

BOARD MEETING DATE: February 4, 2022

AGENDA NO. 9

REPORT: Hearing Board Report

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

Report of December 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 (Consent Calendar)		To provide a status report/update on compliance with the conditions and increments of progress. No modification or extension was requested.	Not Opposed/No Action	Status Report given; no action taken.	None
2. Franklin Mechanical Systems, Inc. Case No. 6217-1 (K. Manwaring)	1111(c)(5)	Petitioner requested a RV but was not familiar with Rule 1111. Petitioner paid the mitigation fees but was still required to complete installation by the 09/30/21, deadline for the particular equipment, that was designed and purchased for this project, but due to COVID, equipment was delayed 7 weeks.	Opposed/Denied	RV denied for lack of reasonable control.	None
3. The Newark Group, Inc., dba Greif, Inc Case No. 6219-1 (J. Lee)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner requested an IV due to breakdown of equipment and problems acquiring a contractor to complete the work.	Not Opposed/Dismissed	IV dismissed without prejudice for lack of diligence.	None
4. South Coast AQMD vs. 365 Disposal and Recycling Case No. 6213-1 (K. Roberts)	203(b) 403(d)(1)(A) 403(d)(2) 403(d)(4) 1133.1(d)(3) 1133.1(d)(4) 1133.1(e)	Following the 11/02/21 Hearing, the South Coast AQMD received 69 complaints from the public re: Fugitive Dust, odors, and poor air quality. The inspector reported poor onsite recordkeeping, subsequently NOVs were issued.	Stipulated/Issued	Mod. O/A issued commencing 12/15/21 and continuing through 7/1/22. The Board shall retain jurisdiction over this matter until 7/1/22.	N/A

<p>5. Southern California Edison, Pebbly Beach Generating Station Case No. 1262-114 (M. Reichert)</p>	<p>203(b) 1470(c)(4)(A) 2004(f)(1) 3002(c)(1)</p>	<p>Petitioner sought IV relief from Rule 1470, for its main baseload generator, being the largest in capacity and lowest in emissions. This unit should have been reclassified as a new reconstructed engine. South Coast AQMD staff realized SCE was out of compliance while working on their Title V Permit Renewal.</p>	<p>Not Opposed/Dismissed</p>	<p>IV dismissed without prejudice for lack of diligence.</p>	<p>None</p>
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Acronyms

- IV: Interim Variance
- Mod.: Modification
- N/A: Not Applicable
- O/A: Order for Abatement
- RV: Regular Variance
- SV: Short 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
109(c)(1)										1			1
202(c)						1				1			2
203									1		1		2
203(a)							1			1			2
203(b)	2	3	2	5	2	3	5	4	1	4	2	3	36
401(b)											1		1
401(b)(1)								1					1
402								1		1	1		3
403(d)(1)(A)							1		1		1	1	4
403(d)(2)							1		1		1	1	4
403(d)(4)							1		1		1	1	4
407(a)											1		1
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	2
1133(d)(2)							1						1
1133.1(d)(3)							1		1		1	1	4

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
1133.1(d)(4)							1		1		1	1	4
1133.1(e)											1	1	2
1133.1(e)(1)							1						1
1146										1	1		2
1146(c)(1)(I)			1										1
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
1470(c)(4)(A)												1	1
2004(f)(1)		3	2	2	2		4	2	1	3	1	2	22
3002(c)(1)	1	3	1	3	2		3	2	1	3	2	2	23
H&S Code 41700										1	1		2
H&S Code 41701											1		1

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

REGULATION I – GENERAL PROVISIONS

Rule 109 Recordkeeping of Volatile Organic Compound Emissions

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 407 Liquid & Gaseous Air Contaminants

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 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 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
- Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines

REGULATION XX – REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

- Rule 2004 Requirements

REGULATION XXX – TITLE V PERMITS

- Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

- §41700 Prohibited Discharges
- §41701 Restricted Discharges