

BOARD MEETING DATE: January 8, 2021

AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of November 1 through November 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: **November 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 was one (1) appeal filed during the period of November 1 to November 30, 2020.

Report of November 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. County of San Bernardino - Fleet Management Case No. 6070-5 (S. Pruitt)	203(b)	Emergency generator exceeded its annual permitted 200-hour operating limit to sustain power at the fire station due to power loss caused by the El Dorado wildfire.	Not Opposed/Granted	RV granted commencing 11/4/20 and continuing through 12/31/20, the FCD.	CO: 0.19 lb/hr NOx: 0.77 lb/hr PM10: 0.03 lb/hr RHC: 0.03 lb/hr SOx: .001 lb/hr
2. Marina Business Center, LLC Case No. 6180-1 (B. Tomasovic)	203(b)	Petitioner exceeded the annual permitted 200-hour operating limit for its emergency generators due to an unexpected power outage.	Not Opposed/Granted	Ex Parte EV granted commencing 11/12/20 and continuing through 11/14/20.	CO: 8.5 g/bhp-hr NOx: 6.9 g/bhp-hr PM10: 0.38 g/bhp-hr ROG: 1 g/bhp-hr SOx: 0.0049 g/bhp-hr
3. New NGC, Inc. Case No. 2060-7 (B. Tomasovic)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(2)(C) 2012, Attachment C, B.1.(a) 3002(c)(1)	Kiln CEMS failed to operate properly following a brief power outage.	Not Opposed/Granted	Ex Parte EV granted commencing 11/12/20 and continuing for 30 days or until final compliance with South Coast AQMD rules, whichever occurs first.	None
4. Orange County Sanitation District Case No. 2048-15 (No Appearance; Consent Calendar)	203(b) 3002(c)(1)	Petitioner is unable to perform ammonia slip test by required deadline due to delayed schedule of engine overhaul and related startup complications.	Not Opposed/Granted	SV granted commencing 12/6/20 and continuing through 2/6/21.	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. Orange County Waste & Recycling, Frank R. Bowerman Landfill Case No. 5710-5 (S. Pruitt)	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) 3002(c)(1)	Unexpected wildfire caused extensive damage to portions of the landfill, including loss of electrical power and the gas collection and control system, rendering it inoperable and in need of major repairs.	Not Opposed/Granted	IV granted commencing 11/3/20 and continuing for 90 days or until the RV hearing scheduled for 12/17/20, whichever comes first.	Landfill Gases: TBD by 12/17/20
6. OC Waste & Recycling, Frank R. Bowerman Landfill Case No. 5710-4 (B. Tomasovic & E. Chavez)	203(b) 404(a) 409 3002(c)(1)	Retest of the Flares could not be performed because of the Silverado fire and extensive damage to the landfill.	Not Opposed/Granted	SV granted commencing 11/18/20 and continuing through 1/4/21.	PM: 22.03 lbs/day for Flare I-3 22.44 lbs/day for Flare I-4
7. SFPP, L. P. Case No. 4215-13 (D. Hsu)	202(b) 203(b) 1100(e)(1)(B) 1146(c)(1)(K) 2004(f)(1) 3002(c)	Petitioner needs additional time for installation of burners to meet new required NOx emission limit.	Not Opposed/Granted	SV granted commencing 1/1/21 and continuing through 3/31/21.	NOx: 6.8 lbs/day
8. South Coast AQMD vs. Ralphs Grocery Company Case No. 6166-1 (K. Roberts)	2004(f)(1)	Due to manufacturer delays, Respondent was unable to comply with the deadlines under the terms of the Order.	Stipulated/Issued	Mod. O/A issued commencing 11/12/20; the Hearing Board shall retain jurisdiction over this matter until 6/30/21.	N/A

Acronyms

CEMS: Continuous Emissions Monitoring System
CO: Carbon Monoxide
EV: Emergency Variance
FCD: Final Compliance Date
IV: Interim Variance
Mod. O/A: Modification Order for Abatement

N/A: Not Applicable
NOx: Oxides of Nitrogen
PM: Particulate Matter
PM10: Particulate Matter ≤ 10 microns
ROC: Reactive Organic Compound

RV: Regular Variance
SV: Short Variance
SOx: Oxides of Sulfur
TBD: To Be Determined

Rules from which Variances and Orders for Abatement were Requested in 2020

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
202		1											1
202(b)											1		1
203(a)				1	1								2
203(b)	6	7	3	4	2		2		5	4	7		40
218(f)(3)			1										1
218.1(b)(4)(C)		2			1		1						4
40(b)(1)		1							1				2
402								1					1
404(a)										1	1		2
407(a)		1						1	1				3
409										1	1		2
441				1									1
461				1									1
461(e)(2)(A)(i)							1						1
463(c)	1	1											2
463(c)(2)			1										1
463(e)(4)			1										1
464(b)(1)(A)									1				1
464(b)(2)									1				1
464(b)(3)									1				1
1100(e)(1)(B)											1		1
1121(c)(3)(A)				1									1
1146(c)(1)(K)											1		1
1147 (c)(2)					1								1
1148.1(d)(8)	1												1
1150(b)(2)									1				1
1150.1(d)(14)										1	1		2
1150.1(d)(16)										1	1		2
1150.1(e)(1)										1	1		2
1150.1(e)(2)										1	1		2
1150.1(e)(3)										1	1		2
1150.1(e)(4)										1	1		2
1150.1(e)(7)										1	1		2

Rules from which Variances and Orders for Abatement were Requested in 2020

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
1150.1(f)(1)(A)										1	1		2
1150.1(f)(1)(B)										1	1		2
1150.1(f)(1)(C)										1	1		2
1150.1(f)(1)(E)										1	1		2
1150.1(f)(1)(G)										1	1		2
1150.1(f)(1)(L)										1	1		2
1173(d)(1)(B)	1												1
1176(e)(1)									1				1
1176(e)(2)									1				1
1176(e)(2)(A)		1											1
1178(d)(3)			1										1
1178(g)			1										1
1180(e)			2	1		1			1				5
1196							1						1
1196(d)(1)							1						1
1196(f)(8)(a)							1						1
1196(f)(10)							1						1
1430						1							1
2004(f)(1)	5	6	2	2	1		1		4	2	3		26
2011(c)(2)(A)		1					1		1				3
2011(c)(2)(B)		1					1						2
2011(c)(3)(A)							1		1				2
2011(e)(1)		1					1		1				3
2011(k)													
Table 2011-1									1				1
2011, Appen. A, Chapter 2, Table 2-A									1				1
2011, Attachment C									1				1
2012(c)(2)(A)		1	1		1		1		1		1		6
2012(c)(2)(B)		1	1		1		1						4
2012(c)(2)(C)											1		1

Rules from which Variances and Orders for Abatement were Requested in 2020													
Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
2012(c)(3)(A)									1				1
2012(d)(2)	1				1								2
2012(g)(1)		1	1				1		1				4
2012(m), Table 2012-1									1				1
2012, Apendix A	1												1
2012, Appendix A, Chapter C h.		2											2
2012, Appendix A, Chapter 2, Table 2-A									1				1
2012, Attach. C									1				1
2012, Attach. C, B.1.(a)											1		1
3002(c)	1	1							1		1		4
3002(c)(1)	4	5	3	2	1		1		2	5	4		27
H&S 41700								1					1
H&S 41701		1							1				1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2020 HEARING BOARD CASES AS OF NOVEMBER 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 402	Nuisance
Rule 404	Particulate Matter - Concentration
Rule 409	Combustion Contaminants
Rule 441	Research Operations
Rule 461	Gasoline Transfer and Dispensing
Rule 463	Organic Liquid Storage
Rule 464	Waste Water Separators

REGULATION XI - SOURCE SPECIFIC STANDARDS

Rule 1121	Control of Nitrogen Oxides (NOx) from Residential Type, Natural-Gas-Fired Water Heaters
Rule 1147	NOx Reductions from Miscellaneous Sources
Rule 1148.1	Oil and Gas Production Wells
Rule 1150	Excavation of Landfill Sites
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
Rule 1196	Clean On-Road Heavy-Duty Public Fleet Vehicles

REGULATION XIV - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

Rule 1430	Control of Emissions from Metal Grinding Operations at Metal Forging Facilities
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**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2020 HEARING BOARD CASES AS OF OCTOBER 31, 2020**

REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

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

REGULATION XXX - TITLE V PERMITS

- Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

- §41700 Prohibited Discharges
- §41701 Restricted Discharges