

BOARD MEETING DATE: January 7, 2022

AGENDA NO. 9

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2021.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

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The following summaries are attached: **November 2021 Hearing Board Cases and Rules From Which Variances and Orders for Abatement Were Requested in 2021**. An index of South Coast AQMD Rules is also attached.

There were no appeals filed during the period of November 1 to November 30, 2021.

Report of November 2021 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. Kevin Lien, M.D., Kim Konte, and Lesley Tan, Petitioners vs. South Coast AQMD, Respondent, and All American Asphalt, Real Party in Interest Case No. 2147-10 (N. Sanchez & E. Chavez)	N/A	Respondent filed Motion to Dismiss petitioner's third-party appeal, citing that the Board lacks authority over CEQA matters.	Opposed/Granted	The Board granted Respondent's Motion to Dismiss the third-party appeal challenging South Coast AQMD's NOE from CEQA filed for the Real Party in Interest for a Portable Crumb/Rubber Asphalt Blending System.	N/A
2. South Coast AQMD vs. 365 Disposal & Recycling, Inc. Case No. 6213-1 (K. Roberts & M. Reichert)	203 403(d)(1)(A) 403(d)(2) 403(d)(4) 1133.1(d)(3) 1133.1(d)(4) 1133.1(e)	Two NOVs were issued to the Respondent for violating Rule 403, which required they appear before the Board for a status hearing.	Stipulated/Issued	Mod. O/A issued commencing 11/2/21; the Hearing Board shall continue to retain jurisdiction over this matter until 7/1/22.	N/A
3. South Coast AQMD vs. Chiquita Canyon Landfill, LLC Case No. 6177-1 (K. Roberts & M. Reichert)	402 H&S Code §41700	Respondent provided a status report on the implementation of the modified stipulated O/A. The parties also provided modifications that were accepted by the Hearing Board.	Stipulated/Issued	Mod. O/A issued commencing 11/18/21; the Hearing Board shall continue to retain jurisdiction over this matter until 11/15/22.	N/A
4. Ultramar Inc. dba Valero Wilmington Refinery Case No. 3845-104 (Consent Calendar; No Appearance)	203(b) 401(b) 407(a) 2004(f)(1) 3002(c)(1) H&S Code §41701	Petitioner conducted scheduled maintenance during a major refinery turnaround.	Not Opposed/Granted	SV & AOC shall commence upon notification in accordance with Condition No. 1 and shall be for 80 consecutive days between 1/12/22 and 4/9/22.	CO: TBD by 4/30/22 SOx: TBD by 4/30/22 Opacity: TBD by 4/30/22

5. US Govt, Veterans Affairs Medical Center - Long Beach Case No. 4280-4A (Daphne Hsu)	203(b) 1146 3002(c)(1)	Petitioner sought modification of variance condition to conduct tune up of equipment.	Not Opposed/Granted	EX Parte EV granted commencing 10/27/21 and continuing through 11/25/21, or until final compliance is achieved, whichever comes first.	NOx: 19.78 lbs/day
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Acronyms

AOC: Alternative Operating Condition
CEQA: California Environmental Quality Act
CO: Carbon Monoxide
Ex Parte EV: Emergency Variance

H&S Code: Health and Safety Code
Mod. O/A: Modification Order for Abatement
N/A: Not Applicable
NOE: Notice of Exemption
NOV: Notice of Violation

NOx: Oxides of Nitrogen
SOx: Oxides of Sulfur
SV: Short Variance
TBD: To be determined

Rules from which Variances and Orders for Abatement were Requested in 2021

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
109(c)(1)										1			1
202(c)						1				1			2
203									1		1		2
203(a)							1			1			2
203(b)	2	3	2	5	2	3	5	4	1	4	2		33
401(b)											1		1
401(b)(1)								1					1
402								1		1	1		3
403(d)(1)(A)							1		1		1		3
403(d)(2)							1		1		1		3
403(d)(4)							1		1		1		3
407(a)											1		1
415(d)(1)(C)(ii)						1							1
415(e)(1)						1							1
415(e)(5)						1							1
415(e)(6)						1							1
431.1(c)(4)							1						1
431.1(d)(1)							1						1
431.1(d)(2)							1						1
431.1(d)(3)							1						1
431.1(g)(8)							1						1
462(d)(1)				1									1
462(e)(1)(E)(i)(II)				1									1
463(c)										1			1
1100(e)(1)(B)			2			1							3
1110.2(d)(1)(B)(ii)						1							1
1110.2(f)(1)(C)(ii)						1							1
1110.2(f)(1)(D)(iii)						1							1
1110.2(f)(1)(H)(i)						1							1
1111(c)(5)									1				1
1133(d)(2)							1						1
1133.1(d)(3)							1		1		1		3

Rules from which Variances and Orders for Abatement were Requested in 2021

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
1133.1(d)(4)							1		1		1		3
1133.1(e)											1		1
1133.1(e)(1)							1						1
1146										1	1		2
1146(c)(1)(I)			1										1
1146(c)(4)			1										1
1146(d)(3)								1					1
1146(e)(4)			1										1
1147						1				1			2
1148.1(d)(8)										1			1
1150.1(e)(1)		1											1
1151								1					1
1151(e)(3)								1					1
1151(g)(2)								1					1
1153.1						1				1			2
1173(d)(1)(B)										1			1
1196(d)(2)(1)							1						1
1196(f)(8)(a)							1						1
1196(f)(10)							1						1
1403(b)(9)							1						1
1403(b)(10)							1						1
1403(b)(20)							1						1
1403(h)(2)							1						1
1420(h)(5)					1		1						2
1421	9	6											15
1469	1												1
1469.1(d)					1		1		1				3
2004(f)(1)		3	2	2	2		4	2	1	3	1		20
3002(c)(1)	1	3	1	3	2		3	2	1	3	2		21
H&S Code 41700										1	1		2
H&S Code 41701											1		1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2021 HEARING BOARD CASES AS OF NOVEMBER 30, 2021**

REGULATION II – PERMITS

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

REGULATION IV – PROHIBITIONS

- Rule 401 Visible Emissions
- Rule 402 Nuisance
- Rule 403 Fugitive Dust
- Rule 407 Liquid & Gaseous Air Contaminants
- Rule 415 Odors from Rendering Facilities
- Rule 431.1 Sulfur Content of Gaseous Fuels
- Rule 462 Organic Liquid Loading
- Rule 463 Organic Liquid Storage

REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

- Rule 1100 Implementation of NOx Facilities
- Rule 1110.2 Emissions from Gaseous - and Liquid-Fueled Engines
- Rule 1111 Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces
- Rule 1133 Composting and Related Operations
- Rule 1133.1 Chipping and Grinding Activities
- Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters
- Rule 1147 NOx Reductions from Miscellaneous Sources
- Rule 1148.1 Oil and Gas Production Wells
- Rule 1150.1 Control of Gaseous Emissions from Municipal Solid Waste Landfills
- Rule 1151 Motor Vehicle Coating Operations
- Rule 1153.1 Emissions of Oxides of Nitrogen from Commercial Food Ovens
- Rule 1173 Control of VOC Leaks and Releases from Components at Petroleum Facilities and Chemical Plants
- Rule 1196 Clean On-Road Heavy-Duty Public Fleet Vehicles

REGULATION XIV - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

- Rule 1403 Asbestos Emissions from Demolition Renovation Activities
- Rule 1420 Emissions Standards for Lead
- Rule 1421 Control of Perchloroethylene Emissions from Dry Cleaning Systems
- Rule 1469 Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations
- Rule 1469.1 Spraying Operations Using Coatings Containing Chromium

REGULATION XX – REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

- Rule 2004 Requirements

REGULATION XXX – TITLE V PERMITS

- Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

- §41700 Prohibited Discharges
- §41701 Restricted Discharges