

BOARD MEETING DATE: January 5, 2018

AGENDA NO. 9

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2017.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file this report.

Julie Prussack
Chairman of Hearing Board

DG

Two summaries are attached: **November 2017 Hearing Board Cases and Rules From Which Variances and Orders for Abatement Were Requested in 2017**. An Index of District Rules is also attached.

The total number of appeals filed during the period November 1 to November 30, 2017 is 0; and total number of appeals filed during the period of January 1 to November 30, 2017 is 3.

Report of November 2017 Hearing Board Cases

Case Name and Case No. (SCAQMD Attorney)	Rules	Reason for Petition/Hearing	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. Bowerman Power LFG, LLC Case No. 6088-1 (M. Reichert)	203(b) 1110.2 1703 3002(c)(1)	Petitioner experiencing periodic NOx exceedances from new LFG to power system.	Not Opposed/Granted	RV granted commencing 11/7/17 and continuing through 7/12/18, or until final compliance is achieved, whichever comes first.	NOx TBD by 7/12/18
2. P. Kay Metal Inc. Case No. 6093-1 (S. Pruitt)	1420(e)(2)	Petitioner sought to delay necessary testing for lead emissions.	Opposed/Denied	Ex Parte EV denied.	N/A
3. SCAQMD vs. Sunshine Canyon Landfill Case No. 3448-14 (N. Sanchez & K. Manwaring)	N/A	Status Report	No Action	The Hearing Board received a status report and continued the hearing to 6/26/18.	N/A
4. SCAQMD vs. Everardo Avalos Lopez Case No. 6090-1 (B. Tomosavic)	203(a)	Respondent is operating unpermitted equipment.	Stipulated/Issued	O/A issued commencing 11/14/17 and continuing through 1/9/2020. The Hearing Board shall retain jurisdiction over this matter until 1/9/2020.	N/A
5. Ultramar Inc. dba Valero Wilmington Refinery Case No. 3845-97 (N. Feldman)	202(a) 203(b) 2004(f)(1) 3002(c)	Petitioner conducting maintenance during refinery turnaround	Not Opposed/Granted	RV and AOC granted commencing 11/07/17 and continuing through 3/15/18, or until final compliance is achieved, whichever occurs first.	SOx: 1,010 lbs/total

Acronyms

AOC: Alternative Operating Conditions

CO: Carbon Monoxide

EV: Emergency Variance

H&S: Health & Safety Code

ICE: Internal Combustion Engine

IV: Interim Variance

LFG: Land Fill Gas

MFCD/EXT: Modification of a Final Compliance Date & Extension of Variance

Mod. O/A: Modification of an Order for Abatement

N/A: Not Applicable

NOx: Oxides of Nitrogen

O/A: Order for Abatement

RV: Regular Variance

SOx: Oxides of Sulfur

SV: Short Variance

Rules from which Variances and Orders for Abatement were Requested in 2017

	2017	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
# of HB Actions Involving Rules														
202(a)			1	1	1		1					1		5
203(a)		1	1	1	2									5
203(b)		6	4	6	3	3	5	4	3	1	3	2		40
401(b)(1)									1					1
402		2	2	3	1	1		1	1					11
403(d)(1)					1									1
403(d)(2)					1									1
403(d)(3)					1									1
442			2											2
461(e)(2)						1								1
461(e)(1)							1							1
461(e)(3)			1											1
1110.2								1	1			1		3
1110.2(d)(1)(B), Table II		1					1	1	1					4
1110.2(d)(1)(L)							1							1
1110.2(d)(2)(A)(ii)								1						1
1146							1							1
1147		1												1
1147(c)			1	1			1							3
1153.1(c)(3)						1								1
1153.1(c)(6)						1								1
1176(f)(3)		1												1
1420 (e)(2)												1		1
1470(c)(3)(C)(iii)			1											1
1703								1	1			1		3
2004(f)(1)		6	1	3	2	1		2	2		1	1		19
2011(c)(2)			1									1		2
2012(c)(2)(A)				1										1
2012(c)(3)(A)				1										1
3002							1							1
3002(a)			1											1
3002(c)						1						1		2
3002(c)(1)		3	4	4	2		1	4	2	1	1	1		23
H&S 41700		2	2	3	1	1		1	1					11

REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

Rule 2004 Requirements

Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SOx) Emissions

Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NOx) Emissions

REGULATION XXX - TITLE V PERMITS

Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

§41700 Prohibited Discharges

§41701 Restricted Discharges