BOARD MEETING DATE: October 3, 2003   AGENDA NO. 16

REPORT: Hearing Board Report

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

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

                                    Edward Camarena
                                    Chairman of Hearing Board

EC:SM:rd

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

The total number of appeals filed during the period August 1 to August 31, 2003 is 3, and
the total number of appeals filed during the period January 1 to August 31, 2003 is 10.

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Report of August 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. City of Newport Beach Utilities Department Case #5419-1 (E. Sernel)	203(b) 462(d)(1)(A) 462(d)(1)(C)	Petitioner is operating a liquid petroleum tank truck bulk loading rack without a valid permit to operate.	No Position/Denied	SV denied.	
2. ConocoPhillips Company Case #4900-59 (C. Engelhardt)	203(b) 2004(f)(1)	Petitioner seeks to operate a boiler without flue gas recirculation until its operation can be ruled out as a cause or contributor to the failure of a similar boiler. Petitioner also seeks relief from the requirement to have a CEMS in operation until power can be restored to it following the failure of the boiler it serves.	Not Opposed/Granted	IV granted commencing 8/13/03 and continuing through 9/17/03. A RV is scheduled for 9/17/03.	NO_x: 1,535 lb/day
3. ExxonMobil Oil Corporation Case No. 1183-372 (A. Mednick)	203(b) 2004(f)(1)	Leak in the heat exchanger must be repaired in order to avoid cross contamination. During repairs, the fuel gas treating unit will not be in full operation as required.	Not Opposed/Granted	Ex Parte EV granted commencing 8/8/03 and continuing for 30 days or until the EV hearing currently scheduled for 8/21/03, whichever comes first.	None
4. Kinder Morgan Liquid Terminal, LLC Case #5425-1 (B. Theis)	203(b)	The incinerator serving the bulk liquid petroleum terminal failed.	Not Opposed/Granted	Ex Parte EV granted commencing 8/13/03 and continuing for 30 days or until the SV hearing currently scheduled for 8/27/03, whichever occurs first.	None
5. Los Angeles County Civic Center Co-Generation Plant Case #3665-7 (B. Thies)	203(b) 2004(f)(1)	CO emissions found to be exceeding 10 ppm limit after replacement of the generator portion of the gas turbine generator.	Not Opposed/Granted	Ex Parte EV granted commencing 8/14/03 and continuing through 8/22/03, the FCD.	CO: 408 lbs/total
6. Los Angeles Department of Water and Power Case #1263-53 (A. Mednick)	203(b) 401(b) H&S 41701 2004(f)(1) 3002(c)(1)	New gas turbines cannot comply with operating conditions during commissioning operations.	Not Opposed/Granted	SV granted commencing: (i) at first fire of each turbine and shall last 2 hours from Rule 401(b) and Health and Safety Code Section 41701; and (ii) 8/28/03 and continuing through 10/31/03, the FCD from Rules 203(b), 2004(f)(1) and 3002(c)(1).	Opacity: TBD CO: TBD PM_{10}: TBD VOC: TBD

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
7. Nationwide Boiler, Inc. Case #5263-3 (C. Engelhardt)	203(b)	A portable boiler without a certified CEMS is required as part of the mitigation plan for NO_x. In order to certify the CEMS, the boiler must be started up without a certified CEMS contrary to the permit condition. District is processing a permit change but may not be able to issue revised permit before the planned startup date.	Not Opposed/Granted	Ex Parte EV granted commencing 8/15/03 and continuing through 8/20/03, the FCD.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
8. Saint Gobain Container, Inc. Case #108-32 (N. Feldman)	203(b) 2004(f)(1) 404(a) 405(a) 409 2011(c)(2)(A) 2011(c)(3)(A) 2011(e)(1) 2011(k) [only as it relates to Appendix A, Chapter 2, Sections A.3.,a.-c.,e.,g. and B.1.-4] 2012(c)(2)(A) 2012(c)(3)(A) 2012(g)(1) 2012(m)[only as it relates to Appendix A, Chapter 2, Sections 2.A.1. a.-c., e.g., and B.1.-4); and only as related to RECLAIM requirements to install, maintain and operates SO_X and NO_X CEMS equipment to measure and monitor SO_X and NO_X]	Petitioner needs to bypass the ESP in order to correct the malfunctioning of fields.	No Position/Granted	SV granted commencing 8/6/03 and continuing through 9/6/03 from Rules 203(b), 2004(f)(1) [from Condition No. 19-1 of Section D and Condition Nos. 2, 4 and 5 of Section E of Facility P/O No. 108701 [only; and commencing 9/1/03 and continuing through 9/6/03, for the remaining rules.	PM: TBD SO_X (9/1/03 thru 9/6/03): TBD
9. SCAQMD vs. Bruce Halprin, individually and dba American West Finishing Corporation Case #5406-1 (C. Engelhardt)	203(a)	Respondent is operating two natural gas-fired laundry tumblers and a dryer without valid permits to operate.	Not Stipulated/Issued	O/A issued commencing 8/26/03. The Hearing Board shall retain jurisdiction over this matter until 12/31/04.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
10. SCAQMD vs. Krikor Quozenian dba Family Service Station Case #5417-1 (C. Engelhardt)	203 461	Respondent is operating a gasoline refueling station since 1999 without a valid permit to operate. In addition, respondent has not kept required records, conducted the required testing of vapor recovery system nor maintained equipment per Rule 461.	Not Opposed/Issued	O/A issued commencing 8/13/03. The Hearing Board shall retain jurisdiction over this matter until 12/31/04.	
11. SCAQMD vs. Lance Parks, individually and dba Lance's Complete Collision, Inc. Case #5407-1 (C. Engelhardt)	203(a)	Respondent is operating an auto repair, rebuild and painting business including a paint spray booth without valid permits to operate.	Not Stipulated/Issued	O/A issued commencing 8/26/03. The Hearing Board shall retain jurisdiction over this matter until 12/31/04.	
12. SCAQMD vs. Mapex Company, Inc. Case #5415-1 (C. Engelhardt)	203	Respondent operating used automobile starter repair and rebuilding business with abrasive blasting equipment and paint spray booth without valid permit to operate.	Not Opposed/Issued	O/A issued commencing 8/13/03. The Hearing Board shall retain jurisdiction over this mater until 12/31/04.	
13. SCAQMD vs. Oakley Corporation Case #4803-9 (C. Engelhardt)	203(b)	Air pollution control equipment was tested and failed to meet capture requirements. Monitoring equipment is malfunctioning and VOC was found to exceed the monthly emission limit.	Stipulated/Issued	Mod. O/A issued commencing 8/31/03. The Hearing Board shall retain jurisdiction over this matter until 12/30/03.	
14. SCAQMD vs. Unified Western Grocers, Inc. Case #5421-1 (B. Theis)	1153	Respondent operates a bakery oven with a catalytic oxidizer that failed a source test in 2002.	Not Opposed/Issued	O/A issued commencing 8/12/03. The Hearing Board shall retain jurisdiction over this mater until 8/12/04.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
15. Ultramar Inc. dba Valero Wilmington Refinery Case #3845-46 (A. Mednick)	203(b) 2004(f)(1)	Petitioner's customer for excess fuel gas abruptly ceased operations and ceased accepting petitioner's excess fuel gas. Petitioner's vapor recovery system cannot handle the entire excess thereby requiring petitioner to vent some of the excess fuel gas to its flare contrary to permit conditions.	Not Opposed/Granted	Exparte EV granted commencing 8/7/03 and continuing for 30 days or until the emergency variance hearing currently scheduled for 8/13/03, whichever occurs first.	SO_X: 325 lbs/day NO_X: 325 lbs/day VOC: 300 lbs/day
16. Vacco Industries Case #5424-1 (C. Engelhardt)	1107(c)(2)	Petitioner uses photoresist with excess VOC. Previously unaware of District's rule interpretation and needs time to respond.	Not Opposed/Granted	IV granted commencing 8/26/03 and continuing for 90 days or until the RV hearing currently scheduled for 9/24/03, whichever occurs first.	VOC: 4.3 lbs/total

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
NMOC: Non-Methane Organic Compound
I/P: Increments of Progress

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													
201													0
202						1							1
202(a)	1	1		4			3						9
202(b)													0
202(c)		1			1								2
203	1					1		2					4
203(a)	2	1		4	2	5	4						18
203(b)	6	5	11	6	6	9	26	9					78
208													0
218													0
218(b)(2)		1					1						2
218(c)(1)(A)	1												1
221(b)													0
401	1	1											2
401(a)													0
401(b)			1					1					2
401(b)(1)	1		2										3
401(b)(1)(A)			1										1
401(b)(1)(B)													0
402	2				1	2	1						6
403(d)(1)					1								1
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					3
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)													0
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
461(e)(3)													0

2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
461(e)(4)													0		
461(e)(5)													0		
461(e)(7)													0		
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					2		
462(d)(1)(A)(ii)			2										2		
462(d)(1)(C)								1					1		
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			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)													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			1							3		
463(e)(3)(C)													0		
463(e)(4)					1								1		
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		
1107(c)(7)													0		
1107(d)													0		
1110.2													0		
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		
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		

2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1124(c)(1)(E)													0
1124(c)(4)													0
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)													
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						2
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(e)(1)(B)													0
1146.2													0
1146.2(c)(1)													0
1146.2(c)(3)													0
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)	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
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

2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
1166(c)(2)													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)							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
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													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(I)													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						51
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)						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

2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
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			3			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					14
H&S 41700	1					1							2
H&S 41701	2	1	1						1				5