

BOARD MEETING DATE: May 6, 2022

AGENDA NO. 16

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of March 1 through March 31, 2022.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

ft

The following summaries are attached: **March 2022 Hearing Board Cases and Rules From Which Variances and Orders for Abatement Were Requested in 2022**. An index of South Coast AQMD Rules is also attached.

There were no appeals filed during the period of March 1 to March 31, 2022.

Report of March 2022 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. Chiquita Canyon Landfill, LLC Case No. 6177-2 (Consent Calendar; No Appearance)	203(b) 401(b) 3002(c)(1) H&S Code §41701	To utilize Smoke Pots to generate smoke required for the Study contemplated in Condition #34 of the stipulated order in case no. 6177-1, 06/01-06/30/22.	Not Opposed/Granted	SV granted commencing 6/1/22 and continuing through 6/30/22.	Opacity: TBD by 6/30/22
2. County of San Bernardino – Fleet Management Case No. 6070-8 (K. Manwaring)	203(b)	Returned to request IV, due to poor weather and loss of power from SCE. Emergency ICEs were deployed, to provide communications for first responders going over 200 hours permitted annual limit.		IV granted commencing 3/23/22 and continuing for 90 days or until the RV hearing scheduled for 4/19/22, whichever comes first.	CO: 0.19 lb/hour NOx: 0.51 lb/hour RHC: 0.03 lb/hour PM10: 0.03 lb/hour SOx: 0.001 lb/hour
3. San Bernardino County – Fleet Management Department Case No. 6070-8 (S. Pruitt)	203(b)	Ex-Parte EV requested due to poor weather and loss of power from SCE. Emergency ICEs were deployed, to provide communications for first responders going over 200 hours permitted annual limit.	Not Opposed/Granted	Ex Parte EV granted commencing 3/1/22 and continuing for 30 days or until the IV hearing scheduled on 3/15/22, whichever comes first.	CO: 0.19 lb/hour NOx: 0.51 lb/hour RHC: 0.03 lb/hour PM10: 0.03 lb/hour SOx: 0.001 lb/hour

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
4. San Diego Gas & Electric Company Case No. 3607-13 (D. Hsu)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(g)(1) 2012(i) 2012, Appendix A, Chapter 2, Section A.1 3002(c)(1)	Petitioner seeking path forward to compliance. IV requested, due to RECLAIM ending w/new command & control regulations and emission limits. ICE would be disconnected from CEMS for 6 months. SCR would be upgraded oxidation catalyst to ensure compliance with new emission limits for Rule 1110.2.	Not Opposed/Granted	IV granted commencing 3/10/22 and continuing for 90 days or until the RV hearing scheduled for 4/26/22, whichever comes first.	None
5. South Coast AQMD vs. 365 Disposal & Recycling, Inc. Case No. 6213-1 (K. Roberts & M. Reichert)	203 403(d)(1)(A) 403(d)(2) 403(d)(4) 1133.1(d)(3) 1133.1(d)(4) 1133.1(e)	Mod O/A status report. Due to respondent's continual lack of cooperation and non- compliance. Attempt to agree to conditions verbiage and compliance	Stipulated/Issued	Mod. O/A issued commencing 3/31/22; the Hearing Board shall continue to retain jurisdiction over this matter until 7/1/22.	N/A
6. South Coast AQMD vs. Los Angeles City Sanitation Bureau, Hyperion Water Reclamation Plant Case No. 1212-39 (E. Chavez & M. Reichert)	3002(c)(1)	Stipulated O/A Respondent was in violation of Rule 3002 and out of compliance with NOx emissions by not conducting source testing every 5 years. Flares 3 & 4 failed and did not source test Flare #5 in 2021 per permit condition.	Stipulated/Issued	O/A issued commencing 3/24/22; the Hearing Board shall retain jurisdiction over this matter until 3/24/23.	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
7. Tesoro Refining & Marketing Company, LLC Case No. 4982-129 (Consent Calendar No Appearance)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(c)(3)(A) 2012(g)(1) 3002(c)(1) 2012, Table 1 2012, Appendix A, Chapter 2, Table 2-A	Planned turnaround for Heater H30 requires shutdown of equipment and CEMS temporarily during planned turnaround activities to maintain Heater in operating condition per permit. Can't utilize CEMS required by RECLAIM during turnaround activities and require CEMS to be disconnected. No NOx emissions.	Not Opposed/Granted	SV and AOC granted for 35 consecutive days between 3/10/22 and 4/25/22, or until final compliance, whichever comes first.	None
8. Tesoro Refining & Marketing Company, LLC Case No. 4982-129 (Consent Calendar No Appearance)	N/A	Clarification to adopt and incorporate, by reference Exhibit #3, which sets forth the additional findings required for the AOC, and duration of the variance and AOC.	Not Opposed/Granted	Board clarified the 3/1/22 hearing.	N/A
9. Torrance Refining Company LLC Case No. 6060-14 (D. Hsu)	203(b) 401(b)(1) 2004(f)(1) 3002(c)(1) H&S Code §41701	Ex Parte EV and AOC, due to a sudden loss of power, SCE's 66 kV feeder line resulted in 82% drop in voltage over 4 cycles causing failure of air pollution control equipment.	Not Opposed/Granted	Ex Parte EV granted commencing 3/8/22 and continuing for 30 days but no later than 4/7/22.	Opacity: TBD by 4/7/22

Acronyms

AOC: Alternative Operating Condition
CEMS: Continuous Emissions Monitoring System
CO: Carbon Monoxide
EV: Emergency Variance
FCCU: Fluid Catalytic Cracking Unit
H&S Code: Health and Safety Code

IV: Interim Variance
Mod. O/A: Modification Order for Abatement
N/A: Not Applicable
NOV: Notice of Violation
NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM10: Particulate Matter ≤ 10 microns

RHC: Reactive Hydrocarbons
RV: Regular Variance
SCR: Selective Catalyst Reduction
SOx: Oxides of Sulfur
SV: Short Variance
TBD: To be determined

Rules from which Variances and Orders for Abatement were Requested in 2022

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
202(c)	1												1
203			1										1
203(b)	6	3	6										15
401(b)			2										2
403(d)(1)(A)		1	1										2
403(d)(2)		1	1										2
403(d)(4)		1	1										2
462(d)(1)		1											1
462(e)(1)(E)(i)(II)		1											1
1133.1(d)(3)		1	1										2
1133.1(d)(4)		1	1										2
1133.1(e)		1	1										2
1147	1												1
1153.1	1												1
1469.1(d)	1												1
1470(c)(4)(A)	1											\	1
2004(f)(1)	5		3										8
2011(c)(2)(A)	1												1
2011(c)(3)(A)	1												1
2011(e)(1)	1												1
2012(i)			1										1
2011(k)	1												1
2011, APP. A, Ch 2-A, Att. C	1												1
2012(c)(2)(A)	1		2										3
2012(c)(3)(A)	1		1										2
2012(g)(1)	1		2										3
2012(m)	1												1
2012, APP. A, Ch 2, §A.1			1										1
2012, APP. A, Ch 2. A.16	1												1
2012, APP. A, Ch 2-A, Att. C	1												1
2012, Table 1			1										1
2012, APP. A, Ch 2, Table 2-A			1										1

Rules from which Variances and Orders for Abatement were Requested in 2022

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
3002(c)(1)	5		5										10
H&S Code §41701			2										2

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2022 HEARING BOARD CASES AS OF MARCH 31, 2022**

REGULATION II – PERMITS

Rule 202 Temporary Permit to Operate
Rule 203 Permit to Operate

REGULATION IV – PROHIBITIONS

Rule 403 Fugitive Dust
Rule 462 Organic Liquid Loading

REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

Rule 1133.1 Chipping & Grinding Activities
Rule 1147 NO_x Reductions from Miscellaneous Sources
Rule 1153.1 Emissions of Oxides of Nitrogen from Commercial Food Ovens

REGULATION XIV - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

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
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

§41701 Restricted Discharges