

BOARD MEETING DATE: December 2, 2022

AGENDA NO. 12

REPORT: Hearing Board Report

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

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

ft

Two summaries are attached: **October 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 October 1 to October 31, 2022.

Report of October 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. City of Riverside – Tequesquite Landfill Case No. 6157-2 (J. Jones & B. Tomasovic)	203(b) 1150.1(d)(1)(C)(i) 1150.1(d)(8)	Petitioner failed to perform annual source test on Flare and submit results by required deadline due to malfunctioning compressor.	Not Opposed/Granted	IV granted commencing 10/4/22 and continuing for 90 days or until the RV hearing scheduled 11/2/22, whichever comes first.	None
2. County of Riverside Case No. 6229-1 (K. Manwaring)	203(b)	Due to the Fairview Fire, which caused a power outage and declared a State of Emergency, petitioner was forced to use ICE/generator, which was near the 200-hour annual limit.	Opposed/Denied Not Opposed/Granted	RV denied. The Board granted petitioner's request and waived all fees associated with the variance petition pursuant to Rule 303(p).	N/A
3. Equilon Enterprises, LLC dba Shell Oil Products US Case No. 4982-130 (S. Pruitt)	203(b) 3002(c)(1)	Petitioner was unable to perform required source test every three years to verify VOC destruction efficiency of thermal oxidizer by required deadline.	Not Opposed/Granted	RV granted commencing 10/6/22 and continuing through 10/5/23, the FCD.	None
4. Shaw Diversified Services Inc. Case No. 6228-1 (M. Reichert)	203(b) 1100(e)(2)(B) 1146(c)(1)(H) 2004(f)(1)	Petitioner is unable to install new replacement boilers to meet the reduced NOx emissions limit by the 1/1/23 deadline due to a global shortage of component parts.	Not Opposed/Granted	RV granted commencing 1/1/23 and continuing through 5/31/23, the FCD.	NOx: 8.1 lbs/day
5. South Coast AQMD vs. Chiquita Canyon Landfill Case No. 6177-1 (K. Roberts & M. Reichert)	N/A	Petitioner reported success of large fans in odor mitigation. Major reduction of complaints and no NOVs issued.	Stipulated/No Action	Based on the status report provided by the parties, no action was necessary to extend the Hearing Board's jurisdiction beyond the 11/15/22 ending date.	N/A

Acronyms

FCD: Final Compliance Date
IV: Interim Variance
N/A: Not Applicable

NOx: Oxides of Nitrogen
O/A: Order for Abatement
RV: Regular 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	5	4	4			44
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
1100(e)(2)(B)										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(c)(1)(H)										1			1
1146.2(c)(2)						1							1
1147	1												1
1148.1(d)(8)								1					1
1150.1(d)(1)(C)(i)										1			1
1150.1(d)(8)										1			1
1153.1	1												1
1153.1(c)(1)								1					1
1173(d)(1)(B)								1					1
1179.1						1							1

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
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				2
2004(f)(1)	5		3	1	1	2	2	2	3	1			20
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	1			24
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 OCTOBER 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 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 1100 Implementation Schedule for NO_x Facilities
Rule 1133.1 Chipping & Grinding Activities
Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators,
 and Process Heaters
Rule 1146.2 Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters
Rule 1147 NO_x Reductions from Miscellaneous Sources
Rule 1148.1 Oil & Gas Production Wells
Rule 1150.1 Control of Gaseous Emissions from Municipal Solid Waste Landfills
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