

BOARD MEETING DATE: May 7, 2004

AGENDA NO. 18

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of March 1 through March 31, 2004.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

EC:RJ

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2004** and **March 2004 Hearing Board Cases**.

The total number of appeals filed during the period March 1 to March 31, 2004 is 0, and the total number of appeals filed during the period of January 1 to March 31, 2004 is 5.

Rules from which Variances and Order for Abatements were Requested in 2004

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
# of HB Actions*																	
Involving																	
Rules																	
109														0			
109(c)(1)				1										1			
201														0			
202		1												1			
202(a)		1	1	2										4			
202(b)														0			
202(c)														0			
203				1										1			
203(a)		1	2	4										7			
203(b)		8	9	11										28			
208														0			
218														0			
218(b)(2)														0			
218(c)(1)(A)														0			
221(b)														0			
401														0			
401(a)														0			
401(b)														0			
401(b)(1)		3	1	1										5			
401(b)(1)(A)														0			
401(b)(1)(B)														0			
402			1											1			
403(d)(1)														0			
403(d)(2)														0			
404														0			
404(a)		2												2			
404(b)														0			
405														0			
405(a)		2												2			
405(b)														0			
407(a)		1												1			
407(a)(2)(A)														0			
409														0			
431.1(c)(1)														0			
431.1(d)(1)														0			
442														0			
444														0			
444(a)														0			
444(c)														0			
444(d)														0			
461				1										1			
461(c)(1)														0			
461(c)(1)(A)				1										1			
461(c)(1)(B)				1										1			
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)														0			
461(c)(2)(B)														0			
461(c)(2)(C)														0			
461(c)(3)(A)														0			
461(c)(3)(D)(ii)														0			
461(c)(3)(E)														0			
461(c)(3)(M)														0			
461(c)(4)(B)														0			
461(c)(4)(B)(ii)														0			
461(e)(1)														0			
461(e)(2)														0			
461(e)(2)(A)(i)			1											1			
461(e)(2)(B)(i)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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)(1)(E)														0			
462(c)(3)(B)														0			
462(c)(4)(B)(i)														0			
462(c)(7)(A)(ii)														0			
462(d)(1)(A)														0			
462(d)(1)(A)(ii)				1										1			
462(d)(1)(C)														0			
462(d)(1)(E)(ii)				1										1			
462(d)(1)(F)														0			
462(d)(2)(A)(i)														0			
462(e)(1)(E)														0			
462(e)(1)(E)(ii)				1										1			
462(e)(2)(A)(i)														0			
462(e)(4)														0			
462(h)(1)				2										2			
463(c)														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)														0			
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														0			
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			
1110.1														0			
1110.2														0			
1110.2(d)														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			
1122(e)(2)(A)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
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)														0			
1124														0			
1124(c)(1)(A)														0			
1124(c)(1)(E)														0			
1124(c)(4)														0			
1125(c)(1)														0			
1128(c)(1)														0			
1128(c)(2)														0			
1130(c)														0			
1131.0														0			
1130(c)(4)														0			
1132(d)(2)														0			
1132(d)(3)														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)														0			
1135(c)(3)(C)														0			
1135(c)(4)														0			
1135(c)(4)(D)														0			
1135(e)														0			
1137		1	1											2			
1145(b)(2)														0			
1145(c)(2)														0			
1145(c)(6)				1										1			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146		1												1			
1146(c)(3)(A)														0			
1146(c)(4)														0			
1146.1														0			
1146.1(c)(1)		2												2			
1146.1(c)(2)(B)														0			
1146.1(c)(3)														0			
1146.1(e)(1)(B)														0			
1146.2				1										1			
1146.2(c)(1)														0			
1146.2(c)(3)				1										1			
1150.1														0			
1150.1(d)(1)(C)(i)														0			
1150.1(d)(4)														0			
1150.1(d)(5)														0			
1150.1(d)(6)														0			
1150.1(d)(7)														0			
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			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
1151(e)(2)														0			
1151(f)(1)				1										1			
1153.0														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)														0			
1164(c)(2)														0			
1166(c)(2)														0			
1168.0														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			
1171(c)(5)(A)(i)				1										1			
1171(c)(6)				1										1			
1173(c)														0			
1173(d)(1)(c)														0			
1173(d)(1)(D)				1										1			
1173(d)(1)(D)(iii)														0			
1173(f)(1)														0			
1173(g)(1)				1										1			
1175(c)(2)				1										1			
1175(c)(4)(B)														0			
1175(c)(4)(B)(ii)														0			
1175(c)(4)(B)(ii)(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)														0			
1189(C)(1)														0			
1189(c)(1)														0			
1303														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(b)(1)		1												1			
2004(c)(1)(C)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
2004(d)														0		
2004(f)(1)		8	7	7										22		
2004(k)														0		
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)			2	1										3		
2011(c)(2)(A)														0		
2011(c)(3)(A)														0		
2011(e)(1)			2	1										3		
2011(f)(3)														0		
2011(g)														0		
2011(k)														0		
2011(k) Appen. A, Chap. 2, except E & Attach C														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		
2011(k) Appen. A, Chap. 2, Sections A.3.,a.-c.,e.g. and B.1.-4														0		
2012 Appen. A, Attach. C, Sec. B.2														0		
2012 Appen. A, Attach. C, Chap. 2, Sec. B														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										3		
2012(c)(2)(A)		1												1		
2012(c)(2)(B)														0		
2012(c)(3)														0		
2012(c)(3)(A)		1												1		
2012(c)(3)(B)														0		
2012(c)(10)														0		
2012(d)(2)		1												1		
2012(d)(2)(A)														0		
2012(d)(2)(D)														0		
2012(e)(2)(B)		1												1		
2012(g)(1)		1	2	1										4		
2012(g)(3)														0		
2012(h)(3)														0		
2012(h)(4)														0		
2012(h)(5)														0		
2012(h)(6)		1												1		
2012(i)		1												1		
2012(j)(1)		1												1		
1.0		1												1		
2012(m)		1												1		
2012(m) Appen. A, Chp 2, except Sections E & Attach C.														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		
2012(m) Appen A, Chap 3, Section (A)(6)														1		
2012(m) Appen. A., Chap 5, Para G, Table 5B and Att. D														1		
3002(c)(1)		3	1	2										6		
H&S 41700														0		
H&S 41701		3	1											4		

Report of March 2004 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 #4796-3 (C. Engelhardt)	462(d)(1)(E)(ii) 462(h)(1)	Petitioner is waiting for the issuance of a permit to operate by District.	Not Opposed/Granted	MFCD/EXT granted commencing 3/19/04 and continuing through 3/18/05, the FCD.	None
2. City of Los Angeles, Department of Water & Power Case #1263-54 (C. Engelhardt)	203(b) 2004(f)(1) 3002(c)(1)	The new gas turbine cannot comply with the 3 hour startup limit or the 80 lb/hr NO _x limit during startup. Further, combined two turbine steam blow is required to clear lines after a major breakdown occurred contrary to permit condition limiting steam blows to one turbine at a time.	Not Opposed/Granted	SV granted commencing 3/2/04 and continuing through 5/30/04, the FCD.	<u>Steamblow:</u> NO _x : 1,118 lbs/day not to exceed 6 days; CO: 5,278 lbs/day, not to exceed 6 days; <u>Coldstart:</u> NO _x : 2,227 lbs/day, not to exceed 30 days; CO: 347 lbs/day, not to exceed 30 days.
3. City of Los Angeles, General Services Department Case #5190-1A (A. Mednick)	202(a) 203(b) 461(c)(1)(A) 461(c)(1)(B)	Petitioner has encountered unexpected delays in securing a facility to conduct required certification tests for remote fill underground gasoline storage tanks.	Not Opposed/Granted	MFCD/EXT granted commencing 3/24/04 and continuing through 6/15/04, the FCD.	VOC: TBD
4. Custom Fiberglass Manufacturing Company Case #4974-5 (E. Sernel)	203(a) 203(b) 1145(c)(6) 1171(c)(5)(A)(i) 3002(c)(1)	Source test revealed the control system failed to meet efficiency requirements. Petitioner may need to replace the recently replaced catalyst.	Not Opposed/Granted	IV granted commencing 3/23/04 and continuing for 90 days or until SV hearing currently scheduled for 4/27/04, whichever comes first.	VOC: 119.73 lbs/day
5. Equilon Enterprises, LLC Case #4982-8 (C. Engelhardt)	462(d)(1)(A)(ii) 462(e)(1)(E)(ii) 462(h)(1)	Petitioner is waiting for the issuance of a permit to operate by District.	Not Opposed/Granted	MFCD/EXT granted commencing 3/19/04 and continuing through 3/18/05, the FCD.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
6. Equilon Enterprises, LLC Case #4982-42 (E. Sernel)	203(b) 2004(f)(1) 401(b)(1)	Pursuant to Title V, petitioner must install equipment to monitor voltage and current on ESP No.1. The FCCU will be operated with ESP No. 2 online but with ESP No. 1 off line contrary to permit conditions.	Not Opposed/Granted	Exparte granted commencing 3/16/04 and continuing until 4/15/04, the FCD.	Opacity: Up to 80%
7. ExxonMobil Oil Corporation Case #1183-378 (C. Engelhardt)	203(b) 2004(f)(1) 2011(c)(2) 2011(e)(1) 2012(c)(2) 2012(g)(1)	SCR must be bypassed to conduct emergency maintenance of a crude heater that has experienced blockage from the buildup of coke in the heater's internal passes.	Not Opposed/Granted	Exparte granted commencing 3/2/04 and continuing for 30 days or until the EV hearing currently scheduled for 3/11/04, whichever comes first.	HCl: 2.5 lbs/day CO: 8.36 lbs/day NO _x : 125.4 lbs/day PM ₁₀ : 222.8 lbs/day SO _x : 557.1 lbs/day
8. Falcon Foam, A division of Atlas Roofing Corporation Case #3529-7 (C. Engelhardt)	203(b) 2004(f)(1) 1175(c)(2) 1175(c)(4)(B)(ii)(II)	Recent tests indicate that approved compliance strategy does not achieve compliance with Rule 1175.	Not Opposed/Granted	RV granted commencing 3/9/04 and continuing through 5/13/04, the FCD.	VOC: TBD
9. Nuevo Energy Company Case #5089-11 (C. Engehardt)	1146.2(c)(3)	Petitioner failed to recognize the two year old compliance due date.	Opposed/Denied.	RV denied.	
10. Nuevo Energy Company Case #5089-13 (E. Sernel)	203(b) 2004(f)(1) 1173(d)(1)(D) 1173(g)(1)	Leaking backpressure regulator cannot be repaired within time limit specified in Rule 1173.	Not Opposed/Granted	IV granted commencing 4/1/04 and continuing for 90 days or until the SV variance hearing currently scheduled for 4/27/04, whichever comes first	VOC: 0.011 lb/day
11. PurEnergy Operating Services, LLC Case #5227-6 (B. Theis)	202(a) 203(b) 2004(f)(1)	Recent testing demonstrated that two turbines failed to comply with NO _x and NH ₃ emissions limits upon restart.	Not Opposed/Granted	IV granted commencing 3/4/04 and continuing for 90 days or until the RV hearing currently scheduled for May 4, 2004, whichever comes first.	NO _x : 23.2 lbs/5 day week.
12. SCAQMD vs. Artem Artanyan, individually and dba Prestige Imports Case #5454-1 (B. Theis)	109(c)(1) 203(a) 1151(f)(1) 1171(c)(6)	Respondent has been using a non-compliant paint spray enclosure and has failed to maintain records required by Rules 109 and 1171.	Not Opposed/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 3/24/05.	

Case Name and Case No.	Rules	Reason for Petition	District Position/Hearing Board Action	Type and Length of Variance	Excess Emissions
13. SCAQMD vs. Match Corporation Case #5437-1 (C. Engelhardt)	203(b)	The respondent is denied an application to convert its permit for non-BACT asphalt batching plant from portable to permanent. The portable plant must be operated until a new complaint plant is in operation at the site. Extension of O/A is needed because respondent failed to complete the construction of the gas line required for the new plant because of concerns of DFG requiring the relocation of the gas line and approval of MWD.	Stipulated/Issued	O/A issued. The Hearing Board shall retain jurisdiction over this matter until 6/15/04 unless the order is amended or modified.	
14. SCAQMD vs. Michael Park, individually and dba Ladera Cleaners Case #5451-1 (B. Theis)	203(a)	Respondent is operating a dry cleaning machine without a permit to operate and must update or replace the machine before a permit can be issued.	Stipulated/Issued	O/A issued through June 4, 2005. The Hearing Board shall retain jurisdiction over this matter until June 4, 2005.	
15. SFPP, LP. Case #4215-8 (C. Engelhardt)	203(b)	The bladder in the vapor holding tank of the bulk fuel loading facility needs to be replaced. Petitioner is taking the vapor holding tank out of service contrary to permit conditions.	Not Opposed/Granted	SV granted commencing 3/8/04 and continuing through 4/7/04, the FCD.	None
16. Southern California Gas Company Case #137-56 (B. Theis)	203(b) 2004(f)(1)	Petitioner cannot comply with the permit conditions as written because: (a) Identification for OEM replacement parts does not match that of the equipment needing the replacements; and (b) Nominal heat input and horsepower output ratings that were in the permit may be exceeded in actual practice.	Not Opposed/Granted in part/Denied in part	SV granted pertaining to the designation of 135 million Btu per hour heat input rating for Device Nos. D14, D15 & D16 and shall commence upon notification of the startup of gas turbine No. 1 and shall continue for 90 days from the date of the notification. SV denied for the portion relating to the model designation contained in Section D of Facility Permit to Operate No. 800128.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
17. Two Harbors Enterprises Case #5458-1 (E. Sernel)	203 461	Petitioner is operating gasoline storage tanks without a permit to operate. Issuance of the permit is waiting for the Rule 1401 analysis and a 30-day public notice.	Not Opposed/Granted	Exparte granted commencing 3/18/04 and continuing for 30 days or until the SV hearing currently scheduled for 4/14/04, whichever comes first.	VOC: TBD
18. 1200 Wilshire Building Ltd Case #5448-1 (E. Sernel)	203(a) 1146.2	Boiler installed in 1971 has been operating without a permit to operate.	No Position/Denied	RV denied.	

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
- MFC/EXT: Modification of a Final Compliance Date and Extension of a Variance
- PM: Particulate Matter
- VOC: Volatile Organic Compound
- CO: Carbon Monoxide