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		1 3	District Position/	Type and Length of Variance	Excess Emissions
Case No.	Rules	Reason for Petition	Hearing Board Action	or Order	
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 <sub>x</sub> : 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 <sub>10</sub> : TBD VOC: TBD

Case Name and			District Position/	Type and Length of Variance	
Case No.	Rules	Reason for Petition	Hearing Board Action		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 <sub>x</sub> . 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

8. Saint Gobain Container, Inc. Case #108-32 (N. Feldman)	Rules  203(b) 2004(f)(1) 404(a) 405(a) 409 2011(c)(2)(A) 2011(c)(3)(A)	Reason for Petition  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)	PM: TBD SOx (9/1/03 thru
Inc. Case #108-32 (N. Feldman)	2004(f)(1) 404(a) 405(a) 409 2011(c)(2)(A)	the ESP in order to correct	No Position/Granted	and continuing through 9/6/03 from Rules 203(b), 2004(f)(1)	SO <sub>x</sub> (9/1/03 thru
9. SCAQMD vs. Bruce Halprin, individually and	2011(e)(1) 2011(k) [only as it relates to Appendix A, Chapter 2, Sections A.3.,ac.,e.,g. and B.14] 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. ac., e.g., and B.14); and only as related to RECLAIM requirements to install, maintain and operates SO <sub>X</sub> and NO <sub>X</sub> CEMS equipment to measure and monitor SO <sub>X</sub> and NO <sub>X</sub> ] 203(a)	Respondent is operating two natural gas-fired laundry	Not Stipulated/Issued	[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.	9/6/03): TBD
dba American West Finishing Corporation Case #5406-1 (C. Engelhardt)		tumblers and a dryer without valid permits to operate.		jurisdiction over this matter until 12/31/04.	

Case Name and			District Position/	Type and Length of Variance	
Case No.	Rules	Reason for Petition	Hearing Board Action		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			District Position/	Type and Length of Variance	
Case No.	Rules	Reason for Petition	Hearing Board Action		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 <sub>x</sub> : 325 lbs/day NO <sub>x</sub> : 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

	Rule	s from	which '	Varian	ces an	d Orde	r for A	batem	ents w	ere Re	quest	ed in 2	2003	
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1121 0 0 1 1122(c)(2)(A) 0 0 0 1 1122(c)(2)(E) 0 0 0 1 1122(d)(1)(B) 1 1 1 2 2 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1118(f)															
1122(c)(2)(A) 1122(c)(2)(E) 1122(d)(1)(B) 1 1 1 2 1122(d)(3) 1122(e)(2)(A) 1122(e)(2)(B) 1122(e)(2)(C) 1122(e)(2)(C) 1122(e)(2)(C) 1122(e)(4)(A) 1122(e)(4)(A) 1122(e)(4)(A) 1122(e)(4)(B) 1122(e)(4)(	1121															
1122(c)(2)(E) 0 0 1 1122(d)(1)(B) 1 1 1 2 1122(d)(3) 0 0 1 1122(e)(2)(A) 0 0 0 1122(e)(2)(B) 0 0 0 1122(e)(2)(C) 0 0 0 1122(e)(2)(D) 0 0 0 1122(e)(4)(A) 0 0 0 1122(e)(4)(B) 0 0 0 0 1122(e)(4)(B) 0 0 0 0 1122(e)(4)(B) 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0																
1122(d)(1)(B)	1122(c)(2)(E)															
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(e)(4)(B) 0 1122(g)(3) 2 2 1 1 1 6 1124 0						1		1								
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 1 6 1124 0 0	1122(d)(3)															
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 0	1122(e)(2)(A)															
1122(e)(2)(C) 0 0 1122(e)(2)(D) 0 0 1122(e)(4)(A) 0 0 1122(e)(4)(B) 0 0 1122(g)(3) 2 2 1 1 6 6 1124 0 0	1122(e)(2)(B)															
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	1122(e)(2)(C)															
1122(e)(4)(A) 0 1122(e)(4)(B) 0 1122(g)(3) 2 2 1 1 6 1124 0	1122(e)(2)(D)															
1122(e)(4)(B) 0 1122(g)(3) 2 2 1 1 6 1124 0	1122(e)(4)(A)															
1122(g)(3) 2 2 1 1 6 6 1124	1122(e)(4)(B)													0		
1124	1122(g)(3)		2		2	1		1								
1124(c)(1)(A)	1124															
	1124(c)(1)(A)													0		

	2003 <b>Jan</b>	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)		4											0		
1132(d)(2)		1											1		
1132(d)(3)	1	1											2		
1134(c)													0		
1134(c)(1) 1134(d)													0		
1134(d)(1)													0		
1134(d)(1) 1134(d)(2)(B)(ii)													U		
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)	<u> </u>												1 1		
1150.1(d)(7)	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) 1150.1(e)(3)(C)													0		
1150.1(e)(5)(C) 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		
							- 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)(A)																
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		
														0		
1469(d)(1)														-		
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)(2)														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		
(-)(-)																

20	003	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, exce	ept E	& Atta	ich C		1									1		
2011(k) Appen. A, Chap. 2, Sec.	tion A	1.3 a-c	, A.5 ar	id B. 1-4	4											
and Appen. A, Chap. 2, Section	n C.2.	.a, c &	d											0		
2011(k) Appen. A, Chap. 2, Sec.	tions	A.3.,a	c.,e.g.	and B.	14				1					1		
2012 Appen. A, Attach. C, Sec. I	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	1.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, excep	pt Sed	ctions	E & Att	ach C.	1									1		
2012(m) Appen. A, Attach. C														0		
2012(m) Appen. A, Chap. 2, Sec	ctions	2.A.1	a-c, e.	<b>]</b> ,												
and B. 1-4 and Appendix A, Ch	napter	3, Se	ction C	2 a, c 8	k d									0		
2012(m) Appen. A. Chap. 2, Sec.	ctions	2.A.1	.ac., <b>e</b> .	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		