

BOARD MEETING DATE: November 5, 2021

AGENDA NO. 18

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the periods of August 1 through August 31, 2021 and September 1 through September 30, 2021.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:  
Receive and file.

Cynthia Verdugo-Peralta  
Hearing Board Chair

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The following summaries are attached: **August and September 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 August 1 to August 31, 2021; and one (1) appeal filed during the period of September 1 to September 30, 2021.

## Report of August 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. County of Los Angeles Case No. 3665-9 (S. Pruitt)	203(b) 2004(f)(1) 2012(d)(1)(A)(ii) 3002(c)(1)	Failure of gas turbine and loss of steam forced boilers to supply steam to public buildings and several exceeded the therms per month limit.	Opposed/Granted	RV granted commencing 8/12/21 and continuing through 8/1/23.	CO: 77.57 lbs/mmcf NOx: 11.47 lbs/mmcf PM10: 7.6 lbs/mmcf VOC: 5.5 lbs/mmcf SOx: 0.6 lbs/mmcf
2. County of San Bernardino Fleet Management Dept Case No. 6070-7 (K. Roberts)	203(b)	Due to power outage, ICE emergency generator was deployed and has exceeded the 200-hour annual operating limit.	Not Opposed/Granted	RV granted commencing 8/24/21 and continuing through 12/31/21.	CO: 0.19 lb/hr NOx: 0.51 lb/hr RHC: 0.003 lb/hr PM10:0.03 lb/hr Sox: 0.001 lb/hr
3. Los Angeles County +USC Medical Center Case No. 6215-1 (D. Hsu)	203(b) 1146(d)(3) 3002©(1)	Two boilers failed the ammonia slip test in, March 2021. Boiler #1 was placed back in service, given its lower ammonia slip test failure rate, to continue providing essential services.	Opposed/Dismissed	IV dismissed without prejudice for lack of diligence.	N/A
4. South Coast AQMD v. Axalta Coating Systems, LLC Case No. 6214-1 (J. Lee & W. Wong)	1151 1151(e)(3) 1151(g)(2)	Respondent selling and distributing Polyprimer coating that violates applicable VOC content limit.	Stipulated/Issued	O/A granted commencing 8/18/21 and continuing through 8/18/22.	N/A
5. South Coast AQMD vs. Chiquita Canyon Landfill Case No. 6177-1 (K. Roberts & M. Reichert)	402 H&S §41700	Status report and/or consider a modification of the O/A.	Stipulated/Modified	Status Report given Mod. O/A issued commencing 8/19/21 and continuing through 12/9/21. The Hearing Board shall retain jurisdiction over this matter until 12/9/21.	N/A

6.	South Coast AQMD vs. Ralphs Grocery Company Case No. 6166-1 (K. Roberts)	2004(f)(1)	Respondent requested a change to the Stipulated O/A Conditions, due to further delay by SCE in scheduling a mandatory final witness test for the Permit to Operate the generator.	Stipulated/Modified	Status Report given Mod. O/A issued commencing 8/26/21 and continuing through 11/30/21. The Hearing Board shall retain jurisdiction over this matter until 11/30/21.	N/A
7.	Universal City Studios, LLC Case No. 4935-18 (Consent Calendar)	401(b)(1) H&S §41701	Petitioner will use artificial fog for Halloween production, exceeding opacity limits.	Not Opposed/Granted	SV granted commencing 9/5/21 and continuing through 11/2/21.	Opacity: TBD by 11/1/21
8.	Verizon Wireless Case No. 6139-3 (M. Reichert)	203(b)	Due to power outage, ICE emergency generator was deployed and has exceeded the 200-hour annual operating limit.	Not Opposed/Granted	RV granted commencing 8/31/21 and continuing through 12/31/21.	NOx: 10.47 lbs/day CO: 13.96 lbs/day VOC: 10.47 lbs/day

### Acronyms

CO: Carbon Monoxide  
ICE: Internal Combustion Engine  
IV: Interim Variance  
Mod.: Modification  
N/A: Not Applicable  
NOx: Oxides of Nitrogen  
O/A: Order for Abatement  
PM: Particulate Matter  
RHC: Reactive HydroCarbon  
RV: Regular Variance  
SOx: Oxides of Sulfur  
SV: Short Variance  
VOC: Volatile Organic Compound

## Report of September 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. Johnson Controls, Inc. Case No. 6158-2 (M. Reichert)	1111(c)(5)	Manufacturer of furnaces requested to sell noncompliant commercial weatherized rooftop furnaces in the South Coast Air Basin because they are unable to meet the 14 ng/J NOx emission limit by the 9/30/2021 deadline.	Opposed/Not Granted	SPV was not granted.	N/A
2. Northrup Grumman Systems Corporation Case No. 3534-16 (J. Lee & M. Reichert)	203(b) 1469.1(d) 2004(f)(1) 3002(c)(1)	Petitioner sought to conduct chromate-containing spraying operations.	Not Opposed/Granted	MFCD/EXT granted commencing 9/1/21 and continuing through 2/28/22.	Chromium: 0.00017 lb/day
3. South Coast AQMD vs 365 Disposal & Recycling, Inc. Case No. 6213-1 (K. Roberts)	203 403(d)(1)(A) 403(d)(2) 403(d)(4) 1133.1(d)(3) 1133.1(d)(4) 1133.1(e)	Respondent provided a status report and requested modification to the O/A because they had taken numerous steps to comply with the conditions, resulting in reduction of visible emissions and public complaints.	Stipulated/Issued	Mod. O/A issued commencing 9/9/21; the Hearing Board shall continue to retain jurisdiction over this matter until 7/1/22.	N/A

### Acronyms

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

Mod. O/A: Modification Order for Abatement

N/A: Not Applicable

SPV = Short Product Variance

**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									1				1
203(a)							1						1
203(b)	2	3	2	5	2	3	5	4	1				27
401(b)(1)								1					1
402								1					1
403(d)(1)(A)							1		1				2
403(d)(2)							1		1				2
403(d)(4)							1		1				2
415(d)(1)(C)(ii)						1							1
415(e)(1)						1							1
415(e)(5)						1							1
415(e)(6)						1							1
431.1(c)(4)							1						1
431.1(d)(1)							1						1
431.1(d)(2)							1						1
431.1(d)(3)							1						1
431.1(g)(8)							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
1111(c)(5)									1				1
1133(d)(2)							1						1
1133.1(d)(3)							1		1				2
1133.1(d)(4)							1		1				2
1133.1(e)(1)							1						1
1146(c)(1)(I)			1										1
1146(c)(4)			1										1
1146(d)(3)								1					1
1146(e)(4)			1										1

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

<b>Rules</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total Actions</b>
1147						1							1
1150.1(e)(1)		1											1
1151								1					1
1151(e)(3)								1					1
1151(g)(2)								1					1
1153.1						1							1
1196(d)(2)(1)							1						1
1196(f)(8)(a)							1						1
1196(f)(10)							1						1
1403(b)(9)							1						1
1403(b)(10)							1						1
1403(b)(20)							1						1
1403(h)(2)							1						1
1420(h)(5)					1		1						2
1421	9	6											15
1469	1												1
1469.1(d)					1		1		1				3
2004(f)(1)		3	2	2	2		4	2	1				16
3002(c)(1)	1	3	1	3	2		3	2	1				16

## **SOUTH COAST AQMD RULES AND REGULATIONS INDEX**

### **2021 HEARING BOARD CASES AS OF SEPTEMBER 30, 2021**

#### **REGULATION II – PERMITS**

- Rule 202 Temporary Permit Operate
- Rule 203 Permit to Operate

#### **REGULATION IV – PROHIBITIONS**

- Rule 401 Visible Emissions
- Rule 402 Nuisance
- Rule 403 Fugitive Dust
- Rule 415 Odors from Rendering Facilities
- Rule 431.1 Sulfur Content of Gaseous Fuels
- Rule 462 Organic Liquid Loading

#### **REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS**

- Rule 1100 Implementation of NOx Facilities
- 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 1133 Composting and Related Operations
- Rule 1133.1 Chipping and Grinding Activities
- Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters
- Rule 1147 NOx Reductions from Miscellaneous Sources
- Rule 1150.1 Control of Gaseous Emissions from Municipal Solid Waste Landfills
- Rule 1151 Motor Vehicle Coating Operations
- Rule 1153.1 Emissions of Oxides of Nitrogen from Commercial Food Ovens
- Rule 1196 Clean On-Road Heavy-Duty Public Fleet Vehicles

**REGULATION XIV - TOXICS AND OTHER NON-CRITERIA POLLUTANTS**

- Rule 1403 Asbestos Emissions from Demolition Renovation Activities
- Rule 1420 Emissions Standards for Lead
- Rule 1421 Control of Perchloroethylene Emissions from Dry Cleaning Systems
- Rule 1469 Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations
- Rule 1469.1 Spraying Operations Using Coatings Containing Chromium

**REGULATION XX – REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)**

- Rule 2004 Requirements

**REGULATION XXX – TITLE V PERMITS**

- Rule 3002 Requirements