

BOARD MEETING DATE: December 3, 2021

AGENDA NO. 13

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of October 1 through October 31, 2021.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

ft

The following summaries are attached: **October 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 October 1 to October 31, 2021.

Report of October 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 installation of the replacement unit.	Not Opposed/Granted	MFCD/EXT granted commencing 10/19/21 and continuing through 2/15/22.	None
2. South Coast AQMD vs. HM Collision Center Inc. Case No. 6216-1 (J. Lee)	109(c)(1) 203(a)	Respondent is operating spray paint equipment without a valid permit to operate and failing to maintain paint usage records.	Not Stipulated/Issued	O/A issued commencing 10/27/21; the Hearing Board shall retain jurisdiction over this matter until 10/27/22.	N/A
3. South Coast AQMD vs. Chiquita Canyon Landfill, LLC Case No. 6177-1 (K. Roberts & M. Reichert)	402 H&S Code §41700	Respondent was issued two NOVs for nuisance violations, requiring the parties to appear for a Status Report/Mod. O/A, in accordance with the terms of the Order.	Stipulated/Issued	Mod. O/A issued commencing 10/5/21; the Hearing Board shall retain jurisdiction over this matter until 11/15/22.	N/A
4. South Coast AQMD vs. Mission Foods Case No. 5400-4 (K. Manwaring)	202(c) 203(b) 1147 1153.1	As a result of the South Coast AQMD's denial of an alternate testing protocol for its Rancho Cucamonga facility, Respondent needs additional time to evaluate its options and choose a path forward.	Stipulated/Issued	Mod. O/A issued commencing 10/21/21; the Hearing Board shall retain jurisdiction over this matter until 6/30/22.	N/A
5. South Coast AQMD vs. Ralphs Grocery Company Case No. 6166-1 (No Appearance; Consent Calendar)	2004(f)(1)	SCE granted Respondent final approval to operate its generator, thereby completing all requirements set forth in the existing Order.	Stipulated/No Action	No action required by the Board. The existing Order expired on 11/30/21.	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
6. The Termo Company Case No. 3014-19 (S. Pruitt)	203(b) 463(c) 1148.1(d)(8) 1173(d)(1)(B) 2004(f)(1) 3002(c)(1)	SoCalGas provided petitioner with only three-days' notice of maintenance work at Aliso Canyon, resulting in the vapor recovery system being out of service at petitioner's Aliso Canyon and Oat Mountain facilities.	Not Opposed/Granted	Ex Part EV granted commencing 10/5/21 and continuing through 10/12/21.	VOC: <1.0 lb/day
7. US Govt, Veterans Affairs Medical Center Case No. 4280-4 (Daphne Hsu)	203(b) 1146 3002(c)(1)	During slip/source testing, petitioner discovered that the ammonia system had unexpectedly failed, resulting in reduced ammonia flow, which is required to control NOx emissions for three critical boilers.	Not Opposed/Granted	EX Parte EV granted commencing 10/27/21 and continuing through 11/25/21, or until final compliance is achieved, whichever comes first.	NOx: 19.78 lbs/day

Acronyms

Ex Parte EV: Emergency Variance

H&S Code: Health and Safety Code

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

NOV: Notice of Violation

NOx: Oxides of Nitrogen

SCE: Southern California Edison

VOC: Volatile Organic Compound

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
109(c)(1)										1			1
202(c)						1				1			2
203									1				1
203(a)							1			1			2
203(b)	2	3	2	5	2	3	5	4	1	4			31
401(b)(1)								1					1
402								1		1			2
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
463(c)										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										1			1
1146(c)(1)(I)			1										1

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
1146(c)(4)			1										1
1146(d)(3)								1					1
1146(e)(4)			1										1
1147						1				1			2
1148.1(d)(8)										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			2
1173(d)(1)(B)										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	3			19
3002(c)(1)	1	3	1	3	2		3	2	1	3			19
H&S Code 41700										1			1

SOUTH COAST AQMD RULES AND REGULATIONS INDEX
2021 HEARING BOARD CASES AS OF OCTOBER 31, 2021

REGULATION II – PERMITS

- Rule 202 Temporary Permit to 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
- Rule 463 Organic Liquid Storage

REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

- Rule 1100 Implementation Schedule for 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 1148.1 Oil and Gas Production Wells
- 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 1173 Control of VOC Leaks and Releases from Components at Petroleum Facilities and Chemical Plants
- 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