

BOARD MEETING DATE: May 3, 2019

AGENDA NO. 15

REPORT: Hearing Board Report

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

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Julie Prussack
Chairman of Hearing Board

DG

Two summaries are attached: **March 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 March 1 to March 31, 2019 is 1; and total number of appeals filed during the period of January 1 to March 31, 2019 is 2.

Report of March 2019 Hearing Board Cases

Case Name and Case No. (Staff Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. Baldwin Park Unified School District Re: 7-Eleven #38245 Case No. 6135-1 (N. Feldman)	N/A	Petitioner disputes the issuance of the P/C a GDF to 7-Eleven.	Opposed/Denied	The Board determined the Executive Officer properly issued the P/C for a GDF to 7- Eleven and therefore denied BPUSD's appeal petition.	N/A
2. City of Palm Springs Case No. 6084-2 (M. Reichert)	203(b) 1110.2(d)(1)(L) 1110.2(i)(1)(J)	Necessary adjustments required on new, cleaner-burning Cogen equipment to comply with NOx emission limits.	Not Opposed/Granted	SV granted for two consecutive weeks between 4/1/19 and 5/1/19.	NOx: 0.01 lb/day
3. County of San Bernardino – Fleet Management Dept. Case No. 6070-2 (D. Hsu)	203(b)	Emergency generator exceeded annual permitted 200-hour operation limit due to inclement weather which downed and damaged powerlines.	Not Opposed/Granted	RV granted commencing 3/27/19 and continuing through 12/31/19, the FCD.	CO: 0.2 lb/hr NOx: 0.5 lb/hr PM10: 0.03 lb/hr VOC: 0.03 lb/hr SOx: 0.03 lb/hr
4. Del Real LLC Case No. 5754-2 (S. Pruitt)	203(b)	Operate frying systems without ESP which sustained damage caused by fire while repairs/replacement of ESP is completed.	Not Opposed/Granted	Ex Parte EV granted commencing 3/6/19 and continuing for 30 days or until the EV hearing currently scheduled for 3/12/19, whichever comes first.	PM: 13.6 lbs/day VOC: 20 lbs/day
5. Del Real LLC Case No. 5754-2 (M. Reichert)	203(b)	Operate frying systems without ESP which sustained damage caused by fire while repairs/replacement of ESP is completed.	Not Opposed/Granted	IV granted commencing 3/12/19 and continuing for 90 days or until the SV hearing currently scheduled for 3/26/19, whichever comes first.	PM: 12 lbs/day VOC: 19.8 lbs/day

Case Name and Case No. (Staff Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. Del Real LLC Case No. 5754-2 (M. Reichert)	203(b)	Operate frying systems without ESP which sustained damage caused by fire while repairs/replacement of ESP is completed.	Not Opposed/Granted	SV granted commencing 3/26/19 and continuing through 6/3/19 or until final compliance and final installation and operation of the Phase 2 replacement ESP, whichever occurs first.	PM: 12 lbs/day VOC: 19.8 lbs/day
7. Mt. San Jacinto Winter Park Authority DBA Palm Springs Aerial Tramway Case No. 5906-4 (K. Manwaring)	203(b)	Emergency generators exceeded annual permitted 200-hour operation limit due to inclement weather which severed main powerline.	Not Opposed/Granted	IV granted commencing 3/5/19 and continuing for 90 days or until the RV hearing currently scheduled for 4/9/19, whichever comes first.	<u>ICE/Generators 1 & 2</u> VOC: 0.2 lb/hr NOx: 3.6 lbs/hr SOx: 0.004 lb/hr CO: 0.8 lb/hr PM: 0.1 lb/hr PM-10: 0.1 lb/hr <u>ICE/Generators 3 & 4</u> VOC: 0.08 lb/hr NOx: 2 lbs/hr SOx: 0.003 lb/hr CO: 0.5 lb/hr PM: 0.06 lb/hr PM-10: 0.06 lb/hr
8. SCAQMD vs. Providence Tarzana Medical Center Case No 6128-1 (Consent Calendar; No Appearance)	N/A	Modification of IOP to allow additional time to install new generator.	Stipulated/Issued	Mod. O/A issued commencing 3/28/19; the Hearing Board shall continue to retain jurisdiction over this matter until 8/31/19.	N/A
9. SCAQMD vs. Sunshine Canyon Landfill Case No. 3448-14 (K. Manwaring)	N/A	Status Report	No Action	Respondent updated the Board on compliance with the conditions of the Mod. O/A and the hearing was continued to 5/21/19.	N/A

Case Name and Case No. (Staff Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
10. SCAQMD vs. Weber Metals Inc. Case No 6136-1 (D. Hsu)	1430(d)(8) 1430(e)(2)	Operation of a metal grinding and cutting facility without required enclosure.	Stipulated/Issued	O/A issued commencing 3/13/19; the Hearing Board shall retain jurisdiction over this matter until 8/31/20.	N/A

Acronyms

AOC: Alternative Operating Condition
 APCE: Air Pollution Control Equipment
 CEMS: Continuous Emissions Monitoring System
 CO: Carbon Monoxide
 ESP: Electrostatic Precipitator
 EV: Emergency Variance
 FCD: Final Compliance Date
 GDF: Gasoline Storage and Dispensing Facility
 H&S: Health and Safety Code
 H2S: Hydrochloric Sulfide
 ICE: Internal Combustion Engine
 IOP: Increment of Progress
 IV: Interim Variance

Mod. O/A: Modification Order for Abatement
 N/A: Not Applicable
 NOx: Oxides of Nitrogen
 O/A: Order for Abatement
 P/C: Permit to Construct
 PM: Particulate Matter
 PPM: Parts Per Million
 RTO: Regenerative Thermal Oxidizer
 RV: Regular Variance
 SV: Short Variance
 SOx: Oxides of Sulfur
 TBD: To Be Determined
 VOC: Volatile Organic Compounds

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2019 HEARING BOARD CASES AS OF MARCH 31, 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 1110.2 Emissions from Gaseous- and Liquid-Fueled Engines
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 XIV – TOXICS

Rule 1430 Control of Emissions from Metal Grinding Operations at Metal Forging Facilities

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