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

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

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

<table>
<thead>
<tr>
<th>Rule Reference</th>
<th>2017</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
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<th>Total Actions</th>
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<td>461(a)(2)</td>
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REGULATION II – PERMITS
Rule 202 Temporary Permit to Operate
Rule 203 Permit to Operate

REGULATION IV – PROHIBITIONS
Rule 401 Visible Emissions
Rule 402 Nuisance
Rule 403 Fugitive Dust
Rule 442 Usage of Solvents
Rule 461 Gasoline Transfer and Dispensing

REGULATION XI - SOURCE SPECIFIC STANDARDS
Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines
Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters
Rule 1147 NOx Reductions from Miscellaneous Sources
Rule 1153 Commercial Bakery Ovens
Rule 1176 Sumps and Wastewater Separators

REGULATION XIV – TOXICS
Rule 1420 Emissions Standard for Lead
Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Ignition Engines

REGULATION XVII - PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
Rule 1703 PSD Analysis

DISTRICT RULES AND REGULATIONS INDEX
FOR 2017 HEARING BOARD CASES AS OF November 30, 2017
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