

BOARD MEETING DATE: January 9, 2004

AGENDA NO. 6

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

EC:SM:rj

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

The total number of appeals filed during the period November 1 to November 30, 2003 is 1, and the total number of appeals filed during the period January 1 to November 30, 2003 is 13.

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		14			
202(b)														0			
202(c)			1			1								2			
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		98			
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			4			
401(b)(1)(A)				1										1			
401(b)(1)(B)														0			
402		2				1	2	1			1			7			
403(d)(1)						1					1			2			
403(d)(2)														0			
404														0			
404(a)				2				1	1					4			
404(b)														0			
405														0			
405(a)				1				1	1					3			
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			
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						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(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								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		
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		59		
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, 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			2		7		

Report of November 2003 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. Chevron Products Company Case No. 831-319 (N. Feldman)	203(b) 463(c)(1)(E) 463(e)(4) 1178(d)(1)(B)(x) 2004(f)(1)	Tear discovered in primary rim seal of above ground tank used to store ammonia bearing sour water containing organic liquids and H ₂ S.	Not Opposed/Granted	Ex Parte granted commencing 11/12/03 and continuing through 11/15/03, the FCD.	VOC: 30 lbs/day H ₂ S: 0.018 lbs/day
2. City of Los Angeles, Bureau of Sanitation Case No. 1212-26 (E. Sernel)	203(b) 1150.1(d)(4) 1150.1(d)(5) 1150.1(d)(6)	Interruptions of power supplied by SCE has caused petitioner to use standby emergency diesel generator beyond the annual hourly limit. Diesel generator needed to power blower for landfill gas flares.	Not Opposed/Granted	SV granted commencing 11/6/03 and continuing through 12/31/03, the FCD.	VOC: TBD NOx: TBD CO: TBD PM: TBD Methane: TBD
3. Real Energy, Inc. Case No. 5436-1 (B. Theis)	202(a)	District inspector tested two engines and found both exceeding NOx limits.	Opposed/Dismissed	EV dismissed for lack of Good Cause.	
4. SCAQMD vs. Howard Korey, individually and dba Regal Dry Cleaners Case No. 5434-1 (B. Theis)	203(b) 1421	Respondent had been operating without a permit since 1995 despite having been issued violation notices for same in 1999, 2001, 2002 and 2003.	Not Stipulated/Issued	O/A issued; Respondent is ordered to cease operation of its existing Perchloroethylene dry cleaning machine, Lindus, Model 40, Serial #2076, until such time as it is replaced or retrofitted to achieve compliance with District Rules and Regulations.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
5. SCAQMD vs Match Corp., Case No. 5437-1 (C. Engelhardt)	203(b)	Respondent denied application to convert permit for non-BACT asphalt batching plant from portable to permanent. Portable plant must be operated until new complaint plant is in operation at site.	Stipulated/Issued	O/A issued commencing 11/18/03 and continuing through 4/1/04. The Board shall retain jurisdiction over this matter until 4/1/04.	

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