

BOARD MEETING DATE: November 2, 2018

AGENDA NO. 15

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 2018.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:  
Receive and file.

Julie Prussack  
Chairman of Hearing Board

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Two summaries are attached: **September 2018 Hearing Board Cases** and **Rules From Which Variances and Orders for Abatement Were Requested in 2018**. An Index of District Rules is also attached.

The total number of appeals filed during the period September 1 to September 30, 2018 is 0; and total number of appeals filed during the period of January 1 to September 30, 2018 is 0.

## Report of September 2018 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. Air Liquide Large Industries U.S. LP Case No. 5705-6 (B. Tomasovic)	203(b) 1173(g)(1) 2004(f)(1) 3002(c)(1)	Additional time needed to repair unexpected leak.	Not Opposed/Granted	Ex Parte EV granted commencing 9/6/18 and continuing through 9/12/18 or until final compliance is achieved, whichever occurs first.	VOC: 0.8 lb/day
2. Frontier California, Inc. Case No. 6116-1 (N. Feldman)	203(b)	Emergency generator has exceeded annual permitted hours of operation due to wildfire.	Not Opposed/Granted	RV granted commencing 9/20/18 and continuing through 12/31/18, the FCD.	Fees waived per Rule 303(p)
3. JAACK Oil Inc., dba ARCO AM/PM Facility #42248 Case No. 6119-1 (S. Hanizavareh)	461	Additional time needed to comply with vapor recovery rule.	Opposed/Denied	Ex Parte EV denied.	N/A
4. SCAQMD vs. Fairplex Case No. 5739-2 (D. Hsu)	203(b) 218(f) 1110.2(e)(3)(b) 1110.2(f)(1)	Respondent operating ICES without proper records and required testing.	Stipulated/Issued	O/A issued commencing 9/4/18 and continuing through 9/4/20. The Hearing Board shall retain jurisdiction over this matter until 9/4/20.	N/A
5. SCAQMD vs. Mission Community Hospital Case No. 6109-1 (K. Manwaring)	1146(d)(6) 1146(d)(8) H&S Code §42401	District sought modifications to stipulated order to further require timely retrofit of boilers and necessary testing.	Stipulated/Issued	Mod. O/A issued commencing 9/12/18 and continuing through 12/31/19. The Hearing Board shall retain jurisdiction over this matter until 12/31/19.	N/A
6. SCAQMD vs. Quality Aluminum Forge Case No. 6118-2 (N. Feldman)	202(a) 1430(d)(8)(A)	Require compliance with total enclosure and negative air requirements for metal grinding operations.	Stipulated/Issued	O/A issued commencing 9/12/18 and continuing through 3/31/19. The Hearing Board shall retain jurisdiction over this matter until 3/31/19.	N/A
7. Universal City Studios, LLC Case No. 4935-16 (Consent Calendar; No Appearance)	401(b)(1) H&S Code §41701	Petitioner will use artificial fog for Halloween production exceeding opacity limits.	Not Opposed/Granted	SV granted commencing 9/8/18 and continuing through 11/5/18.	Opacity: TBD by 10/17/18

## **Acronyms**

EV: Emergency Variance

FCD: Final Compliance Date

H&S: Health & Safety Code

ICE: Internal Combustion Engine

N/A: Not Applicable

O/A: Order for Abatement

Mod. O/A: Modification of Order for Abatement

RV: Regular Variance

SV: Short Variance

TBD: To Be Determined

VOC: Volatile Organic Compounds

Rules from which Variances and Orders for Abatement were Requested in 2018														
	2018	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
# of HB Actions Involving Rules														
109(c)(1)				1										1
202(a)								1		1				2
203(a)				2			1	1	1					5
203(b)		2	4	2	4	2	3	2	4	3				26
218(f)										1				1
222							1							1
401(b)(1)										1				1
402								1						1
431.1(c)(2)					2	1	1							4
461										1				1
461(c)(2)(B)								1						1
461(c)(3)(P)								1						1
461(e)(5)								3						3
463(c)(2)							2							2
463(d)(2)							2							2
463(e)(4)							2							2
463(f)(1)(C)							2							2
1110.2(d)(1)(F)							1							1
1110.2(d)(1)(H)							1							1
1110.2(d)(1)(L)				1										1
1110.2(e)(3)(b)										1				1
1110.2(f)(1)										1				1
1146(d)(6)							1			1				2
1146(d)(8)							1			1				2
1146.2							1							1
1146.2(e)							1							1
1147							1	1						2
1147(c)(1)		1							1					2
1149(c)(1)							1							1
1149(c)(2)							1							1
1149(c)(7)							1							1
1173(g)(1)										1				1
1178(d)(3)							2							2
1178(g)							2							2
1178(h)(4)							2							2
1407				1										1
1415(d)(1)(A)							1							1
1420.2				2		1			1					4
1420.2(g)(3)(B)									1					1
1430									1					1
1430(d)(8)(A)									1	1				2
1470							1							1
2004(f)(1)		2	3		2		2	1	1	1				12
2011(c)(2)(A)		1												1
2011(c)(2)(B)		1												1
2011(e)(1)		1												1
2012(c)(2)(A)		1												1
2012(c)(2)(B)		1												1
2012(g)(1)		1												1
3002(e)		1												1
3002(c)(1)		1	3		3		3	2	2	1				15
H&S 41700								1						1
H&S 41701										1				1
H&S 42401										1				1

**DISTRICT RULES AND REGULATIONS INDEX  
FOR 2018 HEARING BOARD CASES AS OF SEPTEMBER 30, 2018**

**REGULATION I – GENERAL PROVISIONS**

Rule 109      Recordkeeping for Volatile Organic Compound Emissions

**REGULATION II – PERMITS**

Rule 202      Temporary Permit to Operate

Rule 203      Permit to Operate

Rule 218      Continuous Emission Monitoring

Rule 222      Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II

**REGULATION IV – PROHIBITIONS**

Rule 401      Visible Emissions

Rule 402      Nuisance

Rule 431.1    Sulfur Content of Gaseous Fuels

Rule 461      Gasoline Transfer and Dispensing

Rule 463      Organic Liquid Storage

**REGULATION XI - SOURCE SPECIFIC STANDARDS**

Rule 1110.2   Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines

Rule 1143      Consumer Paint Thinners and Multi-Purpose Solvents

Rule 1146      Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters

Rule 1146.2   Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters

Rule 1147      NO<sub>x</sub> Reductions from Miscellaneous Sources

Rule 1149      Storage Tank and Pipeline Cleaning and Degassing

Rule 1173      Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants

Rule 1178      Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities

**REGULATION XIV – TOXICS AND OTHER NON-CRITERIA POLLUTANTS**

- Rule 1407 Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Ferrous Metal Melting Operations
- Rule 1415 Reduction of Refrigerant Emissions from Stationary Air Conditioning Systems
- Rule 1420.2 Emission Standard for Lead from Metal Melting Facilities
- Rule 1430 Control of Emissions from Metal Grinding Operations at Metal Forging Facilities
- Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Ignition Engines

**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
- §42401 Violation of Abatement Order; Civil Penalty