

BOARD MEETING DATE: October 7, 2022

AGENDA NO. 15

REPORT: Hearing Board Report

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

COMMITTEE: No Committee Review

RECOMMENDED ACTION:  
Receive and file.

Cynthia Verdugo-Peralta  
Hearing Board Chair

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Two summaries are attached: **August 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 was one (1) appeal filed during the period of August 1 to August 31, 2022.

## Report of August 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. Booster Fuels, Inc Case No. 6171-4 (B. Tomasovic)	203(b) 461.1(g)(4) 461.1(k)(2)(G)	RV requested due to violation of permit conditions, regarding mobile refuelers. Written documentation from local fire departments needed.	Opposed/Granted	RV granted commencing 8/3/22 and continuing through 12/31/22.	None
2. Gold Bond Building Products, LLC Case No. 2060-9 (S. Hanizavareh)	203(b) 2004(f)(1) 2012(c)(2)(A) & (C) 2012, App. A, Chapter 2.A.1.g 3002(c)(1)	Ex Parte EV requested due to unforeseen breakdown/malfunction of CEMS, which had not completed auto recalibration.	Not Opposed/Granted	Ex Parte EV granted commencing 8/17/22 and continuing through 9/15/22, at which time a SV hearing will be held.	NOx: TBD by 9/15/22
3. Los Angeles County, Central Heating and Refrigeration Plant Case No. 3665-9 (S. Pruitt)	203(b) 2004(f)(1) 2012(d)(1)(A)(ii) 3002(c)(1)	Status report to update Hearing Board on complete project upgrade to replace old cogeneration plant and stand-by-boilers.	Not Opposed/No Action	Status Report was given. The Hearing Board took no action.	NOx: 11.47 lbs/mmcf CO: 77.57 lbs/mmcf PM10: 7.6 lbs/mmcf VOC: 5.5 lbs/mmcf SOx: 0.6 lbs/mmcf
4. Metropolitan Water District of Southern California Case No. 6191-3 (Consent Calendar)	203(b)	RV requested to operate a remote emergency ICE standby generator to ensure reliability of telecommunications for water delivery.	Not Opposed/Granted	RV granted commencing 8/31/22 and continuing through 12/31/22.	NOx: 0.24 lb/hr VOC: 0.24 lb/hr CO: 0.33 lb/hr
5. South Coast AQMD vs. Baker Commodities, Inc. Case No. 6223-1 (D. Hsu and N. Dwyer)		Request Motion to Quash Subpoena for production of documents and request Board Member Balagopalan to recuse himself.	N/A Granted & Denied in part	The Hearing Board issued an Order granting in part and denying in part, the Motion to Quash Subpoena for Production of Documents.	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. Freund Baking Company Case No. 6226-1 (J. Lee)	1153.1(c)(1) 3002(c)(1)	Comply with conditions in OA in Stipulated Findings and Decision. Health & Safety Code and District Rules Good Cause exists.	Stipulated/Issued	O/A issued commencing 8/25/22 and continuing through 12/31/23, The Hearing Board shall retain jurisdiction over this matter until 12/31/23.	N/A
7. South Coast AQMD vs. Sterigenics, U.S. LLC Case No. 6225-1 (B. Tomasovic, J.Lee and N. Sanchez)	402 H&S Code §41701	Stipulated O/A: Elevated levels of fugitive Ethylene Oxide emissions from Respondent's operations. Early Air Reduction Plan requested.	Stipulated/Not Issued	O/A was held; The Hearing Board was unable to make good cause to issue the Order for Abatement.	N/A
8. The Termo Company Case No. (K. Roberts)	203(b) 463(c) 1148.1(d)(8) 1173(d)(1)(B)	Ex Parte EV requested due to no prior notification of a gas quality issue (high Wobbe number).	Not Opposed/Granted	Ex Parte EV granted commencing 8/31/22 and continuing through 9/29/22, or until final compliance, whichever comes first.	VOC: 1 lb/day
9. Universal City Studios LLC Case No. 4935-19 (Consent Calendar)	401(b)(1)(B) H&S Code §41701	Annual SV to allow special effects fog machines to reach up to 100% Opacity for 59 days of the Park's Scary Zone.	Not Opposed/Granted	SV granted commencing 9/5/22 and continuing through 11/2/22.	Opacity:TBD by 11/1/22

### Acronyms

CEMS: Continuous Emissions Monitoring System  
CO: Carbon Monoxide  
EV: Emergency Variance  
ICE: Internal Combustion Engines  
IV: Interim Variance  
mmcf: Million Cubic Feet  
Mod: Modification  
N/A: Not Applicable  
NOx: Oxides of Nitrogen  
O/A: Order for Abatement  
RV: Regular Variance

SV: Short Variance  
TBD: To be determined  
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					36
401(b)			2										2
401(b)(1)(B)								1					1
402					1								1
403(d)(1)(A)		1	1		1								3
403(d)(2)		1	1		1								3
1		1	1		1								3
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
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
1196(f)(10)							1						1
1469.1(d)	1			1									2
1470					1	1	1						3

**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
1470(c)(4)A)	1												1
2004(f)(1)	5		3	1	1	2	2	2					16
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					19
H&S Code §41700					1								1
H&S Code §41701			2					1					3

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX**  
**2022 HEARING BOARD CASES AS OF AUGUST 31, 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 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 (SOx) Emissions

Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NOx) Emissions

**REGULATION XXX – TITLE V PERMITS**

Rule 3002 Requirements

**CALIFORNIA HEALTH AND SAFETY CODE**

§41700 Prohibited Discharges

§41701 Restricted Discharges