

BOARD MEETING DATE: February 6, 2004

AGENDA NO. 10

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

EC:ej

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

The total number of appeals filed during the period December 1 to December 31, 2003 is 1, and the total number of appeals filed during the period January 1 to December 31, 2003 is 14.

Rules from which Variances and Order for Abatements were Requested in 2003

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
# of HB Actions*																	
Involving																	
Rules																	
109										1				1			
201														0			
202							1							1			
202(a)		1	1		4			3		2	2	1	1	15			
202(b)														0			
202(c)			1			1							1	3			
203		1					1		2	1				5			
203(a)		2	1		4	2	5	4		3				21			
203(b)		6	5	11	6	6	9	26	9	10	6	4	7	105			
208														0			
218														0			
218(b)(2)			1					1						2			
218(c)(1)(A)		1												1			
221(b)														0			
401		1	1								1			3			
401(a)														0			
401(b)				1					1					2			
401(b)(1)		1		2							1		2	6			
401(b)(1)(A)				1										1			
401(b)(1)(B)														0			
402		2				1	2	1			1		1	8			
403(d)(1)						1					1			2			
403(d)(2)														0			
404														0			
404(a)				2				1	1				1	5			
404(b)														0			
405														0			
405(a)				1				1	1				1	4			
405(b)														0			
407(a)														0			
407(a)(2)(A)														0			
409								1	1					2			
431.1(c)(1)														0			
431.1(d)(1)														0			
442							1							1			
444														0			
444(a)														0			
444(c)														0			
444(d)														0			
461		1				1			1	1				4			
461(c)(1)														0			
461(c)(1)(A)								1						1			
461(c)(1)(B)		1			2	1	1	5						10			
461(c)(1)(C)														0			
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)														0			
461(c)(2)(A)					1		1							2			
461(c)(2)(B)											1		1	2			
461(c)(2)(C)														0			
461(c)(3)(A)														0			
461(c)(3)(D)(ii)						1								1			
461(c)(3)(E)						1								1			
461(c)(3)(M)						1								1			
461(c)(4)(B)														0			
461(c)(4)(B)(ii)														0			
461(e)(1)														0			
461(e)(2)														0			
461(E)(2)(A)														0			
461(e)(2)(B)(i)														0			
461(e)(2)(C)														0			

	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)												1		1			
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		2			
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					1	7			
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	2			
1150.1(d)(5)		1											1	2			
1150.1(d)(6)		1											1	2			
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							2	5			
1175(c)(4)(B)													1	1			
1175(c)(4)(B)(ii)													1	1			
1176(e)(1)														0			
1176(e)(2)														0			
1176(e)(2)(B)														0			
1176(e)(3)(A)														0			
1176(e)(6)														0			
1178(d)(1)(B)(x)												1		1			
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												1		1			
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	1	6	65			
2004(k)														0			
2009(b)(2)							1							1			
2009(c)														0			
2009(f)(1)														0			
2009(f)(2)							1							1			
2009.1														0			

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
2009.1(c)														0		
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							1							4		
2012 Appen. A, Attach. C, Chap. 2, Sec. B													1	1		
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			2	19		
H&S 41700		1					1						1	3		
H&S 41701		2	1	1					1		2		2	9		

Report of December 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. AES Placerita, Inc. Case #3694-10 (C. Engelhardt)	203(b) 2004(f)(1) 2012, Appendix A, Attachment C, Chap. 2 Section B 3002(f)(1)	Petitioner has not operated equipment long enough and is not expected to run long enough by December 31, 2003 to conduct RATA which is required to be completed by that date.	Opposed/Denied	RV denied.	
2. BP West Cost Products, LLC Case #5357-10 (N. Feldman)	203(b) 2004(f)(1)	Petitioner needs to shut down one of two ESPs and a boiler while it makes upgrades to equipment.	Not Opposed/Granted	SV granted for 35 consecutive days beginning on the date specified in the notice to be given pursuant to Condition No. 1, in a window of time commencing 3/1/04 and continuing through 5/31/04, the FCD.	None
3. Equilon Enterprises, LLC Case No. 4982-38 (N. Feldman)	203(b) 401(b)(1) 2004(f)(1) H&S §41701	Power failure resulted in automatic shut down of various pieces of equipment including FCCU. Opacity exceedances expected upon restart of FCCU.	Not Opposed/Granted	Ex Parte granted commencing 12/17/03 and continuing through 12/21/03, the FCD.	Opacity TBD
4. ExxonMobil Oil Corporation Case #1183-375 (C. Engelhardt)	203(b) 401(b)(1) 404(a) 405(a) 2004(f)(1) H&S §41701	Petitioner will violate various rules during shut down and restart of various pieces of equipment for regularly scheduled major refinery maintenance and repair (turnaround).	Not Opposed/Granted	SV granted for a maximum of 4 consecutive day window for shutdown commencing per notice in Condition No. 1. Ending date shall be for a maximum of 10-day window for startup commencing per notice in Condition No. 2.	PM 0.79 tons/day Opacity 80% total
5. ExxonMobil Oil Corporation Case #1183-374 (C. Engelhardt)	203(b) 2004(f)(1)	Emergency flares will be taken out of service one at a time for repair. Permit requires operation of both flares at all times while equipment serviced by flares is in operation.	Not Opposed/Granted	SV granted for 30 consecutive days in a window of time commencing 1/23/04 and continuing through 3/2/04, the FCD.	None
6. Falcon Foam, A Div. of Atlas Roofing Corp. Case #3529-7 (C. Engelhardt)	203(b) 1175(c)(2) 1175(c)(4)(B)(ii) 2004(f)(1)	Recent tests show noncompliance contrary to previously approved compliance strategy.	Not Opposed/Granted	SV granted commencing 12/11/03 and continuing through 3/10/04, the FCD.	VOC TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
7. Premier Industries Inc. dba Insulfoam Case #5333-1 (A. Mednick)	202(c) 1175(c)(2) 1175(c)(4)(B) 3002(c)(1)	Petitioner determined that it cannot comply with one portion of Rule 1175 with current control system and will develop and install new control system. In addition, petitioner seeks variance protection while District considers amendment to another portion of Rule 1175 that petitioner believes is neither economically nor technically feasible.	Not Opposed/Granted	MFCD/EXT granted commencing 12/10/03 and continuing through 1/31/2005.	ROG to be determined by comparison with Rule 1175(c)(4)
8. RealEnergy, Inc. Case #5436-1 (No Appearance; Consent Calendar)	202(a)	Petitioner shut down two ICE cogen units upon receipt of NOV. After completion of retrofits, equipment will be restarted at which time equipment may violate during restart.	Not Opposed/Granted	SV granted commencing 12/2/03 and shall terminate upon completion of the source tests of Units 2 and 3 but no later than 3/1/04, the FCD.	NO _x up to 0.042 tons per day of testing
9. SCAQMD vs. Blair's Metal Polishing, Inc. Case #5365-1 (No Appearance; Consent Calendar)	1122(g)(3)	Respondent awaiting approvals from District, CARB and EPA for design and construction of carbon adsorption system that must have equivalent emission reductions as an air-tight system.	Stipulated/Issued	Mod. O/A issued commencing 12/2/03 and continuing through 8/15/04. The Board shall retain jurisdiction over this matter until 8/15/04.	
10. SCAQMD vs. Community Recycling & Resources Recovery, Inc. Case #5390-1 (E. Sernel)	402 H&S §41700	District sought extension of O/A to require continued compliance while respondent develops plan to construct permanent enclosure for recycling operations.	Stipulated/Issued	Mod. O/A issued commencing 12/18/03 and continuing through 3/31/04. The Board shall retain jurisdiction over this matter until 3/31/04.	
11. SCAQMD vs. ExxonMobil Oil Corporation Case #1183-373 (B. Theis)	203(b) 461(c)(2)(B)	Gasoline dispensing facility does not comply with CARB requirement that there be only one hose and nozzle for dispensing gasoline on each side of a multi-product dispenser.	Stipulated/Issued	O/A issued commencing 12/10/03 and continuing through 12/10/04. The Board shall retain jurisdiction over this matter until 12/10/04.	

Key to Acronyms

EV: Emergency Variance

FCD: Final Compliance Date

H&S: Health & Safety Code

IA: Interim Authorization

IV: Interim Variance

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

O/A: Order for Abatement

RV: Regular Variance

SV: Short Variance

TBD: To be determined