
2011(k)														0			
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			
2012 Appen. A, Attach. C, Sec. B.2				3										3			
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)														0			
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								10			
H&S 41700		1												1			
H&S 41701		2	1	1										4			

## Report of May 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 No. 5351-1 (A. Mednick)	203(b) 1122(d)(1)(B) 1122(g)(3)	Respondent requested a change in the due date of one increment of progress (IOP) but no change in the FCD.	Not Opposed/Granted	IA granted extending IOP #4 from 6/1/03 to 7/1/03.	
2. E I Colton LLC Case No. 5396-1 (J. Panasiti)	203(b) 2004(f)(1)	Petitioner cannot comply with emission limits during startup. Seeks change in permit condition extending startup period from 10 to 30 minutes. Awaiting EPA Title V decision.	Not Opposed/Granted	SV granted commencing 5/21/03 and continuing through 8/4/03, the FCD.	NOx TBD
3. Northrop Grumman Space & Mission System Corporation Case No. 3534-14 (A. Mednick)	203(b) 1164(c)(1)(B) 1164(c)(2) 2004(f)(1) 3002(c)(1)	Thermal oxidizer failed, and requires 2-3 weeks to complete repairs.	Not Opposed/Granted	IV granted commencing 5/15/03 and continuing for 90 days or until the RV hearing currently scheduled for 7/10/03, whichever comes first.	VOC .25 lb/day
4. Praxair, Inc. Case No. 4616-9 (J. Panasiti)	203(b) 2004(f)(1)	Source test of new equipment revealed methanol emission limit exceeded. Petitioner seeking modification of permit condition.	Not Opposed/Granted	IV granted commencing 5/21/03 and continuing for 90 days or until the RV hearing currently scheduled for 7/29/03, whichever comes first.	Methanol .5 lb/day
5. Premier Industries Inc. Case No. 5333-1 (N. Feldman)	202(c) 1175(c)(2) 3002(c)(1)	Petitioner has determined that it is not feasible to comply with Rule 1175. Will seek rule amendment.	Not Opposed/Granted	MFCD/EXT granted commencing 5/28/03 and continuing through 3/4/04.	ROG TBD
6. Sbicca of California Case No. 4757A (E. Sernel)	1145(b)(2)	Petitioner seeks waiver of excess emission fees.	No Position/Granted	Excess emission fees waived during the variance period commencing 10/31/02 through 5/15/03, the FCD.	
7. SCAQMD vs. American Waste Industries Case No. 5386-1 (C. Engelhardt)	402	Respondent is conducting recycling operations causing odor and dust complaints resulting in issuance of several violation notices.	Not Stipulated/Issued	O/A issued commencing 5/14/03 and continuing through 7/15/03. The Board shall retain jurisdiction over this matter until 7/15/03.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
8. SCAQMD vs. City of L.A., Department of Water & Power Case No. 1263-44 (N. Feldman)	2004(d)	Respondent requested modification of repowering schedule for its Valley facility.	Stipulated/Issued	O/A issued commencing 5/28/03 and continuing through 7/1/03. The Board shall retain jurisdiction over this matter until 8/22/04.	
9. SCAQMD vs. Leon Markosian, individually and dba Leon's Unocal Case No. 5388-2 (N. Feldman)	461(c)(1)(B) 461(c)(3)(D)(ii) 461(c)(3)(E) 461(c)(3)(M)	Respondent is operating a commercial gasoline refueling station in violation of several provisions of Rule 461.	Stipulated/Issued	O/A issued commencing 5/14/03 and continuing through 7/15/03. The Board shall retain jurisdiction over this matter until 8/15/03.	
10. SCAQMD vs. Oakley, Inc. Case No. 4802-9 (C. Engelhardt)	203(b)	Air pollution control equipment was tested and failed to meet capture requirements. Monitoring equipment malfunctioning and VOC was found to exceed monthly emission limit.	Stipulated/Issued	O/A issued commencing 5/20/03 and continuing through 8/31/03. The Board shall retain jurisdiction over this matter until 8/31/03.	
11. SCAQMD vs. Oswaldo Nupia dba Next Day Auto Sales & Next Day Body Shop Case No. 5387-1 (B. Theis)	203(a)	Auto body shop operating paint spray booth without a permit to operate.	Not Stipulated/Issued	O/A issued commencing 5/28/03 and continuing through 5/28/04. The Board shall retain jurisdiction over this matter until 5/28/04.	
12. SCAQMD vs. Shea Homes, Inc., a corporation, J.F. Shea Co., Inc., a Nevada corporation, Shea Homes of Phoenix, Inc., a Delaware corporation, all individually and doing business as Shea Homes Case No. 5384-1 (A. Mednick)	403(d)(1)	Development activities by respondent have resulted in emissions of fugitive dust and the issuance of Notices of Violation.	Stipulated/Issued	O/A issued commencing 5/6/03 and continuing through 5/30/04. The Board shall retain jurisdiction over this matter until 5/30/04.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
13. SCAQMD vs. Soon Ja Kim, individually and dba Golden Pacific Cleaners Case No. 5385-1 (B. Theis)	203(a)	Respondent operates a dry cleaning operation without a valid permit to operate.	Stipulated/Issued	O/A issued commencing 5/8/03 and continuing through 5/8/04. The Board shall retain jurisdiction over this matter until 5/8/04.	
14. SCAQMD vs. 21st Century Oil Case No. 5395-1 (B. Theis)	461	Respondent has been operating a gasoline refueling facility for more than a year in violation of several provisions of Rule 461.	Not Stipulated/Issued	O/A issued commencing 5/22/03 to cease and desist operation of the facility until reverification and tank-tie test have been performed and passed. The Board shall retain jurisdiction over this matter until 1/31/04.	
15. Southern California Edison Company Case No. 1262-77 (B. Theis)	463(e)(4)	Primary seal on floating roof storage tank failed. Repair will take three days during which time there will be excess VOC emissions.	Not Opposed/Granted	Ex Parte granted commencing 5/30/03 and continuing through 6/2/03, the FCD.	VOC 2 lbs/day
16. Thums Long Beach Case No. 2515-8 (A. Mednick)	203(b) 2004(f)(1)	Vapor recovery system must be disconnected while repair of leaking pipe completed.	Not Opposed/Granted	Ex Parte commencing 5/15/03 and continuing through 5/17/03, the FCD.	VOC 1,200 lbs/day
17. U.S. Gypsum Company Case No. 4529-8 (C. Engelhardt)	2012(c)(2) 2012(c)(3)	CEMS system failed daily calibration check due to failure of air conditioning unit serving the CEMS.	Not Opposed/Granted	Ex Parte granted commencing 5/29/03 and continuing for 30 days or until the SV hearing currently scheduled for 6/26/03, whichever comes first.	None
18. Westway Terminal Company Case No. 5050-2 (B. Theis)	1146.1(c)(1)	Primary boiler failed. Petitioner requested variance to use unpermitted boiler until a properly permitted rental boiler could be obtained.	Not Opposed/Granted	Ex Parte granted commencing 5/14/03 and continuing for 30 days or until the EV hearing currently scheduled for 5/15/03, whichever comes first.	NOx TBD
19. Westway Terminal Company Case No. 5050-2 (C. Engelhardt)	1146.1(c)(1)	Primary boiler failed. Petitioner requested variance to use unpermitted boiler until a properly permitted rental boiler could be obtained.	Opposed/ Denied	EV denied.	

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  
 MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance  
 IA: Interim Authorization