

State of California  
AIR RESOURCES BOARD

Resolution 74-7  
February 14, 1974

WHEREAS, the State Air Resources Board gave public notice on January 14, 1974, that it would hold public hearings on February 14, 1974, to determine whether it should assume the powers of certain air pollution control districts or take appropriate legal action in each such district to enforce applicable regulations or to grant or modify variances, including conditions thereto and compliance schedules; and

WHEREAS, the Board has today held a public hearing and received testimony from its staff and other interested persons on these matters;

NOW, THEREFORE, BE IT RESOLVED, that the State Air Resources Board finds that the emission sources in the air pollution control districts set forth in the list attached hereto as Exhibit I are or will be operating in violation of Federal, State, or local laws and regulations without variances or compliance schedules which permit them to do so, or with variances or compliance schedules which do not comply with Federal, State, or local laws and regulations;

BE IT FURTHER RESOLVED, that the Board finds that the air pollution control districts listed in Exhibit I have not taken reasonable

action to enforce the applicable emission standards, laws, rules and regulations, or enforcement procedures with respect to the sources listed;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to appoint, with the concurrence of the Chairman or Vice Chairman of the Board, a five man hearing board in accordance with Exhibit IV pursuant to Sections 39054, 39054.2, 39273, 39274, and 39276 of the Health and Safety Code, as a hearing board to determine whether variances, including conditions thereto and compliance schedules, should be granted to any of the emission sources set forth in Exhibit I;

BE IT FURTHER RESOLVED, that the hearing board's decision whether to grant or deny a variance be final, and any appeal or review shall be in accordance to the Health and Safety Code, Section 24323, or 24368.4;

BE IT FURTHER RESOLVED, that the hearing shall be conducted in accordance with the procedures set forth in the attached Exhibit IV;  
AND

BE IT FURTHER RESOLVED, that the Board continues the public hearing on this matter until March 12, 1974 with respect to Districts listed in Exhibits II and III.

<u>District/Facility</u>	<u>Source</u>	<u>Basis for Finding or Belief</u>
Los Angeles County APCD		
1. Air Force, El Segundo	1. Incinerator	1. District indicates violation of Rule 50, Ringelmann 1 requirement
2. Air Force, Norwalk	2. Organic Liquid Loading	2. District indicates violation of Rule 61, Organic Liquid Loading
3. Army, Ft. MacArthur	3. Gasoline Loading	3. District indicates violation of Rule 65, Gasoline Loading Into Tanks
4. Naval Shipyard, Long Beach	4. a) Plasma Arc Cutting Table b) Heated Varnish Dip Tank c) Trichlorethylene Degreaser d) Bake Core Oven e) Storage Tanks f) Paint Spray g) Garbage Sterilizer	4. a) Facility admits violation of Rule 50, Ringelmann 1 requirement. b) Facility admits violation of Rule 50, Ringelmann 1 requirement. c) Facility admits violation of Rule 66, Organic Solvents d) Facility admits violation of Rule 50, Ringelmann 1 requirement. e) Facility admits violation of Rule 65, Gasoline Loading into Tanks. f) Facility admits violation of Rule 66, Organic Solvent. g) Facility admits violation of Rule 64, Reduction of Animal Matter.
5. Naval Station, Long Beach	5. Gasoline Storage	5. Facility admits violation of Rule 65, Gasoline Loading into Tanks.

<u>District/Facility</u>	<u>Source</u>	<u>Basis for Finding or Belief</u>
Los Angeles County APCD (Cont.)		
6. Navy Reserve Training Center Los Angeles	6. Gasoline Storage	6. Facility admits violation of Rule 65, Gasoline Loading into Tanks.
7. Naval Station, Los Angeles	7. a) Paint Spray Room b) PX Service Station	7. a) Facility admits violation of Rule 66, Organic Solvents b) Facility admits violation of Rule 65, Gasoline Loading into Tanks.
8. Veteran's Administration	8. a) Gasoline Storage b) Incinerator	8. a) Facility admits violation of Rule 65, Gasoline Loading into Tanks. b) Facility admits violation of Rule 50, Ringelmann 1 requirement.
9. General Services Administration	9. Boilers	9. District indicates violation of Rule 50, Ringelmann 1 requirement.
10. Justice Department, Terminal Island	10. Incinerator	10. District indicates violation of Rule 50, Ringelmann 1 requirement.
11. Justice Department, Correctional Inst., San Pedro	11. Incinerator	11. District indicates violation of Rule 50, Ringelmann 1 requirement.
12. Veteran's Hospital, Long Beach	12. a) Incinerator b) Gasoline Storage	12. a) District indicates violation of Rule 50, Ringelmann 1 requirement. b) District indicates violation of Rule 65, Gasoline Loading into Tanks.
<u>Merced County APCD</u>		
1. Castle Air Force Base	1. Incinerator (2)	1. Found in violation of Rule 417, multiple-chamber incinerators required by District

EXHIBIT II

HEARING PLANNED OR HELD BUT COMPLIANCE SCHEDULES NOT  
YET RECEIVED BY AIR RESOURCES BOARD, AS OF FEBRUARY 4, 1974

<u>District/Source</u>	<u>Hearing Date</u>
<u>Amador County Air Pollution Control District</u>	
1. P. & M. Lumber Products, Incorporated	1. 9 January 1974
<u>Bay Area Air Pollution Control District</u>	
1. Mare Island Naval Shipyard (6 sources)	1. Lawsuit pending
2. Moffett Field (2 sources)	2. Lawsuit pending
3. Alameda Naval Air Station	3. Lawsuit pending
<u>Fresno County Air Pollution Control District</u>	
1. V. C. Britton Company	1. 19 December 1973
2. Johns-Manville	2. 16 January 1974
3. Spreckles Sugar Division, Amstar Corp.	3. 16 January 1974
<u>Imperial County Air Pollution Control District</u>	
1. Valley Nitrogen Producers, Incorporated	1. 12 December 1973*
2. Naval Air Station (2 sources)	2. 9 January 1974
3. William Raley Company, Incorporated	3. 9 January 1974
4. California Western Sand and Rock, Inc.	4. 9 January 1974
5. Peterson Manufacturing Company, Inc.	5. 9 January 1974
<u>Kern County Air Pollution Control District</u>	
1. Sunland Refining	1. 19 December 1973
2. Desert Rock Milling	2. 19 December 1973
3. Kern County Refinery	3. 20 February 1974
4. Mohawk Refinery	4. 20 February 1974

\*Hearing set to amend unapprovable compliance schedules.

<u>District/Source</u>	<u>Hearing Date</u>
<u>Lassen County Air Pollution Control District</u>	
1. Clear Pine Products	1. 23 January 1974
2. Sierra Pacific Industries - Eagle Lake Div.	2. 23 January 1974
3. Sierra Army Depot	3. 23 January 1974
4. State Box Company	4. 23 January 1974
<u>Madera County Air Pollution Control District</u>	
1. American Forest Products	1. 11 February 1974
2. Madera Rock, Inc.	2. 11 February 1974
<u>Nevada County Air Pollution Control District</u>	
1. Bear River Lumber Company	1. 24 January 1974
2. Brunswick Lumber Company	2. 24 January 1974
<u>Northern Sonoma County Air Pollution Control District</u>	
1. Cloverdale Plywood Company	1. 4 January 1974
2. Masonite Corporation	2. 4 January 1974
<u>Orange County Air Pollution Control District</u>	
1. Kerr Glass Manufacturing Corporation	1. 20 December 1973
2. 5 Federal Facilities (18 sources)	2. 23 January 1974
<u>Riverside County Air Pollution Control District</u>	
1. March Air Force Base	1. 6 March 1974

District/Source

Hearing Date

San Bernardino County Air Pollution Control District

- |                                      |                     |
|--------------------------------------|---------------------|
| 1. E. C. DeYoung, Incorporated       | 1. 27 December 1973 |
| 2. James H. Green                    | 2. 10 January 1974  |
| 3. Tri-Counties Sandblasting Company | 3. 10 January 1974  |
| 4. Lockheed Propulsion Company       | 4. 10 January 1974  |
| 5. Texfi/West, Incorporated          | 5. 10 January 1974  |
| 6. Kaiser Steel Corporation          | 6. 10 January 1974  |
| 7. Riverside Cement Company          | 7. 14 February 1974 |
| 8. Pfizer, Incorporated              | 8. 14 February 1974 |
| 9. La Habra Products, Incorporated   | 9. 14 February 1974 |

San Diego County Air Pollution Control District

- |                                       |                  |
|---------------------------------------|------------------|
| 1. 19 Federal Facilities (74 Sources) | 1. 28 March 1974 |
|---------------------------------------|------------------|

San Joaquin County Air Pollution Control District

- |   |                     |
|---|---------------------|
| 1. Libby-Owen-Ford                      | 1. 27 December 1973 |
| 2. Occidental Chemical Company          | 2. 27 December 1973 |
| 3. Owens-Illinois Glass Company         | 3. 22 January 1974  |
| 4. California Cedar Products            | 4. 22 January 1974  |
| 5. Pacific Growers (Nulaid Foods, Inc.) | 5. 22 January 1974  |
| 6. Ripon Milling                        | 6. 22 January 1974  |
| 7. Western Consumer Industries, Inc.    | 7. 22 January 1974  |
| 8. The Learner Company                  | 8. 22 January 1974  |

Shasta County Air Pollution Control District

- |                               |                                      |
|-------------------------------|--------------------------------------|
| 1. Sierra Pacific Industries  | 1. 20 December 1973                  |
| 2. B. & D. Lumber Company     | 2. 20 December 1973                  |
| 3. Publishers Forest Products | 3. 21 February 1974<br>15 March 1974 |

<u>District/Source</u>	<u>Hearing Date</u>
<u>Stanislaus County Air Pollution Control District</u>	
1. Flintkote Company	1. 30 January 1974*
2. Riverbank Army Ammo Plan	2. 30 January 1974
<u>Tuolumne County Air Pollution Control District</u>	
1. Sonora Aggregate Corporation	1. 26 February 1974
<u>Ventura County Air Pollution Control District</u>	
1. Granite Construction	1. 29 January 1974
2. Julius Goldman's Egg City	2. 29 January 1974*
3. Lightweight Processing Co., Ridgelite Plant	3. 29 January 1974*
4. Pacific Missile Range, Point Mugu	4. 5 March 1974
5. Naval Construction Battalion Center, Port Hueneme	5. 5 March 1974
<u>Yolo-Solano Air Pollution Control District</u>	
1. Dixon Dryer Corporation	1. 7 February 1974

\*Hearing set to amend unapprovable compliance schedule.



### EXHIBIT III

#### COMPLIANCE SCHEDULES FOUND UNAPPROVABLE OR APPROVABILITY NOT DETERMINED BY EPA AS OF FEBRUARY 4, 1974

<u>District/Source</u>	<u>Date of Transmittal</u>
<u>Bay Area Air Pollution Control District</u>	
1. San Quentin State Prison	1. 11 December 1973
2. The American Institute of Merchant Shipping*	2. 11 December 1973
3. Southern Pacific Transportation Company* The Atchison, Topeka & Santa Fe, Railway Company, The Western Pacific Railroad Company, and of Subsidiary Companies of one or more of the Foregoing: Northwestern Pacific Railroad Company, Petaluma and Santa Rosa Railroad Company, Alameda Belt Line, The Oakland Terminal Railway, and Sacramento Northern Railway.	3. 11 December 1973
<u>Butte County Air Pollution Control District</u>	
1. Koppers Company, Inc.	1. 1 February 1974
<u>Fresno County Air Pollution Control District</u>	
1. Valley Nitrogen Producers*	1. 21 December 1973
2. Danish Creamery	2. 22 January 1974
<u>Imperial County Air Pollution Control District</u>	
1. Two for United Alfalfa Mills, Incorporated	1. 1 February 1974
2. Two for Holtville Alfalfa Mills, Incorporated	2. 1 February 1974
3. Two for Batley-Janss Enterprises	3. 1 February 1974
<u>Kern County Air Pollution Control District</u>	
1. Monolith Portland Cement Company	1. 22 January 1974
2. California Portland Cement Company	2. 22 January 1974
3. U. S. Borax and Chemical Company	3. 22 January 1974
4. Toscopetro Corporation	4. 1 February 1974
5. Mobile Smelting Company	5. 1 February 1974

\*EPA indicates that these compliance schedules are unapprovable as transmitted.

<u>District/Source</u>	<u>Date of Transmittal</u>
<u>Mendocino County Air Pollution Control District</u>	
1. Redwood Coast Lumber Company*	1. 19 November 1973
2. Masonite Corporation, Western Lumber Division*	2. 19 November 1973
<u>Monterey-Santa Cruz Unified Air Pollution Control District</u>	
1. Texaco, Incorporated	1. 15 November 1973
2. Mobil Oil Corporation	2. 21 December 1973
3. Monterey Bay Flower Growers	3. 21 December 1973
4. Granite Construction Company	4. 21 December 1973
5. Santa Cruz Canning Company	5. 21 December 1973
<u>Plumas County Air Pollution Control District</u>	
1. DG Shelter Products, Feather River Division*	1. 7 January 1974
2. Louisiana-Pacific Corporation*	2. 7 January 1974
3. Collins Pine Company	3. 22 January 1974
<u>San Benito County Air Pollution Control District</u>	
1. FMC Corporation, Industrial Chemical Division	1. 11 January 1974
<u>San Bernardino County Air Pollution Control District</u>	
1. Six for Kaiser Steel Corporation*	1. 3 December 1973
2. U.S. Reduction Company*	2. 11 December 1973
3. Mineral Wool Insulations*	3. 11 December 1973
4. Aluminum Alloys and Chemical Company,* Division of RCM Corporation	4. 11 December 1973
5. Kerr-McGee Chemical Corporation	5. 7 January 1974
6. Griffin Wheel Company*	6. 7 January 1974

\*EPA indicates that these compliance schedules are unapprovable as transmitted.

<u>District/Source</u>	<u>Date of Transmittal</u>
<u>San Bernardino County Air Pollution Control District - continued</u>	
7. Aerojet Ordnance and Manufacturing Company	7. 22 January 1974
8. Celesco Industries, Inc.	8. 22 January 1974
<u>San Joaquin County Air Pollution Control District</u>	
1. Holly Sugar	1. 22 January 1974
2. Port of Stockton	2. 22 January 1974
3. Spreckles Sugar Division, Amstar Corp.	3. 22 January 1974
4. Stockton Elevator	4. 22 January 1974
5. Pinkerton Foundry	5. 22 January 1974
<u>Santa Barbara County Air Pollution Control District</u>	
1. Johns-Manville Products Corporation	1. 11 January 1974
<u>Sierra County Air Pollution Control District</u>	
1. Feather River Lumber Company*	1. 3 December 1973
2. Holstrom Lumber Company*	2. 3 December 1973
<u>Tuolumne County Air Pollution Control District</u>	
1. Pickering Lumber Company	1. 1 February 1974
<u>Ventura County Air Pollution Control District</u>	
1. 3M Company	1. 22 January 1974
<u>Yolo-Solano Unified Air Pollution Control District</u>	
1. Cargill, Incorporated*	1. 21 December 1973 and 7 January 1974

\*EPA indicates that these compliance schedules are unapprovable as transmitted

## EXHIBIT IV

### PROCEDURE FOR ARB-CONDUCTED VARIANCE HEARINGS

As used herein, the term "Board" refers to the State Air Resources Board.

#### 1. Composition of the Hearing Board

The Executive Officer, with the concurrence of the chairman or vice-chairman of the Board, shall appoint a hearing board to consist of five members, none of whom is a member of the Board, a member of the Board's staff, or employed by a county air pollution control district.

One member shall have been admitted to the practice of law in this state. One member shall be a chemical or mechanical engineer. One member shall be a representative from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine. Two members shall be public members.

#### 2. Term

The hearing board and its members shall serve for as long as required by the Board.

#### 3. Chairman

The hearing board shall appoint a chairman from among its members.

#### 4. Voting

Three members of the hearing board shall constitute a quorum. A concurrence of three shall be necessary for a decision. Voting shall be open and not secret.

#### 5. Subpoena Powers, Etc.

The hearing board shall have all the subpoena powers, the power to administer oaths, and to report contempt cases to the Superior Court as set forth in Sections 24315 through 24321 and 24367.5 through 24367.10 of the Health and Safety Code.

#### 6. Location

Hearings may be held throughout the state but shall be in the air basin where the affected emission source is located at a place readily accessible to the public.

#### 7. Preparation of Proposed Variance

The applicant shall submit to the hearing board, no later than 30 days before the scheduled hearing date, a proposed variance, including increments of progress where appropriate. If the applicant fails to do so, the hearing board or its staff may prepare a proposed variance for the applicant, or dismiss the application.

8. Presentation of the Board's Case.

The Board's case shall be presented by its Staff Counsel, or by its representative from the Attorney General's office.

9. Notice

At least 30 days before the date set for a hearing the hearing board shall by first class mail send notice to the chairman of the affected APCD, the APCO, the chairman of basinwide coordinating council, the chairman of the hearing board for the applicant's district, the regional office of the federal Environmental Protection Agency, the applicant, and to any other persons who have requested such notice in writing. In addition the notice shall be published at least 30 days before the hearing date in a newspaper of general circulation within the applicant's district. The notice shall set forth the time and place of the hearing, the name of the applicant and other information necessary or appropriate to reasonably apprise the people within the applicant's district of the nature and purpose of the hearing. The notice shall also state the location where a copy of the proposed variance, including conditions and increments of progress, will be available to any interested person.

10. Fees

The hearing board may require a reasonable fee as a prerequisite for the filing of an application for a variance. Such fee may, but need not be, the same as the District's fee.

11. Public Meeting

The hearing shall be open to the public. The hearing board shall allow interested members of the public to give testimony and shall consider their testimony in reaching its decision.

12. Records

A verbatim record of the hearing board proceedings shall be kept. Such a record may be in the form of a tape recording.

13. Considerations

The Board shall determine under what conditions and to what extent a variance is necessary and will be permitted in accordance with Sections 24292(a), 24296, 24296.5, 24297, 24365.1, 24365.5 and 24365.6 of the Health and Safety Code. In each case the variance shall provide for compliance as expeditiously as practicable, and shall comply with all the requirements applicable under state and federal law to a variance issued by an air pollution control district.

14. Content of Decision

Except where special circumstances otherwise require, within 45 days of the public hearing the hearing board shall render a written decision denying or granting a variance in accordance with the considerations set forth in 13 above. The written decision shall contain the following:

a) Findings:

- i. That the applicant is or will be in violation of an applicable rule or law.
  - ii. All of the findings required by Health and Safety Code Section 24296.5 or 24365.5(b).
  - iii. Whether a cash bond is required.
  - iv. Reasons and facts in support of i and ii above.
- b) A certification that a public hearing was noticed and held in compliance with state and federal requirements.
  - c) A final compliance date.
  - d) Terms or conditions making violation of the variance immediately enforceable.
  - e) Increments of progress as necessary under federal requirements.

The written decision may also impose reasonable and necessary terms and conditions.

Copies of the decision shall be sent by first class mail to the applicant, the chairman of the APCD, the APCO, the chairman of the district hearing board, and the chairman of the basinwide coordinating council.

15. Duration

The hearing board shall not grant a variance which extends for more than one year from the date of the board's decision. However, the hearing board may require a compliance schedule, with appropriate increments of progress, which is longer than one year.

16. Continuance

The hearing board may continue a hearing to another date or place under appropriate circumstances.

17. Final Decision

The decision of the hearing board shall be the decision of the Board.

18. Appeal or Review

There shall be no appeal or review to the Board of the hearing board's decision. Appeal or review may be had pursuant to the provisions of Sections 24323 and 24368.4 of the Health and Safety Code.