

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 2022.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

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Two summaries are attached: **September 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 September 1 to September 30, 2022.

Hearing Board Variance Reports September 2022

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. Chevron Products Company Case No. 831-396 (K. Manwaring)	203(b) 2004(f)(1) 3002(c)(1)	Co-Generation Train C was out of compliance due to CO exceedance caused by high temperatures (over 81 degrees) and humidity levels above 50%.	Not Opposed/Granted	Ex Parte EV granted commencing 9/6/22 and continuing through 9/9/22.	NOx: 81.85 lbs/day CO: 266.88 lbs/day
2. County of Riverside, Red Mountain Lookout Case No. 6229-1 (K. Manwaring)	203(b)	One of the County's radio communications facilities lost power, due to the Fairview Fire, forcing the use of the ICE.	Not Opposed/Granted	IV granted commencing 9/21/22 and continuing for 90 days or until the RV hearing scheduled for 10/26/22, whichever comes first.	CO: 0.55 lb./hr. NOx: 0.41 lb./hr. VOC: 0.41 lb./hr.
3. Equilon Enterprises, LLC dba Shell Oil Products US Case No. 4982-130 (S. Pruitt)	203(b) 1142 3002(c)(1)	Due to market and scheduling constraints, petitioner has been unable to conduct required source test, which can only be performed during marine vessel fuel loading operations.	Opposed/Dismissed	IV dismissed for lack of good cause.	N/A
4. South Coast AQMD vs. Baker Commodities Inc. Case No. 6223-1 (D. Hsu & N. Dwyer)	415(f) 415(g) 2004(f)(1) 3002(c)(1)	Public complaints resulted in notices of violations. Respondent refused to comply with conditions and rules.	Not Stipulated/Issued	O/A issued commencing 9/29/22; the Hearing Board shall retain jurisdiction over this matter until 9/28/23.	N/A
5. South Coast AQMD vs. Los Angeles City Sanitation Bureau, Hyperion Water Reclamation Plant Case No. 1212-40 (E. Chavez & M. Reichert)	402 H&S §41700	Respondent unable to contain sewage odors and conduct operations at wastewater treatment plant without being in violation.	Stipulated /Issued	O/A issued commencing 9/8/22; the Hearing Board shall retain jurisdiction over this matter until 9/6/23.	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
6. South Coast AQMD vs. Southern California Edison Pebble Beach Generating Station Case No. 1262-115 (M. Reichert)	1470(c)(4)(A)	Zero-time over-haul & costs factored, engine reclassified as "new" & subject to emission limits and other require PM limit was omitted. Stipulated O/A issued to assure operation of equipment with appropriate conditions and feasible plan to achieve compliance.	Not Stipulated/Issued	Mod. O/A issued commencing 9/1/22; the Hearing Board shall continue to retain jurisdiction over this matter until 1/4/24.	N/A
7. Torrance Refining Company LLC Case No. 6060-16 (D. Hsu)	203(b) 2004(f)(1) 3002(c)(1)	Several failed attempts to repair unexpected leaking solid spent catalyst valve, serving the FCCU Regenerator 2C-3.	Not Opposed/Granted	Ex Parte EV granted commencing 9/15/22 and continuing through 9/23/22.	None

Acronyms

CO: Carbon Monoxide
EV: Emergency Variance
FCCU: Fluid Catalytic Cracking Unit
ICE: Internal Combustion Engine
IV: Interim Variance
Mod. O/A: Modification Order for Abatement
N/A: Not Applicable
NOx: Oxides of Nitrogen
O/A: Order for Abatement
RV: Regular Variance
VOC: Volatile Organic Compounds

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								2
203(b)	6	3	6	4	2	5	5	5	4				40
401(b)			2										2
401(b)(1)(B)								1					1
402					1				1				2
403(d)(1)(A)		1	1		1								3
403(d)(2)		1	1		1								3
403(d)(4)		1	1		1								3
415(f)									1				1
415(g)									1				1
431.1						1							1
461.1						1							1
461.1(g)(4)								1					1
461.1(k)(2)(G)								1					1
462(d)(1)		1											1
462(e)(1)(E)(i)(II)		1											1
463(c)								1					1
1133.1(d)(3)		1	1		1								3
1133.1(d)(4)		1	1		1								3
1133.1(e)		1	1		1								3
1142									1				1
1146.2(c)(2)						1							1
1147	1												1
1148.1(d)(8)								1					1
1153.1	1												1
1153.1(c)(1)								1					1
1173(d)(1)(B)								1					1
1179.1						1							1
1189(e)(1)						1							1
1196					1								1
1196(d)(1)							2						2
1196(f)(8)(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
1196(f)(10)							1						1
1469.1(d)	1			1									2
1470					1	1	1						3
1470(c)(4)A)	1								1				2
2004(f)(1)	5		3	1	1	2	2	2	3				19
2011(c)(2)(A)	1												1
2011(c)(3)(A)	1												1
2011(e)(1)	1												1
2011(k)	1												1
2011, APP. A, Ch 2-A, Att. C	1												1
2012(c)(2)(A)	1		2			1	2	1					7
2012(c)(2)(C)							1	1					2
2012(c)(3)(A)	1		1										2
2012(d)(1)(A)(ii)								1					1
2012(g)(1)	1		2			1	1						5
2012(i)			1			1	1						3
2012(m)	1												1
2012, APP. A, Ch 2, §A.1			1			1	1						3
2012, App. A, Ch2, A.1.g								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
2012, Att. C, Sec B.1.a							1						1
3002(c)(1)	5		5	1	1	2	2	3	4				23
H&S Code §41700					1				1				2
H&S Code §41701			2					1					3

SOUTH COAST AQMD RULES AND REGULATIONS INDEX
2022 HEARING BOARD CASES AS OF SEPTEMBER 30, 2022

REGULATION II – PERMITS

Rule 202 Temporary Permit to Operate
Rule 203 Permit to Operate

REGULATION IV – PROHIBITIONS

Rule 402 Nuisance
Rule 403 Fugitive Dust
Rule 415 Odors from Rendering Facilities
Rule 431.1 Sulfur Content of Gaseous Fuels
Rule 461.1 Gasoline Transfer and Dispensing for Mobile Fueling Operations
Rule 462 Organic Liquid Loading
Rule 463 Organic Liquid Storage

REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

Rule 1133.1 Chipping & Grinding Activities
Rule 1146.2 Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters
Rule 1147 NOx Reductions from Miscellaneous Sources
Rule 1148.1 Oil & Gas Production Wells
Rule 1153.1 Emissions of Oxides of Nitrogen from Commercial Food Ovens
Rule 1173 VOC Emissions from Leaks & Releases at Petroleum Facilities and Chemical Plants
Rule 1179.1 Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities
Rule 1189 Emissions from Hydrogen Plant Process Vents
Rule 1196 Clean On-road Heavy-Duty Fleet Vehicles

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

§41700 Prohibited Discharges

§41701 Restricted Discharges