

BOARD MEETING DATE: June 5, 2020

AGENDA NO. 10

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of April 1 through April 30, 2020.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Julie Prussack
Chairman of Hearing Board

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Two summaries are attached: **April 2020 Hearing Board Cases** and **Rules From Which Variances and Orders for Abatement Were Requested in 2020**. An index of South Coast AQMD Rules is also attached.

There were no appeals filed during the period of April 1 to April 30, 2020.

Report of April 2020 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. Air Products and Chemicals, Inc. Case No. 4276-16 (K. Roberts)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner sought last minute extension to perform modifications needed to comply with 4/27/20 South Coast AQMD rule deadline.	Opposed/Denied	Ex Parte EV denied.	N/A
2. Mitsubishi Cement Corporation Case No. 5545-4 (T. Barrera)	203(b)	Petitioner may exceed NOx and NH3 emissions limits on its first-time use of dockside catalytic converter system because the bonnet system was unexpectedly smaller than the stack's exterior housing and could not completely cover it.	Not Opposed/Granted	Ex Parte EV granted for 72-hour period between 4/9/20 and 4/15/20.	NH3: TBD by 4/15/20 NOx: TBD by 4/15/20
3. OC Waste & Recycling, Olinda Alpha Case No. 5710-2 (T. Barrera)	203(b) 3002(c)(1)	Unexpectedly failed emission source tests for its landfill flares and requested additional time to tune and retest.	Not Opposed/Granted	Ex Parte EV granted commencing 4/7/20 and continuing for 30 days or until the SV hearing currently scheduled for 5/7/20, whichever comes first.	CO: 109 lbs/day NOx: 8 lbs/day
4. Phillips 66 Company Case No. 4900-108 (Consent Calendar; No Appearance)	1180(e)	Due to construction delays resulting from lockdown of crucial UCLA staff during COVID-19, additional time required to meet fenceline monitoring deadline.	Not Opposed/Granted	SV granted commencing 4/21/20 and continuing through 6/24/20 or until UCLA staff is available and installation completed, whichever occurs first.	None

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. Rheem Sales Company Case No. 5556-2 (M. Reichert)	1121(c)(3)(A)	Manufacturer of water heaters requested to sell noncompliant water heaters in South Coast AQMD because its sole manufacturing plant of ultra-low NOx heaters was unexpectedly shut down by the Mexican Government due to COVID-19.	Not Opposed/Granted	IPV granted commencing 4/30/20 and continuing through 6/2/20, at which time a RPV hearing is scheduled to be held.	NOx: Approximately 24.48 tons over a 10-year period, per week of sales
6. South Coast AQMD vs. Booster Fuels, Inc. Case No. 6171-2 (K. Manwaring and N. Feldman)	203(a) 203(b) 441 461	South Coast AQMD required that respondent file new applications for new Rule 441 Research and Development permits within 60 days to bring them into compliance with South Coast AQMD permitting rules.	Stipulated/Issued	O/A issued commencing 4/30/20; the Hearing Board shall retain jurisdiction over this matter until 6/29/20.	N/A
7. South Coast AQMD vs. Ralphs Grocery Company Case No. 6166-1 (Consent Calendar; No Appearance)	2004(f)(1)	Parties appeared for previously scheduled status and modification hearing and requested modification of Order to remove conditions already complied with and to set the next status and modification hearing for 9/10/20 .	Stipulated/Issued	Mod. O/A issued commencing 4/30/20; the Hearing Board shall continue to retain jurisdiction over this matter until 9/30/20.	N/A

Acronyms

AOC: Alternative Operating Conditions
CEMS: Continuous Emissions Monitoring System
CO: Carbon Monoxide
EV: Emergency Variance
H&S: Health and Safety Code

IPV: Interim Product Variance
Mod. O/A: Modification Order for Abatement
N/A: Not Applicable

NH3: Ammonia
NOx: Oxides of Nitrogen

O/A: Order for Abatement
PPM: Parts Per Million
RV: Regular Variance
RPV: Regular Product Variance
SV: Short Variance
TBD: To Be Determined

Rules from which Variances and Orders for Abatement were Requested in 2020														
	2020	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
202			1											1
203(a)					1									1
203(b)		6	7	3	4									20
218.1(b)(4)(C)			2											2
218(f)(3)				1										1
401(b)(1)			1											1
407(a)			1											1
441					1									1
461					1									1
463(c)		1	1											2
463(c)(2)				1										1
463(e)(4)				1										1
1121(c)(3)(A)					1									1
1148.1(d)(8)		1												1
1173(d)(1)(B)		1												1
1176(e)(2)(A)			1											1
1178(d)(3)				1										1
1178(g)				1										1
1180(e)				2	1									3
2004(f)(1)		5	6	2	2									15
2011(c)(2)(A)			1											1
2011(c)(2)(B)			1											1
2011(e)(1)			1											1
2012, Appendix A		1												1
2012, Appendix A, Chapter C h.			2											2
2012(d)(2)		1												1
2012(c)(2)(A)			1	1										2
2012(c)(2)(B)			1	1										2
2012(g)(1)			1	1										2
3002(c)		1	1											2
3002(c)(1)		4	5	3	2									14
H&S 41701			1											1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2020 HEARING BOARD CASES AS OF APRIL 30, 2020**

REGULATION II – PERMITS

- Rule 202 Temporary Permit to Operate
- Rule 203 Permit to Operate
- Rule 218 Continuous Emissions Monitoring
- Rule 218.1 Continuous Emission Monitoring Performance Specifications

REGULATION IV – PROHIBITIONS

- Rule 401 Visible Emissions
- Rule 441 Research Operations
- Rule 461 Gasoline Transfer and Dispensing
- Rule 463 Organic Liquid Storage

REGULATION XI - SOURCE SPECIFIC STANDARDS

- Rule 1121 Control of Nitrogen Oxides (NOx) from Residential Type, Natural-Gas-Fired Water Heaters
- Rule 1148.1 Oil and Gas Production Wells
- Rule 1173 Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants
- Rule 1176 VOC Emissions from Wastewater Systems
- Rule 1178 Reductions VOC Emissions from Storage Tanks at Petroleum Facilities
- Rule 1180 Refinery Fenceline and Community Air Monitoring

REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

- Rule 2004 Requirements
- Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SOx) Emissions
- Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NOx) Emissions

REGULATION XXX - TITLE V PERMITS

- Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

- §41701 Restricted Discharges