

BOARD MEETING DATE: August 5, 2022

AGENDA NO. 10

REPORT: Hearing Board Report

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

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

ft

Three summaries are attached: May 2022 Hearing Board Cases, June 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 May 1 to June 30, 2022.

Report of May 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. Chevron Products Company Case No. 831-393 (No Appearance; Consent Calendar)	203(b) 2004(f)(1) 3002(c)(1)	SV requested for software update and tuning on CoGen Train C equipment.	Not Opposed/Granted	SV granted for one day between 5/20/22 and 6/19/22.	NOx: 90.77 lbs/day CO: 40.51 lbs/day
2. South Coast AQMD vs. 365 Disposal & Recycling, Inc. Case No. 6213-1 (K. Roberts)	203 403(d)(1)(A) 403(d)(2) 403(d)(4) 1133.1(d)(3) 1133.1(d)(4) 1133.1(e)	Presented a status update, including testimony from Respondent and Air Quality Inspector. No further modification was requested.	No Action	Based on the status report provided by the parties, no further modifications to the existing O/A, which ends on 7/1/22, were necessary.	N/A
3. South Coast AQMD vs. City of San Bernardino Municipal Water Department Case No. 6124-2 (No Appearance; Consent Calendar)	1196	A status update was presented by Declarations. Only a ministerial modification was requested to change the South Coast AQMD staff contact person.	Stipulated/Issued	Mod. O/A issued commencing 5/5/22; the Hearing Board shall continue to retain jurisdiction over this matter until 12/15/23.	N/A
4. South Coast AQMD vs. Chiquita Canyon Landfill Case No. 6177-1 (K. Roberts & M. Reichert)	402 H&S Code §41700	A status report, and smoke study were presented. A modification to the conditions and increments of progress was requested.	Stipulated/Issued	Mod. O/A issued commencing 5/17/22; the Hearing Board shall continue to retain jurisdiction over this matter until 11/15/22.	N/A
5. South Orange County Wastewater Authority Case No. 6222-1 (D. Hsu)	203(b) 1470	Ex Parte EV was requested due to loss of power, resulting in Laguna Nigel fire, forcing petitioner to utilize emergency back-up ICEs.	Not Opposed/Granted	Ex Parte EV granted commencing 5/17/22 and continuing for 30 days, or until the IV hearing, scheduled for 6/9/22, whichever occurs first.	TBD by 6/9/22

Acronyms

CO: Carbon Monoxide
 Ex Parte EV: Emergency Variance
 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
 SV: Short Variance

TBD: To be determined

Report of June 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	Petitioner requested more time to obtain required written authorization from 20 regional Fire Authorities.	Opposed/Dismissed	IV dismissed without prejudice for lack of diligence.	N/A
2. City of Redlands, Wastewater Treatment Plant & Landfill Case No. 3976-5 (B. Tomasovic)	203(b) 431.1 1146.2(c)(2) 1179.1	Petitioner requested to extend the final compliance date, due to unforeseen delivery delays.	Not Opposed/Granted	MFCD/EXT granted commencing 6/8/22 and continuing through 8/15/22.	NOx: .25 lb/day SOx: .08 lb/day
3. San Diego gas & Electric Company Case No. 3607-13 (No Appearance; 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)	Petitioner requested to operate ICE equipment without CEMS while equipment is being replaced/retrofitted.	Not Opposed/Granted	RV granted commencing 6/7/22 and continuing through 9/30/22.	None
4. South Orange County Wastewater Authority Case No. 6222-1 (D. Hsu)	203(b) 1470	Petitioner requested IV for additional time, due to Coastal Fire/outage and SCE constraints for permanent power.	No Position/Granted	IV granted commencing 6/9/22 and continuing for 90 days or until the RV hearing currently scheduled for July 27, 2022, whichever comes first.	NOx: 21.2 lb/hr VOC: 0.6 lb/hr CO: 3.63 lb/hr PM/PM10: 2.42 lb/hr SOx: 0.00024 lb/hr
5. Torrance Refining Company LLC Case No. 6060-15 (K. Manwaring)	203(b) 1189(e)(1) 2004(f)(1) 3002(c)(1)	Petitioner requested SV &AOC, for a one-month extension to perform and report results of the annual VOC compliance testing; due to unexpected decrease in hydrogen Plant catalyst's useful life, partially caused by an SCE major power disruption.	Not Opposed/Granted	RV granted commencing 6/30/22 and continuing through 7/31/22.	None

Acronyms

AOC: Alternative Operating Condition(s)

CO: Carbon Monoxide

EXT: Extension

IV: Interim Variance

MFCD: Modification Final Compliance Date

N/A: Not Applicable

NOx: Oxides of Nitrogen

PM: Particulate Matter

RV: Regular Variance

SCE: Southern California Edison

SV: Short Variance

SOx: Oxides of Sulfur

VOC: Volatile Organic Compound

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							26
401(b)			2										2
402					1								1
403(d)(1)(A)		1	1		1								3
403(d)(2)		1	1		1								3
403(d)(4)		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
1469.1(d)	1			1									2
1470					1	1							2
1470(c)(4)(A)	1												1
2004(f)(1)	5		3	1	1	2							12
2011(c)(2)(A)	1												1
2011(c)(3)(A)	1												1
2011(e)(1)	1												1
2012(i)			1			1							2
2011(k)	1												1
2011, APP. A, Ch 2-A, Att. C	1												1
2012(c)(2)(A)	1		2			1							4
2012(c)(3)(A)	1		1										2

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(g)(1)	1		2			1							4
2012(m)	1												1
2012, APP. A, Ch 2, §A.1			1			1							2
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
3002(c)(1)	5		5	1	1	2							14
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 JUNE 30, 2022

REGULATION II – PERMITS

- Rule 202 Temporary Permit to Operate
- Rule 203 Permit to Operate

REGULATION IV – PROHIBITIONS

- Rule 401 Visible Emissions
- 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