

BOARD MEETING DATE: January 4, 2019

AGENDA NO. 12

REPORT: Hearing Board Report

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

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Julie Prussack
Chairman of Hearing Board

DG

Two summaries are attached: **November 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 November 1 to November 30, 2018 is 0; and total number of appeals filed during the period of January 1 to November 30, 2018 is 0.

Report of November 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. American Tower Corporation Case No. 6123-1 (S. Pruitt)	203(b)	ICE exceeded annual permitted hours of operation due to Cranston fire.	Not Opposed/Denied	Ex Parte EV denied.	N/A
2. American Tower Corporation Case No. 6123-1 (N. Feldman)	203(b)	ICE exceeded annual permitted hours of operation due to Cranston fire.	Not Opposed/Granted	SV granted commencing 11/27/18 and continuing through 12/31/18.	CO: 12 lbs/day NOx+NMHC:14 lbs/day PM: 0.5 lb/day
3. Costco Wholesale c/o Barghausen Consulting Engineers, Inc. Case No. 6125-1 (S. Pruitt)	203(b) 461(c)(1)(A) 461(e)(5)	Requested relief from testing requirement.	Not Opposed/Granted	Ex Parte EV granted commencing 11/8/18 and continuing until the IV hearing currently scheduled for 11/15/18; but in no event longer than 30 days.	None
4. Los Angeles County - Internal Services Department –Network Services Division Case No. 6127-1 (T. Barrera)	203(b)	ICE exceeded annual permitted hours of operation due to high winds and power disruptions by SoCal Gas Company.	Not Opposed/Granted	Ex Parte EV granted commencing 11/20/18 and continuing for 30 days or until the SV hearing currently scheduled for 12/11/18, whichever comes first.	CO: 1075 lbs/day NOx: 29 lbs/day SO2: 1.9 lbs/day
5. Los Angeles County – Internal Services Department –Network Services Division Case No. 6127-2 (T. Barrera)	203(b)	ICE exceeded annual permitted hours of operation due to Woolsey fire.	Not Opposed/Granted	Ex Parte EV granted commencing 11/20/18 and continuing for 30 days or until the SV hearing currently scheduled for 12/11/18, whichever comes first.	CO: 1075 lbs/day NOx: 29 lbs/day SO2: 1.9 lbs/day
6. SCAQMD vs. Aerocraft Heat Treating Co., Anaplex Corp. Case No. 6066-1 (W. Wong)	N/A	Respondent Anaplex sought to modify the O/A without stipulation of the District to change the curtailment conditions.	Not Stipulated/Dismissed	The Board granted the District's Motion to Dismiss Anaplex's Amended Request for Mod. O/A for lack of jurisdiction.	N/A

Acronyms

CO: Carbon Monoxide
 EV: Emergency Variance
 H&S: Health & Safety Code
 ICE: Internal Combustion Engine
 IV: Interim Variance
 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
 NOx +NMHC: Oxides of Nitrogen + Non-Methane Hydrocarbons
 O/A: Order for Abatement
 RV: Regular Variance
 SO2: Sulfur Dioxide
 SV: Short Variance

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											1			1
203(a)				2			1	1	1					5
203(b)		2	4	2	4	2	3	2	4	3		5		31
218(f)										1				1
222							1							1
401(b)(1)										1				1
402								1			1			2
431.1(c)(2)					2	1	1							4
461										1				1
461(c)(1)(A)												1		1
461(c)(2)(B)								1						1
461(c)(3)(P)								1						1
461(e)(5)								3				1		4
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
1401											1			1
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

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
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(c)		1												1
3002(c)(1)		1	3		3		3	2	2	1				15
H&S 41700								1			1			2
H&S 41701										1				1
H&S 42401										1				1

**DISTRICT RULES AND REGULATIONS INDEX
FOR 2018 HEARING BOARD CASES AS OF NOVEMBER 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 NOx 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 1401 New Source Review of Toxic Air Contaminants
- 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 (SO_x) Emissions
- Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) 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