

BOARD MEETING DATE: September 13, 2002

AGENDA NO. 17

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of July 1 through July 31, 2002.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

EC:JD:sm

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2002** and **July 2002 Hearing Board Cases**.

The total number of appeals filed during the period July 1 to July 31, 2002 is 3, and the total number of appeals filed during the period January 1 to July 31, 2002 is 12.

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Rules from which Variances and Order for Abatements were Requested in 2002

	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
# of HB Actions*														
Involving Rules														
201		1						1						2
202														0
202(a)		2	2			1								5
202(b)		1				1	1							3
202(c)		1							1					2
203(a)					3	2	3							8
208														0
218														0
218(c)(1)(A)					1									1
221(b)														0
401														0
401(a)														0
401(b)						1								1
401(b)(1)														0
401(b)(1)(A)														0
401(b)(1)(B)														0
402			2				1	1						4
403(d)(1)			1	1			2							4
403(d)(2)			1	1			2							4
404														0
404(a)						1								1
404(b)														0
405														0
405(a)						1								1
405(b)														0
407(a)						1								1
407(a)(2)(A)			1											1
409.0														0
431.1(c)(1)														0
431.1(d)(1)														0
444														0
444(a)														0
444(c)														0
444(d)														0
461		1												1
461(c)														0
461(c)(1)(A)			1			1	1	1						4
461(c)(1)(B)		1	1			1	1	1						5
461(c)(1)(C)			1			1								2
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
461(c)(2)(B)		1			1									2
461(c)(2)(C)														0
461(c)(3)(A)														0
461(c)(4)(B)														0
461(c)(4)(B)(ii)														0
461(e)(1)														0
461(e)(2)			1			1								2

Does not include variances for Rules 203-Permits or 2004(f) (1)-RECLAIM

	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
461(E)(2)(A)			1			1								2
461(e)(2)(B)(i)			1			1								2
461(e)(2)(C)														0
461(e)(3)			1			1								2
461(e)(4)			1			1								2
461(e)(5)			1			1								2
461(e)(7)							1							1
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)		2												2
462(d)(2)(A)(i)														0
462(e)(1)(E)								1						1
462(e)(1)(E)(ii)		2												2
462(e)(2)(A)(i)														0
462(h)(1)		2												2
463(c)(1)														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)							1							1
463(e)(3)(C)														0
463(e)(4)														0
464(b)(1)														0
468		1												1
468(a)						1								1
468(b)						1								1
475(b)		1												1
1104(c)(1)														0
1106(c)(1)														0
1106.1(c)(1)														0
1106.1(c)(1)(A)														0
1107(c)(2)							1							1
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)			1											1
1118(d)(1)(2)														0
1118(d)(1)(3)														0
1118(d)(2)			1											1
1118(d)(3)			1											1
1118(d)(4)(B)			1											1
1118(d)(5)(A)			1											1
1118(d)(5)(B)			1											1
1118(e)			1											1
1118(f)			1											1

Does not include variances for Rules 203-Permits or 2004(f) (1)-RECLAIM

	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1121														0
1122(c)(2)(A)														0
1122(c)(2)(E)														0
1122(c)(3)(A)														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
1124														0
1124(c)(1)(A)														0
1124(c)(1)(E)														0
1128(c)(1)				1										1
1128(c)(2)				1										1
1130(c)														0
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(c)(2)						1								1
1145(c)(6)		1												1
1145(h)(1)(E)														0
1145(h)(1)(E)														0
1146.0		1												1
1146.1		1				1								2
1146.1(c)(1)					1									1
1146.1(c)(2)(B)					1									1
1146.1(e)(1)(B)				1										1
1150.1														0
1150.1(d)(1)(C)(i)														0
1150.1(d)(4)				1		1								2
1150.1(d)(5)				1										1
1150.1(d)(6)				1		1								2
1150.1(e)														0
1150.1(e)(1)				1		1								2
1150.1(e)(2)				1										1
1150.1(e)(3)				1		1								2
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

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	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1151(5)														0
1151(d)(1)														0
1151(e)(1)														0
1151(e)(2)														0
1153(c)(1)(B)														0
1158(d)(8)														0
1166(c)(2)														0
1168(c)(1)														0
1171(c)(1)								1						1
1171(c)(1)(A)(i)			1											1
1171(c)(1)(i)							1							1
1171(c)(5)								1						1
1173(c)														0
1173(f)(1)														0
1175(c)(2)					1									1
1175(c)(4)(B)(ii)(II)					1									1
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							1							1
1421(d)														0
1421(d)(1)(C)														0
1421(d)(3)(A)														0
1425(d)(1)(A)														0
1469.0		1												1
1469(c)		1												1
1469(c)(2)		1												1
1469(d)(1)														0
1469(e)(1)														0
1469(e)(2)														0
1469(h)		1												1
1469(l)		1												1
1189(c)(3)							1							1
2004(c)(1)(C)					1									1
2004(d)								1						1
2004(k)														0
2009(c)				1										1
2009(f)(1)				1										1
2009.1								1						1
2011 Appendix A														0
2011 Attachment C														0
2011(c)(2)														0

Does not include variances for Rules 203-Permits or 2004(f) (1)-RECLAIM

	2002	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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														0
2012														0
2012 Appen. A, Attach. C, Sec. B.2			1		1			1						3
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					1									1
2012 Appen A. Chap. 2. Sec. A1.g.								1						1
2012 Appen A, Chap. 2, Sec. B					1									1
2012(c)(2)														0
2012(c)(2)(A)		1			2		1							4
2012(c)(2)(B)					1									1
2012(c)(3)(A)		1			1		1							3
2012(c)(3)(B)		1												1
2012(c)(10)														0
2012(d)(2)(A)														0
2012(d)(2)(D)														0
2012(e)(2)(B)														0
2012(g)(1)		1												1
2012(g)(3)														0
2012(h)(3)														0
2012(h)(4)		1												1
2012(h)(5)														0
2012(h)(6)					1									1
2012(i)														0
2012(j)(2)														0
2012(m)			1											1
2012(m) Appen. A, Attach. C		2												2
2012(l)														0
3002(c)(1)					2		1	3						6
H&S 41700			1					1						2

Does not include variances for Rules 203-Permits or 2004(f) (1)-RECLAIM

Report of July 2002 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. AES Redondo Beach, LLC Case #5040-6 (J. Panasiti)	203(b) 2004(f)(1) 2012, Appendix A, Chapter 2, Section A.1.g.	Electronic malfunction of trend recorder on CEMS. Could not be repaired on site and sent out for repair.	Not Opposed/Granted	EV granted commencing 07/17/02 and continuing through 07/30/02, the FCD.	None.
2. ARCO Terminal Services Corporation Case #1011-226B (Consent Calendar Item)	462(d)(1)(A) 462(e)(1)(E)	Relief needed to provide District staff opportunity to review source test report to determine whether compliance achieved.	Not Opposed/Granted	RV granted commencing 07/25/02 and continuing through 01/17/03, the FCD.	VOC: TBD
3. City of Los Angeles, Department of General Services Case #5190-1 (A. Mednick)	201 203(a) 203(b) 202(c) 461(c)(1)(A) 461(c)(1)(B)	Petitioner operates gasoline-refueling facilities with non-certified remote fill system.	No Position/Granted in Part, Denied in Part, and Modified	RV granted from Rules 201, 203(a), and 461(c)(1)(A) & (B) commencing 06/6/02 and continuing through 06/6/03, the FCD, for Parker Center Street Police Division; RV denied for Central Police Division and City Hall East. RV modified on 7/18/02 to delete Rules 201 & 203(a) and add Rules 202(c) & 203(b).	VOC: TBD
4. ExxonMobil Oil Corporation Case #1183-358 (Panasiti)	2009.1(b)(5) 2009.1(f)(3)	Petitioner cannot comply with annual NOx limits for two heaters and requests SV until District acts on petitioner's request to increase the limits.	No Position/Denied	SV denied.	
5. Miller Brewing Company Case #4521-2 (E. Sernel)	2004(f)(1) 3002(c)(1)	Two new gas turbines with CO catalyst and SCR meet the 2.5 PPM NOx emission limit but not within 15 minutes of startup as required.	Not Opposed/Dismissed	IV dismissed for lack of good cause. SV hearing scheduled for 07/31/02.	
6. Miller Brewing Company Case #4521-2 (C. Engelhardt)	203(b) 2004(f)(1) 3002(c)(1)	Two new gas turbines with CO catalyst and SCR meet the 2.5 PPM NOx emission limit but not within 15 minutes of startup as required.	Not Opposed/Granted	SV granted commencing 07/31/02 and continuing through 10/30/02, the FCD.	NO _x : 46.71 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
7. Rexam PLC, Rexam Beverage Can Company Case #5290 (J. Panasiti)	203(b) 2004(f)(1)	Extension of RV requested to permit District to review and approve and/or comment on test results.	Not Opposed/Granted	MFCD/EXT granted commencing 08/1/02 and continuing through 09/20/02, the FCD.	VOC: TBD
8. SCAQMD vs. City of Los Angeles, Department of Water and Power Case #1263-44 (Consent Calendar Item)	2004(d)	Unit 5 at the Valley Station and units 10-14 at the Harbor Station are no longer subject to the O/A since they have complied with the Order and are under the jurisdiction of the Hearing Board as the result of the variance in case No. 1263-50.	Not opposed/Issued	O/A modified commencing 07/11/02 and continuing through 07/01/03, the FCD.	
9. SCAQMD vs. International Color Posters Case #5313 (Mednick)	203(b) 1171(c)(1) 1171(c)(5)	Respondent is using non-compliant solvents to clean printing heads on inkjet printers.	Not Opposed/Issued	O/A issued commencing 07/18/02 and continuing through 09/30/02, the FCD.	
10. SCAQMD vs. Los Angeles County-Civic Center Co-Gen Plant Case #3665-6 (C. Engelhardt)	203(b) 2004(f)(1) 2012 3002(c)(1)	Three backup boilers must now comply with CEMS requirement as a result of having exceeded fuel usage limitation. CEMS were not installed by December 31, 2001. A fourth backup boiler will require CEMS by December 31, 2002.	Not Opposed/Issued	O/A issued commencing 07/31/02 and continuing through 01/31/03, the FCD.	
11. SCAQMD vs. USA BioMass Corporation Case #5289 (A. Mednick)	402 H&S 41700	Status report on O/A requiring control of odors and particulate matter and request to shut down operations by 09/10/02.	Not opposed/Issued	O/A modified commencing 07/11/02 and continuing through 09/30/02, the FCD.	
12. SFPP, LP Case #4215-7 (J. Panasiti)	203(b)	Vapor holding device developed leak thus requiring petitioner to bypass the vapor holding device contrary to permit conditions.	Not Opposed/Granted	IV granted commencing 07/05/02 for 90 days or until the noticed hearing currently scheduled for 08/22/02, whichever comes first.	VOC: TBD

Key to Acronyms

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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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
 O/A: Order for Abatement
 MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance