

BOARD MEETING DATE: August 6, 2021

AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of May 1 through June 30, 2021.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

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Two summaries are attached: **May and June 2021 Hearing Board Cases and Rules From Which Variances and Orders for Abatement Were Requested in 2021**. An index of South Coast AQMD Rules is also attached.

There were no appeals filed during the period of May 1 to June 30, 2021.

Report of May 2021 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 Liquide Large Industries U.S., LP Case No. 5705-10 (No Appearance; Consent Calendar)	203(b) 2004(f)(1) 3002(c)(1)	Additional time is needed for the vendor to complete construction and ship the replacement unit.	Not Opposed/Granted	MFCD/EXT granted commencing 5/28/2021 and continuing through 10/31/21.	None
2. Booster Fuels, Inc. Case No. 6171-3 (M. Reichert & Brian Tomasovic)	N/A	Respondent filed motion to partially dismiss petitioner's appeal petition, citing that the Board lacked authority to grant relief under the H&S Code.	Opposed/Granted	The Board granted Respondent's motion to partially dismiss petitioner's appeal requesting authorization for an additional six on- demand mobile fueling vehicles.	N/A
3. Northrop Grumman Systems Corporation Case No. 3534-16 (J. Lee & M. Reichert)	203(b) 1469.1(d) 2004(f) 3002(c)(1)	To meet rule requirements, petitioner must install HEPA filters to vent its spray paint booths.	Not Opposed/Granted	RV granted commencing 5/12/21 and continuing through 10/12/21, the FCD.	Chromium: .00017 lb/day
4. South Coast AQMD vs. City of San Bernardino Municipal Water Department Case No. 6124-2 (No Appearance; Consent Calendar)	N/A	Status Report	Stipulated/Issued	The Board Mod. O/A to change the next status hearing to 5/5/22.	N/A
5. South Coast AQMD vs. Hughes Bros. Aircrafters, Inc. Case No. 6037-2 (B. Tomasovic)	1420(h)(5)	Respondent is improperly storing materials at the facility that can generate fugitive lead-dust emissions.	Stipulated/Issued	O/A issued commencing 5/20/21; the Hearing Board shall retain jurisdiction over this matter until 5/20/22.	N/A

Acronyms

H&S Code: Health and Safety Code

HEPA: High Efficiency Particulate Air

FCD: Final Compliance Date

MFCD/EXT: Modification of a Final Compliance Date
and Extension of a Variance

Mod. O/A: Modification Order for Abatement

O/A: Order for Abatement

N/A: Not Applicable

RV: Regular Variance

Report of June 2021 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. City of San Bernardino Municipal Water Department Case No. 6124-1 (M. Reichert)	203(b) 1110.2(d)(1)(B)(ii) 1110.2(f)(1)(C)(ii) 1110.2(f)(1)(D)(iii) 1110.2(f)(1)(H)(i)	Petitioner sought to modify Increments of Progress; delivery of custom part delayed, due to COVID-19 pandemic.	Not Opposed/Granted	Interim Authorization granted commencing 6/29/21 and continuing through 7/30/21.	CO: 702 lb/day NOx: 17.45 lb/day VOC: 47.9 lb/day
2. Los Angeles County-Internal Services Department Case No. 6127-5 (J. Lee & D. Hsu)	203(b)	Emergency generators to exceed the annual permitted 200-hour limit due to Southern California Edison's PSPS outage protocol.	No Position/Granted	MFCD/EXT granted commencing 6/30/21 and continuing through 12/31/2021.	<p><u>Oat Nike-Facility #191715</u> VOC: 4.08 lb/hr. NOx: 21.84 lb/hr. SOx: .024 lb/hr. CO: 1.2 lb/hr. PM: 1.2 lb/hr.</p> <p><u>Oat Mountain-Facility #68968</u> VOC: 16.08 lb/hr. NOx: 50.78 lb/hr. SOx: 0.24 lb/hr. CO: 25.416 lb/hr. PM: 1.176 lb/hr.</p> <p>Only on days emergency generator in operation above the 200-hour limit.</p>
3. Matchmaster Dyeing & Finishing, Inc. Case No. 6110-2 (B. Tomasovic)	1100(e)(1)(B)	Additional time needed, for delivery of new replacement, low-NOx boiler due to manufacturer delays resulting from the COVID- 19 pandemic.	Not Opposed/Granted	RV granted commencing 6/23/21 and continuing through 8/29/21.	NOx: 11.02 lb/day
4. South Coast AQMD vs. Legacy By-Products LLC 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)	Modification requested to equipment and processes to come into compliance.	Stipulated/Issued	Mod. O/A issued commencing 6/17/21 and continuing through 9/30/22. The Hearing Board shall retain jurisdiction over this matter until 9/30/22.	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
5. South Coast AQMD vs. Mission Foods Case No. 5400-4 (K. Manwaring)	202(c) 203(b) 1147 1153.1	Allow more time for VOC testing to reach 95% with control efficiency on new low NOx burner.	Stipulated/Issued	Mod. O/A issued commencing 6/24/21 and continuing through 12/31/21. The Hearing Board shall retain jurisdiction over this matter until 12/31/21.	N/A
6. South Coast AQMD vs. Ralphp Grocery Company Case No. 6166-1 (K. Roberts)	2004(f)(1)	Additional time is needed to complete this project, as the Respondent is waiting for SCE to conduct onsite witness approval.	Stipulated/Issued	Mod. O/A issued commencing 6/1/21 and continuing through 8/30/21. The Hearing Board shall retain jurisdiction over this matter until 8/30/21.	N/A

Acronyms

CO: Carbon Monoxide

MFCD/EXT: Modification of a Final Compliance Date
and Extension of a Variance

Mod. O/A: Modification Order for Abatement

N/A: Not Applicable

NOx: Oxides of Nitrogen

PM: Particulate Matter

PSPS: Public Safety Power Shutdown

RV: Regular Variance

SCE: Southern California Edison

SOx: Oxides of Sulfur

VOC: Volatile Organic Compounds

Rules from which Variances and Orders for Abatement were Requested in 2021

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
202(c)						1							1
203(b)	2	3	2	5	2	3							17
415(d)(1)(B)(ii)						1							1
415(d)(1)(C)(ii)						1							1
415(e)(1)						1							1
415(e)(5)						1							1
415(e)(6)						1							1
462(d)(1)				1									1
462(e)(1)(E)(i)(II)				1									1
1100(e)(1)(B)			2			1							3
1110.2(d)(1)(B)(ii)						1							1
1110.2(f)(1)(C)(ii)						1							1
1110.2(f)(1)(D)(iii)						1							1
1110.2(f)(1)(H)(i)						1							1
1146(c)(1)(I)			1										1
1146(c)(4)			1										1
1146(e)(4)			1										1
1147						1							1
1150.1(e)(1)		1											1
1153.1						1							1
1420(h)(5)					1								1
1421	9	6											15
1469	1												1
1469.1(d)					1								1
2004(f)(1)		3	2	2	2								9
3002(c)(1)	1	3	1	3	2								10

