

BOARD MEETING DATE: January 10, 2020

AGENDA NO. 9

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2019.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Julie Prussack
Chairman of Hearing Board

cmw

Two summaries are attached: **November 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 November 1 to November 30, 2019 is 0; and total number of appeals filed during the period of January 1 to November 30, 2019 is 3.

Report of November 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. County of San Bernardino Fleet Management Case No. 6070-4 (B. Tomasovic)	203(b)	Relief to run an ICE generator beyond 200 hour limit due to wildfires and power interruptions.	Not Opposed/Granted	SV granted commencing 11/21/19 and continuing through 12/31/19.	CO: 0.19 lb/hour NOx: 0.51 lb/hour PM: 0.03 lb/hour SOx: 0.001 lb/hour VOC: 0.03 lb/hour
2. Johnson Controls Case No. 6158-1 (M. Reichert)	1111	Relief to sell non-compliant furnaces to high-altitude market.	Not Opposed/Granted	IPV shall continue for 90 days or until the earlier of final compliance defined as an exemption adopted by the Governing Board at their 12/6/19 meeting or the RPV hearing currently scheduled for 12/18/19, whichever comes first.	NOx: .44 lb/day
3. Los Angeles County - Internal Services Department Case No. 6127-3 (B. Tomasovic)	203(b)	Relief to run an ICE generator beyond 200 hour limit due to wildfires and power interruptions.	Not Opposed/Granted	SV granted commencing 11/12/19 and continuing through 12/31/19.	CO ₂ : 1075.2 lbs/day NOx: 29 lbs/day SO ₂ : 1.91 lbs/day
4. Mountaingate Country Club c/o American Golf Corporation Case No. 6163-1 (K. Roberts)	203(b) 1150.1(d)(14) 1150.1(d)(16) 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)	Ex Parte EV relief due to 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 11/15/19 and continuing for 30 days or until the IV currently scheduled for 11/20/19, whichever comes first.	Opacity: TBD by 11/20/19

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
5. Mountaingate Country Club c/o American Golf Corporation Case No. 6163-1 (K. Manwaring)	203(b) 1150.1(d)(14) 1150.1(d)(16) 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)	IV relief due to portion of landfill gas collection system destroyed by wildfire, rending it partially inoperable and in need of repair.	No Position/Dismissed	IV dismissed without prejudice.	N/A
6. New-Indy Ontario, LLC Case No. 6162-1 (B. Tomasovic)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner sought relief to run its boiler for steam while it attempts to remedy steam- production issues with its new combined heat and power units.	Not Opposed/Granted	Ex Parte EV granted commencing 11/13/19 and continuing for 30 days or until the IV currently scheduled for 11/19/19, whichever comes first.	CO: 1814.74 lbs/day NOx: 74.53 lbs/day PM: 44.39 lbs/day SOx: 3.5 lbs/day VOC: 32.13 lbs/day
7. New-Indy Ontario, LLC Case No. 6162-1 (T. Barrera)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner sought relief to run its boiler for steam while it attempts to remedy steam- production issues with its new combined heat and power units.	Not Opposed/Granted	IV granted commencing 11/19/19 and continuing for 90 days or until the RV hearing currently scheduled for 1/14/20, whichever comes first.	CO: 1814.74 lbs/day NOx: 74.53 lbs/day PM: 44.39 lbs/day SOx: 3.5 lbs/day VOC: 32.13 lbs/day
8. South Coast AQMD vs. Climate Industries, Inc. (dba Howard Industries) Case No. 6153-2 (M. Reichert)	1111	District and Respondent each sought non-stipulated modifications of the Order based on actions and violations that took place since the Order was granted.	Not Stipulated/Issued	Mod. O/A issued commencing 11/14/19; the Hearing Board shall retain jurisdiction over this matter until 1/22/20.	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
9. Termo Company Case No. 3014-18 (K. Manwaring)	203(b) 463(c) 11481(d)(8) 1173(d)(1)(B)	Relief from fugitive breathing loss and other emissions while seeking options to burn the gas produced from oil extraction.	Not Opposed/Granted	Ex Parte EV granted commencing 11/22/19 and continuing through 12/5/19.	Facility ID# 120609 Benzene: 0.05 lb/day VOC: 9.68 lbs/day Facility ID# 120621 Benzene: 0.02 lb/day VOC: 3.53 lbs/day
10. Ultramar Inc. (dba Valero Wilmington Refinery) Case No. 3845-99 (N. Feldman)	203(b) 401(b)(1) 407(a) 2004(f)(1) 3002(c)(1) H&S §41701	Relief to perform preventative maintenance on certain equipment and processes.	Not Opposed/Granted	SV and AOC granted commencing 11/20/19 and continuing through 2/17/20 for the SV and 1/18/20 for the AOC, or until final compliance is achieved, whichever occurs first.	CO: 1,232 lbs/total SOx: 464 lbs/total
11. Verizon Wireless Case No. 6139-2 (B. Tomasovic)	203(b)	Relief to run an ICE generator beyond 200 hour limit due to wildfires and power interruptions.	Not Opposed/Granted	SV granted commencing 11/21/19 and continuing through 12/31/19.	CO: 13.96 lbs/hr NOx: 10.47 lbs/hr VOC: 10.47 lbs/hr

Acronyms

AOC: Alternate Operating Condition

CO: Carbon Monoxide

CO₂: Carbon Dioxide

EV: Emergency Variance

H&S: Health and Safety Code

IV: Interim Variance

ICE: Internal Combustion Engine

IPV: Interim Product Variance

Mod. O/A: Modification Order for Abatement

N/A: Not Applicable

NOx: Oxides of Nitrogen

PM: Particulate Matter

RV: Regular Variance

RPV: Regular Product Variance

SV: Short Variance

SO₂: Sulfur Dioxide

SOx: Oxides of Sulfur

TBD: To Be Determined

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
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	9		53
401(b)											1			1
401(b)(1)											2	1		3
401(b)(1)(B)									1					1
405(a)											1			1
407								1						1
407(a)												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(c)											1	1		2
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	2		7
1111(c)(4)										1				1
1146(c)(5)											1			1
1147			1											1
1147(c)(1)					1									1
1148.1(d)(8)											3	1		4
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	2		5
1150.1(d)(16)												2		2
1150.1(d)(20)											2			2
1150.1(e)(1)											3	2		5
1150.1(e)(2)											1	2		3
1150.1(e)(2)(B)											2			2
1150.1(e)(2)(C)											2			2
1150.1(e)(3)											1	2		3
1150.1(e)(3)(B)											2			2

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)(3)(C)											2			2
1150.1(e)(4)											3	2		5
1150.1(e)(4)(A)											2			2
1150.1(e)(4)(B)											2			2
1150.1(e)(7)											3	2		5
1150.1(e)(7)(C)											2			2
1150.1(f)(1)(A)											1	2		3
1150.1(f)(1)(A)(iii)(I)											2			2
1150.1(f)(1)(B)											3	2		5
1150.1(f)(1)(C)											1	2		3
1150.1(f)(1)(E)											1	2		3
1150.1(f)(1)(G)											1	2		3
1150.1(f)(1)(L)											3	2		5
1150.1(f)(2)(A)								1						1
1158(d)(2)						2	1							3
1173(d)(1)(B)											1	1		2
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	3		5
2202(a)										1				1
2202(b)										1				1
2202(e)										1				1
2202(l)		1			1	5	2		2	1		3		15
3002(c)(1)									1		4			5
H&S 41701			1								3	1		5
H&S 41960.2			1											1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2019 HEARING BOARD CASES AS OF NOVEMBER 30, 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 NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces
Rule 1147 NOx 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