

BOARD MEETING DATE: December 6, 2019

AGENDA NO. 11

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of October 1 through October 31, 2019.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Julie Prussack
Chairman of Hearing Board

DG

Two summaries are attached: **October 2019 Hearing Board Cases and Rules From Which Variances and Orders for Abatement Were Requested in 2019**. An index of South Coast AQMD Rules is also attached.

The total number of appeals filed during the period October 1 to October 31, 2019 is 0; and total number of appeals filed during the period of January 1 to October 31, 2019 is 3.

Report of October 2019 Hearing Board Cases

Case Name and Case No. (South Coast AQMD Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. AES Alamos Case No. 5278-1 (K. Manwaring)	401(b)(1) H&S 41701	Relief from opacity limits for portions of commissioning activities.	Not Opposed/Granted	EV granted commencing 10/10/19 and continuing through 11/8/19.	Opacity: TBD by 10/25/19
2. AES Huntington Beach Case No. 5202-5 (K. Manwaring)	401(b)(1) H&S 41701	Relief from opacity limits for portions of commissioning activities.	Not Opposed/Granted	EV granted commencing 10/10/19 and continuing through 11/8/19.	Opacity: TBD by 10/25/19
3. Breitburn Operating LP Case No. 4358-12 (B. Tomasovic)	203(b) 463(c)(3) 1148.1(d)(8)	Petitioner took precautionary measures to curtail operations due to high fire danger.	Not Opposed/Granted	Ex Parte EV granted commencing 10/31/19 and continuing through the end of the red flag/high wind warnings or 11/1/19, whichever comes first.	Benzene: 0.2 lb/day VOC: 22.6 lbs/day
4. Breitburn Operating LP Case No. 4358-13 (B. Tomasovic)	203(b) 463(c)(3) 1148.1(d)(8)	Petitioner took precautionary measures to curtail operations due to high fire danger.	Not Opposed/Granted	Ex Parte EV granted commencing 10/31/19 and continuing through the end of the red flag/high wind warnings or 11/1/19, whichever comes first.	Benzene: 0.07 lb/day VOC: 7.2 lbs/day
5. Browning-Ferris Industries of California Inc., Sunshine Canyon Landfill Case No. 3448-15 (S. Hanizavareh)	1150.1(d)(14) 1150.1(e)(1) 1150.1(e)(2) 1150.1(e)(3) 1150.1(e)(4) 1150.1(e)(7) 1150.1(f)(1)(A) 1150.1(f)(1)(B) 1150.1(f)(1)(C) 1150.1(f)(1)(E) 1150.1(f)(1)(G) 1150.1(f)(1)(L)	Portion of landfill gas collection system destroyed by wildfire, rendering it partially inoperable and in need of repair.	Not Opposed/Granted	Ex Parte EV granted commencing 10/15/19 and continuing for 30 days or until the IV currently scheduled for 10/23/19, whichever comes first. SV scheduled for 10/29/19.	CH4: TBD by 10/23/19 TOC: TBD by 10/23/19 TAC: TBD by 10/23/19
6. Browning-Ferris Industries of California Inc., Sunshine Canyon Landfill Case No. 3448-15 (S. Hanizavareh)	202(a) 203(b) 3002(c)(1)	Emergency generator exceeded permitted annual 200-hour operating limit due to wildfire.	Not Opposed/Granted	Ex Parte EV granted commencing 10/22/19 and continuing for 30 days or until the IV currently scheduled for 10/23/19, whichever comes first. SV scheduled for 10/29/19.	CO: 6.3 lbs/hr NOx: 6.3 lbs/hr PM: 0.2 lb/hr NMOG: 0.7 lb/hr SOx: 0.01 lb/hr

Case Name and Case No. (South Coast AQMD Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
7. Browning-Ferris Industries of California Inc., Sunshine Canyon Landfill Case No. 3448-15 (S. Hanizavareh)	203(b) 1110.2(i)(1)(B) 1150.1(d)(10) 1150.1(d)(11) 1150.1(d)(12) 1150.1(d)(14) 1150.1(d)(20) 1150.1(e)(1) 1150.1(e)(2)(B) 1150.1(e)(2)(C) 1150.1(e)(3)(B) 1150.1(e)(3)(C) 1150.1(e)(4) 1150.1(e)(4)(A) 1150.1(e)(4)(B) 1150.1(e)(7) 1150.1(e)(7)(C) 1150.1(f)(1)(A)(iii)(I) 1150.1(f)(1)(B) 1150.1(f)(1)(L) 3002(c)(1)	Portion of landfill gas collection system destroyed by wildfire, rendering it partially inoperable and in need of repair. Petitioner also lost power to landfill operations as a result of wildfire and needed to run back-up generator beyond annual 200-hour operating limit.	Not Opposed/Granted	IV granted commencing 10/23/19 and continuing for 90 days or until the SV hearing currently scheduled for 10/29/19, whichever comes first.	CO: 6.3 lbs/hr NOx: 6.3 lbs/hr PM: 0.2 lb/hr NMOG: 0.7 lb/hr SOx: 0.01 lb/hr For landfill gas collection system: CH4: TBD by 10/29/19 TOC: TBD by 10/29/19 TAC: TBD by 10/29/19

Case Name and Case No. (South Coast AQMD Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
8. Browning-Ferris Industries of California, Inc., Sunshine Canyon Landfill Case No. 3448-15 (S. Hanizavareh)	203(b) 1110.2(i)(1)(B) 1150.1(d)(10) 1150.1(d)(11) 1150.1(d)(12) 1150.1(d)(14) 1150.1(d)(20) 1150.1(e)(1) 1150.1(e)(2)(B) 1150.1(e)(2)(C) 1150.1(e)(3)(B) 1150.1(e)(3)(C) 1150.1(e)(4) 1150.1(e)(4)(A) 1150.1(e)(4)(B) 1150.1(e)(7) 1150.1(e)(7)(C) 1150.1(f)(1)(A)(iii)(I) 1150.1(f)(1)(B) 1150.1(f)(1)(L) 3002(c)(1)	Portion of landfill gas collection system destroyed by wildfire, rendering it partially inoperable and in need of repair. Petitioner also lost power to landfill operations as a result of wildfire and needed to run back-up generator beyond annual 200-hour operating limit.	Not Opposed/Granted	SV granted commencing 10/29/19 and continuing through 1/12/2020.	For generator: CO: 6.3 lbs/hr NOx: 6.3 lbs/hr PM: 0.2 lb/hr NMOG: 0.7 lb/hr SOx: 0.01 l/hr For landfill gas collection system: CH4: TBD by TOC: TBD by TAC: TBD by
9. Carrier Corporation Case No. 6156-1 (M. Reichert)	1111	Manufacturer sought immediate product variance to supply noncompliant furnaces in high-altitude market.	Not Opposed/Granted	IPV granted commencing 10/24/19 and continuing for 90 day or until the RPV hearing currently scheduled for 12/3/19, whichever comes first.	NOx: .001 lb/day per furnace
10. City of Riverside (Tequesquite Landfill) Case No. 6157-1 (M. Reichert)	203(b) 1150.1(d)(8)	Flare at closed landfill was vandalized and relief from operating flare properly was required until a necessary repair part could be received from overseas.	Not Opposed/Granted	Ex Parte EV granted commencing 10/25/19 and continuing for 30 days or until the EV hearing currently scheduled for 10/31/19, whichever comes first.	VOC: 10 lbs/day Methane: TBD by 12/3/19 TAC: TBD by 12/3/19

Case Name and Case No. (South Coast AQMD Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
11. City of Riverside (Tequesquite Landfill) Case No. 6157-1 (S. Hanizavareh)	203(b) 1150.1(d)(8)	Flare at closed landfill was vandalized and relief from operating flare properly was required until a necessary repair part could be received from overseas.	Not Opposed/Granted	EV granted commencing 10/31/19 and continuing for 30 days from the granting of the Ex Parte EV, or upon notification that operation of all equipment for which a variance was granted has been fully restored.	VOC: 10 lbs/day Methane: TBD by 12/3/19 TAC: TBD by 12/3/19
12. County of San Bernardino – Fleet Management Case No. 6070-4 (B. Tomasovic)	203(b)	Emergency generator exceeded permitted annual 200-hour operating limit due to wildfire.	Not Opposed/Granted	Ex Parte EV granted commencing 10/31/19 and continuing for 30 days or until the SV hearing currently scheduled for 11/21/19, whichever comes first.	CO: 0.02 lb/hr NOx: 0.5 lb/hr PM: 0.03 lb/hr SOx: 0.001 lb/hr VOC: 0.03 lb/hr
13. Goodman Manufacturing Company L.P. Case No. 6155-1 (M. Reichert)	1111	Manufacturer sought immediate product variance to supply noncompliant furnaces in high-altitude market.	Not Opposed/Dismissed	IV dismissed without prejudice.	N/A
14. Goodman Manufacturing Company, L.P. Case No. 6155-1 (M. Reichert)	1111	Manufacturer requested reconsideration by the Hearing Board for an immediate product variance to supply noncompliant furnaces in high-altitude market.	Not Opposed/Granted	IPV granted commencing 10/23/19 and continuing for 90 days or until the RPV hearing currently scheduled for 12/3/19, whichever comes first.	NOx: .001 lb/day per furnace
15. James Hardie Building Products Inc. Case No. 5694-2 (T. Barrera)	203(b) 1146(c)(5)	Petitioner sought to run backup boiler after catastrophic failure of main boiler.	No Position/Dismissed	IV dismissed without prejudice.	N/A
16. Los Angeles County – Internal Services Department Case No. 6127-3 (M. Reichert)	203(b) 3002(c)(1)	Emergency generator exceeded permitted annual 200-hour operating limit due to wildfire.	Not Opposed/Granted	Ex Parte EV granted commencing 10/25/19 and continuing for 30 days or until the SV hearing currently scheduled for 11/12/19, whichever comes first.	CO2: 1075 lbs/day NOx: 29 lbs/day SO2: 2 lbs/day

Case Name and Case No. (South Coast AQMD Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
17. Signal Hill Petroleum Inc. Case No. 2166-19 (S. Hanizavareh)	203(b) 2004(f)(1)	Petitioner sought to operate and repair new turbine which was unexpectedly exceeding the 5ppm NOx permit limit.	Not Opposed/Granted	Ex Parte EV granted commencing 10/15/19 and continuing through until the SV hearing currently scheduled for 11/13/19.	NOx: 20 lbs/day
18. South Coast AQMD vs. City of San Bernardino Municipal Water Department Case No. 6124-2 (N. Feldman)	1196	Require compliance with fleet rules.	Stipulated/Issued	O/A issued commencing 10/3/19 and continuing through 12/15/2023. The Hearing Board shall retain jurisdiction over this matter until 12/15/2023.	N/A
19. South Coast AQMD vs. Climate Industries, Inc. (dba Howard Industries) Case No. 6153-2 (M. Reichert)	1111	Distribution of non-compliant furnace.	Not Stipulated/Issued and found violation to issue non-stipulated Order.	O/A commencing 10/24/19 and continuing through to 2/29/2020. The Hearing Board shall retain jurisdiction over this matter until 2/29/2020.	N/A
20. South Coast AQMD vs. D&D Disposal Inc. dba West Coast Rendering Co. Case No. 3462-4 (D. Hsu)	415(d)(1)(B)(ii) 415 (d)(1)(C)(ii) 415(e)(1) 415 (e)(5) 415(e)(6)	Requested the Board's jurisdiction to extend due to violation of the Order by Respondent.	Not Stipulated/Modified	Mod. O/A issued commencing 10/30/19 and continuing until compliance with the terms of the Order is achieved. The Hearing Board shall retain jurisdiction over this matter until compliance with the terms of the Order is achieved.	N/A
21. South Coast AQMD vs. Weber Metals, Inc. Case No. 6136-1 (D. Hsu)	1430	Respondent sought extension of deadline for installation of final APC device due to unexpected catastrophic failure of the newly designed device.	Stipulated/Modified	Mod. O/A issued commencing 10/30/19 and continuing through 8/31/2020. The Hearing Board shall retain jurisdiction over this matter until 8/31/2020.	N/A

Case Name and Case No. (South Coast AQMD Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
22. The Termo Company Case No. 3014-16 (B. Tomasovic)	203(b) 463(c) 1148.1(d)(8) 1173(d)(1)(B)	Petitioner sought relief from venting gas to atmosphere as a result of the shutdown if Signal Hill's turbine.	Not Opposed/Granted	Ex Parte EV granted commencing 10/23/19 and continuing through until the SV hearing currently scheduled for 11/13/19.	Benzene: TBD by 11/11/19 VOC: TBD by 11/11/19
23. Trane U.S. Inc.(Subsidiary of Ingersoll Rand Company) Case No. 6150-2 (M. Reichert)	1111	Manufacturer sought immediate product variance to supply noncompliant furnaces in high-altitude market.	Not Opposed/Granted	IPV granted commencing 10/23/19 and continuing for 90 days or until the RPV hearing currently scheduled for 11/14/19, whichever comes first.	NOx: .001 lb/day per furnace
24. Union Pacific Railroad Company Case No. 4979-3 (T. Barrera)	401(b) 405(a) H&S 41701	Relief from opacity limits to run antique locomotive through the Basin on commemorative tour.	Not Opposed/Granted	SV granted commencing 10/9/19 and continuing through 10/18/19.	Opacity: TBD by 10/18/19
25. Verizon Wireless Case No. 6139-2 (B. Tomasovic)	203(b)	Two emergency generators exceeded permitted annual 200-hour operating limit due to wildfire.	Not Opposed/Granted	Ex Parte EV granted commencing 10/31/19 and continuing for 30 days or until the SV hearing currently scheduled for 11/21/19, whichever comes first.	CO: 14 lbs/day NOx: 10.5 lbs/day VOC: 10.5 lbs/day

TBD: To be determined
TOC: Toxic Organic Compounds
VOC: Volatile Organic Compounds

Acronyms

APC: Air Pollution Control
CO: Carbon Monoxide
EV: Emergency Variance
IV: Interim Variance
IPV: Interim Product Variance
Mod. O/A: Modification Order for Abatement
N/A: Not Applicable
NMOG: Non-Methane Organic Gas
NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM: Particulate Matter
RV: Regular Variance
RPV: Regular Product Variance
SV: Short Variance
SOx: Oxides of Sulfur
TAC: Toxic Air Contaminants

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
109(c)(1)								1						1
201			1											1
202(a)											1			1
202(c)			1					1						2
203(a)			1		1		1	1		1				5
203(b)		1	3	6	5	7	2	2	2	3	13			44
401(b)											1			1
401(b)(1)											2			2
401(b)(1)(B)									1					1
405(a)											1			1
407								1						1
415(d)(1)(B)(ii)							1				1			2
415(d)(1)(C)(ii)							1				1			2
415(e)(1)							1				1			2
415(e)(5)							1				1			2
415(e)(6)							1				1			2
461(c)(1)(A)			2					1						3
461(c)(2)(A)			2											2
461(c)(3)(P)			2											2
461(e)(5)							1	1						2
463Ⓞ												1		1
463(c)(2)						2	1							3
463(c)(3)											2			2
463(e)(4)						2	1							3
463(f)(1)(C)						2	1							3
1110.2(d)(1)(F)									1					1
1110.2(d)(1)(L)				1										1
1110.2(h)									1					1
1110.2(i)(1)(B)												2		2
1110.2(i)(1)(J)				1										1
1111												5		5
1111(c)(4)										1				1
1146(c)(5)												1		1
1147			1											1
1147(c)(1)					1								1	2
1148.1(d)(8)												3		3
1150.1(d)(1)(C)(i)							1							1
1150.1(d)(8)												2		2
1150.1(d)(10)												2		2
1150.1(d)(11)												2		2
1150.1(d)(12)												2		2
1150.1(d)(14)												3		3
1150.1(d)(20)												2		2
1150.1(e)(1)												3		3
1150.1(e)(2)												1		1
1150.1(e)(2)(B)												2		2
1150.1(e)(2)(C)												2		2
1150.1(e)(3)												1		1
1150.1(e)(3)(B)												2		2
1150.1(e)(3)(C)												2		2
1150.1(e)(4)												3		3

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
1150.1(e)(4)(A)											2			2
1150.1(e)(4)(B)											2			2
1150.1(e)(7)											3			3
1150.1(e)(7)(C)											2			2
1150.1(f)(1)(A)											1			1
1150.1(f)(1)(A)(iii)(I)											2			2
1150.1(f)(1)(B)											3			3
1150.1(f)(1)(C)											1			1
1150.1(f)(1)(E)											1			1
1150.1(f)(1)(G)											1			1
1150.1(f)(1)(L)											3			3
1150.1(f)(2)(A)								1						1
1158(d)(2)						2	1							3
1173(d)(1)(B)											1			1
1178(d)(2)						2	1							3
1178(g)						1								1
1178(h)(2)						1	1							2
1178(h)(4)			1											1
1196											1			1
1303								1						1
1303(a)								1						1
1303(b)					1									1
1420.2(g)(3)(B)										1				1
1430				1							1			2
1430(d)(8)				1										1
1430(e)(2)								1						1
1470(c)(2)(C)(iv)(I)		1			1	3	2			1				8
2004(f)(1)										1	1			2
2202(a)										1				1
2202(b)										1				1
2202(e)										1				1
2202(i)		1			1	5	2		2	1				12
3002(c)(1)									1		4			5
H&S 41701			1								3			4
H&S 41960.2			1											1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2019 HEARING BOARD CASES AS OF OCTOBER 31, 2019**

REGULATION I – GENERAL PROVISIONS

Rule 109 Recordkeeping for Volatile Organic Compound Emissions

REGULATION II – PERMITS

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

REGULATION IV – PROHIBITIONS

Rule 401 Visible Emissions
Rule 405 Solid Particulate Matter - Weight
Rule 407 Liquid and Gaseous Air Contaminants
Rule 415 Odors from Animal Rendering Facilities
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 Engines
Rule 1111 Reduction of NO_x Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces
Rule 1147 NO_x Reductions from Miscellaneous Sources
Rule 1148.1 Oil and Gas Production Wells
Rule 1150.1 Control of Gaseous Emissions from Municipal Solid Waste Landfills
Rule 1153.1 Emissions of Oxides of Nitrogen from Commercial Food Ovens
Rule 1158 Storage, Handling, and Transport of Coke, Coal and Sulfur
Rule 1178 Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities
Rule 1196 Clean On-Road Heavy-Duty Public Fleet Vehicles

REGULATION XIII – NEW SOURCE REVIEW

Rule 1303 Requirements

REGULATION XIV – TOXICS

- Rule 1420.2 Emission Standards 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

REGULATION XXII - ON-ROAD MOTOR VEHICLE MITIGATION

- Rule 2202 On-Road Motor Vehicle Mitigation Options

REGULATION XXX - TITLE V PERMITS

- Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

- §41701 Restricted Discharges
- §41960.2 Maintenance of Vapor Control System