

BOARD MEETING DATE: March 7, 2003

AGENDA NO. 14

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:  
Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

EC:SM

---

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

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

///



	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			
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)														0			
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			
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											2			
2012(c)(2)(A)														0			
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)														0			
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			
H&S 41700			1											1			
H&S 41701			2											2			

## Report of January 2003 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. Arco Terminal Services Corporation Case No. 1011-226B (Consent Calendar)	462(d)(1)(A) 462(e)(1)(E)	Modification of the final compliance date needed to allow CARB time to certify vapor recovery system based on recent test results.	Not Opposed/Granted	MFCD/EXT granted commencing 1/15/03 and continuing through 6/30/03, the FCD.	TBD
2. Berry Petroleum Company Case No. 5364-1 (C. Engelhardt)	202(a) 218(c)(1)(A) 2004(f)(1) 3002(c)(1)	Petitioner failed to complete certification tests within 90 days of installation of CEMS.	Not Opposed/Granted	SV granted commencing 1/21/03 and continuing through 3/20/03, the FCD.	None
3. BP West Coast Products, LLC Case No. 5357-2 (N. Feldman)	203(b) 401(b)(1) 2004(f)(1) H&S §41701	During shutdown of FCCU for regularly scheduled turnaround, petitioner has been unable to maintain stable operation and has experienced periods when opacity exceeded limits.	Not Opposed/Granted	Ex Parte granted commencing 1/17/03 and continuing through 1/24/03 or the EV hearing currently scheduled for 1/23/03, whichever comes first.	Opacity 60 percent
4. BP West Coast Products, LLC Case No. 5357-3 (A. Mednick)	2011(c)(2) 2012(c)(2)	Breakdown rendered CEMS non-operational. Petitioner could not return CEMS to service within 8-day period allowed by applicable rules.	Not Opposed/Granted	Ex Parte granted commencing 2/2/03 and continuing through 2/18/03, the FCD.	None
5. City of L.A., Bureau of Sanitation Case No. 1212-25 (A. Mednick)	203(b) 1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6) 1150.1(d)(7)	Windstorm downed power lines resulting in damage to internal circuitry and switchgears to on-site power plant. Petitioner needs to operate emergency standby generator in order to keep landfill flares operational.	Not Opposed/Granted	Ex Parte granted commencing 1/21/03 and continuing through the SV hearing scheduled for 2/11/03.	TBD
6. City of Santa Ana Case No. 5359 (J. Panasiti)	461(c)(1)(B)	Petitioner has been operating non-certified remote fill underground gasoline storage tanks.	Not Opposed/Denied	RV denied.	
7. ExxonMobil Oil Corporation Case No. 1183-362 (B. Theis)	203(b) 463(c) 2004(f)(1)	Malfunction of compressor possibly due to line blockage may force petitioner to vent vapors from butane storage tank directly to atmosphere.	Not Opposed/Granted	SV granted commencing 1/14/03 and continuing through 3/6/03, the FCD.	HC TBD CO TBD PM TBD NOx TBD Sox TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
8. Kaiser Electroprecision Case No. 5360-1 (B. Theis)	1122(g)(3)	Petitioner cannot comply with January 1, 2003 compliance date for one of six units. The unusual size and shape of degreaser and demand for control systems by other users resulted in manufacturer being unable to provide new equipment by deadline.	Opposed/Granted	SV granted commencing 1/7/03 and continuing through 4/6/03, the FCD.	PERC 2.8 lbs/day for 3 days/week
9. McCann's Engineering and Manufacturing Co. Case No. 5361-2 (B. Theis)	1122(g)(3)	Petitioner needs additional time until new aqueous cleaning equipment can be brought online.	Not Opposed/Granted	SV granted commencing 1/15/03 and continuing through 4/15/03, the FCD.	VOC 33.27 lbs/day
10. Premier Industries (dba Insul Foam) Case No. 5333 (A. Mednick)	203(b) 2004(f)(1)	Modification of variance requested to allow higher VOC content beads for quality sensitive products and for testing to evaluate control strategy.	Not Opposed/Granted	The Board modified the conditions and increments of progress imposed on the RV hearing held on 10/2/02.	
11. Recot, Inc. Case No. 5141-1 (Consent Calendar)	203(b) 2004(f)(1) 3002(c)(1)	EPA Title V procedural requirements have delayed issuance by the District of a change in permit conditions that would result in compliance.	Not Opposed/Granted	MFCD/EXT granted commencing 1/29/03 and continuing through 7/31/03, the FCD.	
12. SCAQMD vs. Aries Prepared Beef Company dba Smokehouse Pet Products Case No. 5324 (C. Engelhardt)	203 402	Modification requested to accommodate delays in obtaining city and District permits.	Stipulated/Modified	Mod. O/A issued commencing 1/21/03. The Board shall retain jurisdiction over this matter until 7/31/03.	
13. SCAQMD vs. City of Glendale Case No. 3478-21 (A. Mednick)	1135(c)(3) 1135(c)(4)	Extension of final compliance date requested because provider of air pollution control system was temporarily unable to secure performance bond as required in contract with petitioner.	Stipulated/Modified	Mod. O/A issued commencing 1/21/03. The Board shall retain jurisdiction over this matter until 5/31/03.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
14. SCAQMD vs. Naturalife Eco Vite Laboratories Case No. 5335-1 (C. Engelhardt)	203(a) 1103 and/or 1131	Respondent does not comply with rules limiting VOC emissions from its operations. Needs additional time to install equipment.	Stipulated/ Issued	O/A issued commencing 1/21/03. The Board shall retain jurisdiction over this matter until 9/30/03.	
15. SCAQMD vs. Odelos, Inc. Case No. 5367-1 (B. Theis)	461	Respondent has been in noncompliance with various portions of gasoline vapor recovery rule 461 since mid-2002. Six violation notices have been issued.	Stipulated/Issued	O/A issued commencing 1/30/03. The Board shall retain jurisdiction over this matter until 1/30/04.	
16. SCAQMD vs. Shirley Adkins and Andrew Gordon dba JEG Cleaners Case No. 5363-1 (B. Theis)	203(a)	Respondent is operating dry cleaning equipment without permit and needs to update or replace dry cleaning machine in order to obtain permit.	Stipulated/Issued	O/A issued commencing 1/30/03. The Board shall retain jurisdiction over this matter until 1/30/04.	
17. SCAQMD vs. Southern California Edison Company Case No. 1262-67 (A. Mednick)	463(d)(2)	Degassing of floating roof tanks as required by rules would result in greater emissions due to change in material stored in tanks. Respondent awaiting issuance of District permit to allow alternate form of compliance.	Stipulated/Issued	Modification and extension or O/A issued commencing 1/31/03. The Board shall retain jurisdiction over this matter until 3/14/03.	
18. SCAQMD vs. Zamora Mexican Foods Case No. 5344-2 (J. Panasiti)	401 402 H&S § 41700 H&S § 41701	Respondent requested modification of O/A to allow resumption of certain odor generating cooking operations.	Opposed/Denied	Modification of O/A denied.	
19. Sunlaw Cogeneration Partners I – Federal & Growers Facilities Case No. 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 do test without buyer for power would generate unnecessary emissions.	Not Opposed/Granted	IV granted commencing 1/9/03 and continuing until 3/31/03 or until the SV hearing currently scheduled for 2/27/03.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
------------------------	-------	---------------------	--	-----------------------------	------------------

***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