

BOARD MEETING DATE: October 1, 2004

AGENDA NO. 13

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of August 1 through August 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 **August 2004 Hearing Board Cases**.

The total number of appeals filed during the period August 1 to August 31, 2004 is 2, and the total number of appeals filed during the period of January 1 to August 31, 2004 is 10.

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						2						3			
202(a)		1	1	2		1		2	2					9			
202(b)														0			
202(c)														0			
203				1			1	2						4			
203(a)		1	2	4	3	2	1	1	1					15			
203(b)		8	9	11	4	10	11	10	12					75			
208														0			
218														0			
218(b)(2)						1								1			
218.1(b)(1)(E)					1									1			
221(b)														0			
401														0			
401(a)														0			
401(b)														0			
401(b)(1)		3	1	1	1				1					7			
401(b)(1)(A)								1						1			
401(b)(1)(B)						1								1			
402			1				1	2						4			
403(d)(1)					1									1			
403(d)(2)														0			
404														0			
404(a)		2						1						3			
404(b)														0			
405														0			
405(a)		2						1						3			
405(b)														0			
407(a)		1			1									2			
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								1			
462(d)(1)						1								1			
462(d)(1)(A)						1	2		2					5			
462(d)(1)(A)(ii)			1											1			
462(d)(1)(C)						1	2		2					5			
462(d)(1)(E)(ii)			1											1			
462(d)(1)(F)														0			
462(d)(2)(A)(i)														0			
462(e)(1)						1								1			
462(e)(1)(E)						1	2		1					4			
462(e)(1)(E)(ii)			1											1			
462(e)(2)(A)(i)														0			
462(e)(4)														0			
462(h)(1)			2				2		2					6			
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)						2								2			
463(c)(3)(B)														0			
463(c)(3)(C)						1	2		2					5			
463(d)(2)														0			
463(e)(3)(C)														0			
463(e)(4)						1								1			
464(b)(1)														0			
468														0			
468(a)				1										1			
468(b)				1										1			
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								1						1			
1110.2(d)														0			
1110.2(d)(1)(B)									2					2			
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			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
1122(c)(2)(E)														0			
1122(d)(1)(B)														0			
1122(d)(3)														0			
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)														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			
1137(d)(2)					1									1			
1145(c)(2)														0			
1145(c)(6)				1		1		1						3			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146		1												1			
1146(c)(3)(A)								1	1					2			
1146(c)(4)														0			
1146.1														0			
1146.1(c)(1)		2						1	1					4			
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								2			
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)														0			
1150.1(e)														0			
1150.1(e)(1)						1								1			
1150.1(e)(2)						1								1			
1150.1(e)(3)						1								1			
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			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
1151(2)														0			
1151(5)														0			
1151(d)(1)														0			
1151(e)(1)														0			
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			
1166(c)(2)(F)								1						1			
1168.0								1						1			
1168(c)(1)														0			
1168(c)(2)														0			
1171.0								1						1			
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		1						3			
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	1	2						5			
1175(c)(4)(B)														0			
1175(c)(4)(B)(ii)														0			
1175(c)(4)(B)(ii)(II)				1		1	1	2						5			
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			
1193(d)(1)(B)							1	1						2			
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)(1)(G)											2			2			
1421(d)(3)(A)														0			
1425(d)(1)(A)														0			
1469								1						1			
1469(c)														0			
1469(c)(2)														0			

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1469(d)(1)														0		
1469(e)(1)														0		
1469(e)(2)														0		
1469(h)														0		
1469(l)														0		
1189(c)(3)														0		
2004								2						2		
2004(b)(1)		1						1						2		
2004(c)(1)(C)														0		
2004(d)														0		
2004(f)(1)		8	7	7	3	7	9	9	6					56		
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)														0		
2009.1(f)(3)														0		
2011 Appendix A														0		
2011 Attachment C														0		
2011(c)(2)			2	1				1	1					5		
2011(c)(2)(A)														0		
2011(c)(3)(A)														0		
2011(e)(1)			2	1				1	1					5		
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	1			1	1					6		
2012(c)(2)(A)		1					1							2		
2012(c)(2)(B)														0		
2012(c)(3)														0		
2012(c)(3)(A)		1					1							2		
2012(c)(3)(B)														0		
2012(c)(10)														0		
2012(d)(2)		1						1						2		
2012(d)(2)(A)														0		
2012(d)(2)(D)														0		
2012(e)(2)(B)		1						1						2		
2012(g)(1)		1	2	1			1	1	1					7		
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						2		
2012(j)(2)								1						1		
1.0		1												1		
2012, Appen. A, Chp 3, Sec (A)(6)								1						1		
2012(m)		1					1							2		
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		

	2004	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
2012(m) Appen. A., Chap 5, Para G, Table 5B and Att. D														1			
3002(c)(1)		3	1	2	1	1	3	3	1					15			
3002(c)(2)								1						1			
H&S 41700														0			
H&S 41701		3	1		1			1	1					7			

Report of August 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. ARCO Terminal Services Corporation Case No. 4545-8 (N. Feldman)	203(b)	Bladder for vapor holding tank serving VRS failed. Petitioner must bypass vapor holding tank contrary to permit conditions until bladder can be replaced.	Not Opposed/Dismissed	IV dismissed for lack of Good Cause.	
2. ARCO Terminal Services Corporation Case No. 4845-8 (N. Feldman)	203(b)	Bladder for vapor holding tank serving VRS failed. Petitioner must bypass vapor holding tank contrary to permit conditions until bladder can be replaced.	Not Opposed/Granted	SV granted commencing 8/25/04 and continuing through 11/23/04, the FCD.	None
3. Ashland Inc Case No. 4796-5 (Consent Calendar)	203(b) 462(d)(1)(A) 462(d)(1)(C) 462(h)(1) 463(c)(3)(C)	Petitioner transmits its organic vapor emissions to a neighboring separately owned facility for destruction. That facility is awaiting approval of application for change in permit conditions. Petitioner must continue to use the vapor destruction services pending permit to construct approval.	Not Opposed/Granted	RV granted commencing 8/9/04 and continuing through 05/08/05, the FCD.	None
4. Chevron Products Company Case No. 831-321 (A. Mednick)	203(b)	Petitioner requests to use rented thermal oxidizer while compressor serving VRS is replaced as preventive maintenance.	Not Opposed/Granted	SV granted commencing 9/7/04 and continuing through 9/28/04, the FCD.	CO: 1.7 lbs/day NOx: 2.4 lbs/day
5. Equilon Enterprises LLC dba Shell Oil Products, US Case No. 4982-47 (Consent Calendar)	203(b) 462(d)(1)(A) 462(d)(1)(C) 462(e)(1)(E) 462(h)(1) 463(c)(3)(C) 2004(f)(1)	Petitioner is awaiting approval of application for change in permit conditions. Petitioner must continue to use the vapor destruction system while waiting for permit approval.	Not Oppose/Granted	RV granted commencing 8/9/04 and continuing through 05/08/05, 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 dba Shell Oil Products, US Case No. 4982-50 (B. Theis)	203(b) 2004(f)(1)	Replacement of nipples associated with compressor serving sulfur recovery plant must be made to avoid failure and uncontrolled emissions of sulfur compounds. Petitioner must shut down compressor which in turn will bypass the air pollution control equipment.	Not Opposed/Granted	SV granted commencing on the date specified in the notice given to the District pursuant to Condition No. 4 and shall last for nine (9) hours on each of three nonconsecutive days from 9:00 p.m. to 6:00 a.m.	Sox: TBD
7. ExxonMobil Oil Corporation Case No. 1183-382 (A. Mednick)	203(b) 2004(f)(1) 2011(c)(2) 2011(e)(1) 2012(c)(2) 2012(g)(1)	Required repair to induction fan will require bypassing SCR and CEMS.	Not Opposed/ Granted	SV shall be for multiple periods of time, each period commencing on the date and time specified in the notice given to the District by petitioner pursuant to Condition No. 1. The variance shall last for a total of 48-hour window of time from 8/19/04 through 10/26/04, the FCD. The Hearing Board shall retain jurisdiction over this matter until 12/12/04.	NOx: 63 lbs/hr.
8. ExxonMobil Oil Corporation Case No. 1183-383 (C. Engelhardt)	203(b) 2004(f)(1)	Refinery must flare excess VOC while repairs made to compressor.	Not Opposed/Granted	Ex Parte granted commencing 8/27/04 and continuing for 30 days or until the EV currently scheduled for 9/1/04, whichever comes first.	TBD
9. Hanover Compressed Natural Gas on behalf of L.A. County Metropolitan Transit Authority Case No. 5482-1 (A. Mednick)	202(a) 203(b) 1110.2(d)(1)(C)	ICEs serving a NG fueling system are exceeding emission limits. Exceedance was undetected by petitioner because of improper testing procedures.	Not Opposed/Denied	SV denied.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
10. Los Angeles Department of Water and Power Case No. 1263-55 (C. Engelhardt)	203(b) 401(b)(1) 2004(f)(1) 3002(c)(1) H&S 41701	Petitioner will emit visible emissions when internal protective sheathing on new NG turbines is burned off during initial startup. In addition, petitioner anticipates need to temporarily operate one of the older units simultaneously with newer units to meet load demand.	Not Opposed/Granted	SV granted concerning the opacity shall commence at timed indicated in the notices given to the District pursuant to Condition No. 1 of this variance and shall run for two three-hour periods (one three-hour period for turbine No. 9 and one three-hour period for turbine No. 10) during the period from 9/8/04 through 10/8/04. The SV granted concerning the simultaneous operation of Unit Nos. 8, 9, & 10 and Unit No. 3 shall commence on 9/8/04 and continue through 10/8/04.	NOx: 6929 lbs/Total CO: TBD VOC: 477 lbs/Total PM ₁₀ : 1081 lbs/Total SO ₂ : 76 lbs/Total Opacity: 75%, Excess 55% Total
11. SCAQMD vs. Los Angeles County Metropolitan Transit Authority and/or Hanover Compressed Natural Gas Case No. 5482-2 (A. Mednick)	202(a) 203(b) 1110.2(d)(1)(C)	Respondent has NG refueling system for NG fueled transit buses. The ICEs serving the NG fueling system are exceeding emission limits. Exceedance was undetected by petitioner because of improper testing procedures.	Stipulated/Issued	O/A issued commencing 8/26/04 and continuing through 1/31/05. The Hearing Board shall retain jurisdiction over this matter until 1/31/05.	
12. SCAQMD vs. United States General Services Administration Case No. 5461-2 (Consent Calendar)	203(a) 1146(c)(3)(A) 1146.1(c)(1)	Four boilers are operating with NO _x emissions exceeding the 30 ppm limit in Rule 1146. Order modified to establish how petitioner will mitigate excess emissions.	Stipulated/Modified	Mod. O/A issued. The Board amended the O/A issued on 7/7/04 by adopting a new Condition No. 2. All other Conditions of the 7/7/04 order remain in effect. Former Condition No. 2 is now numbered Condition No. 3 and all remaining conditions have been renumbered as Conditions 4 through 11.	
13. Signal Hill Petroleum Case No. 2166-4 (A. Mednick)	203(b) 2004(f)(1)	Petitioner unable to commission NG fired turbine due to failure to obtain adequate supply of NG and discovery of incorrect valve controlling NH ₃ flow.	Not Opposed/Granted	Ex Parte granted commencing 8/18/04 and continuing for 30 days or until the SV currently scheduled for 9/15/04, whichever comes first.	None

EV: Emergency Variance
IV: Interim Variance

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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SV: Short Variance
 RV: Regular Variance
 H&S: Health & Safety Code
 TBD: To be determined
 FCD: Final Compliance Date
 O/A: Order for Abatement
 MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance
 NMOC: Non-Methane Organic Compound
 I/P: Increments of Progress