

BOARD MEETING DATE: November 7, 2003

AGENDA NO. 12

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

EC:SM:rd

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

The total number of appeals filed during the period August 1 to August 31, 2003 is 3, and the total number of appeals filed during the period January 1 to August 31, 2003 is 10.

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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			
1110.2														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			
1122(e)(2)(D)														0			

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action		
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(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			
1153.0									1					1			
1153(c)(1)(B)														0			
1158														0			
1158(d)(2)								1						1			

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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(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				55			
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			
2009.1(f)(1)														0			
2009.1(f)(2)							1	2						3			
2009.1(f)(3)							1							1			

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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				5			

Report of September 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. Ashland, Inc. Case No. 4796-3 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Ashland sends vapors to a tank and afterburner operated by Equilon. Equilon system is currently not in compliance with requirement to have a certified system. Equilon has completed testing of its system, has submitted permit applications to the District, and is working with the District to seek approval of its permit applications.	Not Opposed/Granted	MFCD/EXT granted commencing 9/19/03 and continuing through 3/19/04.	None
2. BP West Coast Products, LLC Case No. 5357-9 (B. Theis)	203(b) 462(d)(1)(F)	Bladders on two vapor holding tanks failed. New bladders have been ordered and will be installed upon delivery.	Not Opposed/Granted	Ex Parte EV granted commencing 9/9/03 and continuing for 30 days or until the EV hearing currently scheduled for 9/16/03, whichever comes first.	VOC TBD
3. BP West Coast Products LLC Case No. 5357-9 (B. Theis)	203(b) 462(d)(1)(F)	Bladders on two vapor holding tanks failed. New bladders have been ordered and will be installed upon delivery.	Not Opposed/Granted	EV granted commencing 9/16/03 and continuing through 10/7/03, the FCD.	VOC TBD
4. Chevron Products Company Case No. 831-318 (B. Theis)	203(b) 2004(f)(1)	Petitioner seeks to shut down its packed column scrubber for maintenance; the scrubber controls emissions from the spent sulfuric acid, sludge acid, and spent acid storage tanks.	Not Opposed/Granted	SV granted commencing on date notice is given pursuant to Condition No. 2, and continuing for 60 days thereafter at which time the variance shall expire.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
5. Custom Fiberglass Manufacturing Co. Case No. 4974—4 (A. Mednick)	203(b) 1145(c)(6) 1171(c)(5)(A)(i)	Petitioner's catalyst failed, apparently due to silicon contamination. After prior failure for the same reason, petitioner had eliminated the use of one coating and one catalyst element that had contained silicon. Paint manufacturer had assured petitioner that the remaining coatings had only very small amounts of silicon. Manufacturer later acknowledged that it had given petitioner incorrect information, and coatings contained higher levels of silicon than the manufacturer had disclosed. Petitioner seeks time to install a new catalyst and obtain reformulated coatings with reduced levels of silicon.	Not Opposed/Granted	IV granted commencing 9/24/03 and continuing for 90 days or until the SV hearing currently scheduled for 10/7/03, whichever comes first.	VOC 72.5 lbs/day
6. Equilon Enterprises, LLC Case No. 4982-8 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Equilon system is currently not in compliance with requirement to have a certified vapor control system. Equilon has completed testing of its system, has submitted permit applications to the District, and is working with the District to seek approval of its permit applications.	Not Opposed/Granted	MFCD/EXT granted commencing 9/19/03 and continuing through 3/19/04.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
7. Equilon Enterprises LLC dba Shell Oil Products US Case No. 4982-35 (N. Feldman)	203(b) 462(c)(1)(E) 462(e)(4)	Rim seal failed on one of petitioner's tanks. Petitioner had earlier determined that the rim seal was worn and would need to be replaced. In June 2003, petitioner had applied for a permit to construct to replace the rim seal with a mechanical shoe. Petitioner has not yet received the P/C. The September 2003 failure of the rim seal cannot be repaired, and petitioner cannot legally replace the seal until it receives the P/C.	Not Opposed/Granted	Ex Parte EV granted commencing 9/12/03 and continuing for 30 days or until the IV hearing currently scheduled for 9/17/03, whichever comes first.	VOC 5 lbs/day
8. Jacuzzi Whirlpool Bath Case No. 5216-1 (B. Theis)	203(b) 3002(c)(1)	Recent source test showed air pollution control system is not achieving the required destruction efficiency. Petitioner seeks time to diagnose and correct the problem.	No Position/Granted	SV granted commencing 9/25/03 and continuing through 12/1/03, the FCD.	VOC 440 lbs/day
9. Paramount Petroleum Corporation Case No. 2914-68 (A. Mednick)	202(a) 2004(f)(1)	Petitioner started up a new cogeneration unit in December 2002, using a new type of zero slip catalyst. Petitioner recently received the results of the first source test, which showed that VOC emissions are exceeding the level specified in the permit. Petitioner seeks time to diagnosis and correct the problem.	Not Opposed/Granted	RV granted commencing 9/17/03 and continuing through 1/22/04, the FCD.	VOC 9 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
10. Praxair Inc. Case No. 4616-10 (B. Theis)	203(b) 2004(f)(1)	Petitioner recently received a modified facility permit containing two conditions that were effective immediately. Petitioner had not anticipated either of these conditions. The first condition requires petitioner to immediately have in place a NOX analyzer to measure the NOX concentration at the inlet to the SCR. Petitioner is appealing this condition; but even if petitioner agrees to install the analyzer, petitioner would need time to obtain and install the analyzer. The second permit condition limits startup and shutdown events on the reformer heater to 16 hours. Petitioner cannot start up and shut down the equipment within that time frame without violating the manufacturer's specifications for the equipment; petitioner seeks time to appeal and/or seek amendment of the condition.	Not Opposed/Granted	RV granted commencing 9/10/03 and continuing through 7/16/04, the FCD.	NOX 11 lbs/day
11. Rexam PLC, Rexam Beverage Can Company Case No. 5290-2 (B. Theis)	203(b) 1125(c)(1) 2004(f)(1) 3002(c)(1)	Petitioner detected rising temperatures in the oxidizer exhaust and attempted to diagnosis and repair the problem. Petitioner seeks additional time to complete repairs.	Not Opposed/Granted	Ex Parte EV granted commencing on the date notice is given pursuant to Condition No. 4, and continuing for 120 hours thereafter at which time the variance shall expire.	VOC 329.32 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
12. SCAQMD vs. Bernice Marie Braswell, individually, and dba Four Star Auto Body/B&R Paging Service Case No. 5420-1 (B. Theis)	109 203(a)	District alleged that Respondent was operating a paint spray booth without a permit; District sought order requiring Respondent to cease operating the spray booth until Respondent has obtained a permit.	Not Stipulated/Issued	O/A issued commencing 9/3/03 and continuing through 9/3/04. The Board shall retain jurisdiction over this matter until 9/3/04.	
13. SCAQMD vs. Nels Swanson, individually, and dba Swanson Engineering & Manufacturing Co. Case No. 5427-1 (J. Panasiti)	203(a)	District alleged that Respondent was operating a paint spray booth without a permit; District sought order requiring Respondent to cease operating the spray booth until Respondent has obtained a permit.	Not Stipulated/Issued	O/A issued commencing 9/24/03 and continuing until equipment has a valid permit to operate issued by the District's Executive Officer and proof is submitted to the Hearing Board.	
14. SCAQMD vs. Snow Summit, Inc. Case No. 4657-1 (No Appearance Consent Calendar)	203(a)	Respondent sought modification of O/A to allow Respondent to install two Cummins generators instead of the four Caterpillar generators specified in the Order.	Stipulated/Issued	Mod. O/A issued commencing 9/10/03 and continuing through 12/15/03. The Board shall retain jurisdiction over this matter until 12/15/03.	
15. Tidelands Oil Production Company Case No. 4696-9 (N. Feldman)	202(a) 1110.2(d)	Petitioner installed a new internal combustion engine, burning field-produced gas, on August 8, 2003. Prior to certification testing, petitioner discovered that the air to fuel ratio controller was malfunctioning, and petitioner is experiencing CO emissions in excess of permit limits.	Not Opposed/Granted	EV granted commencing 9/23/03 and continuing through 10/22/03, the FCD.	VOC TBD CO TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
16. Vacco Industries Case No. 4974-4 (C. Engelhardt)	1107(c)(2)	The District recently informed petitioner that petitioner's liquid photoresist process is subject to Rule 1107. Petitioner had previously understood its process to be governed by Rule 442. Petitioner is not aware of any liquid photoresist product that can meet petitioner's needs, and intends to seek a rule change.	Not Opposed/Granted	RV granted commencing 9/24/03 and continuing through 9/24/04, the FCD.	VOC 43 lbs/total variance period

Key to Acronyms

- EV: Emergency
- 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