

BOARD MEETING DATE: April 5, 2019

AGENDA NO. 10

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of February 1 through February 28, 2019.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:  
Receive and file.

Julie Prussack  
Chairman of Hearing Board

DG

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Two summaries are attached: **February 2019 Hearing Board Cases** and **Rules From Which Variances and Orders for Abatement Were Requested in 2019**. An Index of District Rules is also attached.

The total number of appeals filed during the period February 1 to February 28, 2019 is 1; and total number of appeals filed during the period of January 1 to February 28, 2019 is 1.

## Report of February 2019 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. County of San Bernardino, Fleet Management Case No. 6070-2 (D. Hsu)	203(b)	Emergency generator exceeded permitted annual 200-hour operating limit due to inclement weather.	Not Opposed/Granted	IV granted commencing 2/14/19 and continuing through 3/27/19, when the RV hearing is scheduled.	CO: 0.2 lb/hr NOx: 0.5 lb/hr PM 10: 0.03 lb/hr VOC: 0.03 lb/hr SOx: 0.03 lb/hr
2. County of San Bernardino, Fleet Management Case No. 6070-3 (M. Reichert)	203(b)	Emergency generator exceeded permitted annual 200-hour operating limit due to inclement weather.	Not Opposed/Granted	IV granted commencing 2/27/19 and continuing through 4/3/19, when the RV hearing is scheduled.	CO: 7 lbs/day VOC: 3 lbs/day
3. SCAQMD vs. Bubbles Dry Cleaners Case No. 6132-1 (S. Pruitt)	201 203(a)	Operating without a valid permit.	Stipulated/Issued	O/A issued commencing 2/26/19 and continuing through 11/30/19. The Hearing Board shall retain jurisdiction over this matter until 11/30/19.	N/A
4. SCAQMD vs. City of Westminster Fleet Department Case No. 5647-2 (K. Manwaring)	461(c)(1)(A) 461(c)(2)(A) 461(c)(3)(P) H&S §41960.2(a)	Require compliance with EVR requirements for storage tank.	Stipulated/Issued	O/A issued commencing 2/20/19 and continuing through 2/20/20. Jurisdiction of this matter ends when CARB certifies Respondent's Phase 1 configuration, or until 2/20/20, whichever occurs first, unless the Order is extended.	N/A
5. SCAQMD vs. JACCK Oil, Inc. Case No. 6119-2 (N. Sanchez)	461(c)(1)(A) 461(c)(2)(A) 461(c)(3)(P) H&S §41960.2	Require compliance with EVR requirements for storage tank.	Stipulated/Issued	O/A issued commencing 2/15/19 and continuing through 2/5/20. The Hearing Board shall retain jurisdiction over this matter until 2/5/20.	N/A
6. SCAQMD vs. Matchmaster Dyeing & Finishing, Inc. Case No. 6110-1 (M. Reichert)	N/A	Status Report/Modification	Stipulated/Modified	Mod. O/A issued commencing 2/28/19 and continuing through 7/31/19. The Hearing Board shall retain jurisdiction over this matter until 7/31/19.	N/A

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
7. SCAQMD vs. Mission Foods Corporation Case No. 5400-4 (K. Manwaring)	202(c) 203(b) 1147 1153.1 1303	Require compliance with District rules and permit conditions.	Stipulated/Issued	O/A issued commencing 2/20/19 and continuing through 12/31/20. The Hearing Board shall retain jurisdiction over this matter until 12/31/20.	N/A

**Acronyms**

- CO: Carbon Monoxide
- EVR: Enhanced Vapor Recovery System
- IV: Interim Variance
- MOD O/A: Modification of an Order for Abatement
- NOx: Oxides of Nitrogen
- O/A: Order for Abatement
- PM10: Particulate Matter ≤ 10 microns
- RV: Regular Variance
- SOx: Oxides of Sulfur
- VOC: Volatile Organic Compounds

**Rules from which Variances and Orders for Abatement were Requested in 2019**

	2019	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
<b># of HB Actions Involving Rules</b>														
201			1											1
202(c)			1											1
203(a)			1											1
203(b)		1	3											4
461(c)(1)(A)			2											2
461(c)(2)(A)			2											2
461(c)(3)(P)			2											2
1147			1											1
1153.1			1											1
1303			1											1
2004(f)(1)		1												1
3002(c)(1)		1												1
H&S 41960.2			1											1
H&S 41960.2(a)			1											1

**DISTRICT RULES AND REGULATIONS INDEX  
FOR 2019 HEARING BOARD CASES AS OF FEBRUARY 28, 2019**

**REGULATION II – PERMITS**

Rule 201      Permit to Construct  
Rule 202      Temporary Permit to Operate  
Rule 203      Permit to Operate

**REGULATION IV – PROHIBITIONS**

Rule 461      Gasoline Transfer and Dispensing

**REGULATION XI - SOURCE SPECIFIC STANDARDS**

Rule 1147      NOx Reductions from Miscellaneous Sources  
Rule 1153.1    Emissions of Oxides of Nitrogen from Commercial Food Ovens

**REGULATION XIII – NEW SOURCE REVIEW**

Rule 1303      Requirements

**REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)**

Rule 2004      Requirements

**REGULATION XXX - TITLE V PERMITS**

Rule 3002      Requirements

**CALIFORNIA HEALTH AND SAFETY CODE**

§41960.2      Maintenance of Vapor Control System