

BOARD MEETING DATE: September 2, 2022

AGENDA NO. 13

REPORT: Hearing Board Report

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

Report of July 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. Metropolitan Water District of Southern California Case No. 6191-3 (K. Roberts)	203(b)	Due to unforeseen SCE outage emergency ICE already at 172 hrs., was needed to prevent shut down of critical public service telecommunications infrastructure.	Not Opposed/Granted	Ex Parte EV granted commencing 7/1/22 and continuing for 30 days or until the IV hearing currently scheduled for 7/26/22, whichever comes first.	None.
2. Metropolitan Water District of Southern California Case No. 6191-3 (Consent Calendar)	203(b)	IV needed to continue utilization of emergency ICE to prevent shut down of critical public Service telecommunications infrastructure.	Not opposed/Granted	IV granted commencing 7/26/22 and continuing for 90 days or until the RV hearing currently scheduled for 8/31/22, whichever comes first.	NOx: 0.24 lbs/day CO: 0.22 lbs/day HC: 0.06 lbs/day
3. New NGC, Inc. Case No. 2060-8 (B. Tomasovic)	203(b) 2004(f)(1) 2012(c)((2)(A) 2012(c)(2)(C) 2012, App. A, Ch2, Sec. A.1.g 2012, Att. C, Sec B.1.a 3002(c)(1)	Unexpected failure of CEMS, despite recent, regular maintenance. Time needed to receive, install, and verify the operational status of replacement panel.	Not Opposed/Granted	Ex Parte EV granted commencing 7/5/22 and continuing for 30 days or until the SV hearing currently scheduled for 8/2/22, whichever comes first.	None
4. San Diego Gas & Electric Company Case No. 3607-13 (Consent Calendar)	203(b) 2004(f)(1) 2012(c)(2)(A) 2012(g)(1) 2012(i) 2012, App. A, Ch 2, Sec A.1, 3002(c)(1)	Due to RECLAIM sunset Petitioner cannot comply with emission limits by not having CEMS continuously connected to equipment during project period.	Not Opposed/Granted	Modification of Variance Conditions granted commencing 7/12/22 and continuing through 9/30/22.	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. South Coast AQMD vs. County of San Bernardino Case No. 6174-1 (K. Roberts)	1196(d)(1) 1196(f)(8)9a), 1196(f)(10)	Stipulated Mod. O/A. Originally self- reported Fleet Rule 1196 non-compliant. Heavy-Duty Vehicle replacement schedule approval requested.	Stipulated/Modified	Mod. O/A issued commencing 7/722 and continuing through 1/31/24. The H	N/A
6. South Coast AQMD vs. Metropolitan Transportation Authority Case No. 5874-2 (Consent Calendar)	1196(d)(1)	Status/modification hearing regarding Fleet Rule 1196, for a Stipulated Modified Order for Abatement for heavy-duty vehicle replacement schedule.	Stipulated/Modified	Mod. O/A modified commencing 7/28/22 and continuing through 7/31/26. The Hearing Board shall retain jurisdiction over this matter until 7/31/26.	N/A
7. South Orange County Wastewater Authority Case No. 6222-1 (D. Hsu)	203(b) 1470	RV requested due to concerns of high fire danger, future power loss & restoration, resulting in possible raw sewage spillage.	Opposed/Denied	RV denied; Petitioner not in violation of, or imminently in violation of any South Coast AQMD rule.	N/A

Acronyms

CEMS: Continuous Emissions Monitoring System
CO: Carbon Monoxide
EV: Emergency Variance
HC: HydroCarbons
ICE: Internal Combustion Engines
IV: Interim Variance
Mod: Modification
N/A: Not Applicable
NOx: Oxides of Nitrogen
O/A: Order for Abatement
RV: Regular Variance
SCE: Southern California Edison
SV: Short Variance

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						31
401(b)			2										2
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
462(d)(1)		1											1
462(e)(1)(E)(i)(II)		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
1153.1	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
1470(c)(4)(A)	1												1
2004(f)(1)	5		3	1	1	2	2						14
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

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
2012(c)(2)(A)	1		2			1	2						6
2012(c)(2)(C)							1						1
2012(c)(3)(A)	1		1										2
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, 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						16
H&S Code §41700					1								1
H&S Code §41701			2										2

SOUTH COAST AQMD RULES AND REGULATIONS INDEX
2022 HEARING BOARD CASES AS OF JULY 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

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 1153.1 Emissions of Oxides of Nitrogen from Commercial Food Ovens
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