

BOARD MEETING DATE: February 3, 2023

AGENDA NO. 7

REPORT: Hearing Board Report

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

## Report of December 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. California Steel Industries, Inc. Case No. 4624-22 (Consent Calendar)	203(b) 1100(e)(2)(B) 1146(c)(1) 1146(e)(1) 2004(f)(1) 3002(c)(1)	Petitioner's D140 boiler must continue operating due to installation contractor's safety problems, COVID -19 supply chain issues and burner damage all causing delays.	Not Opposed/Granted	SV granted commencing 1/1/23 and continuing through 3/31/23.	NOx: 23.76 lbs/day
2. Cargill, Incorporated Case No. 6232-1 (S. Pruitt)	203(b) 1100(e)(2)(A) 1100(e)(3)(A) 1146(c)(1)(I) 1146(e)(1) 2004(f)(1)	Variance needed due to inability to comply with Rule 1146, due to COVID related supply chain delays for new compliant boiler.	Not Opposed/Granted	SV granted commencing 1/1/23 and continuing through 3/31/23.	NOx: 3.14 lbs/day
3. Honeywell International, Inc. Case No. 5624-2 (M. Reichert)	203(b) 1100(e)(2)(B) 1146(c)(1)(H) 2004(f)(1) 3002(c)(1)	Petitioner is requesting variance due to existing Heaters 1 (D104) and 5 (D85) not being able to be taken offline due to replacements not being ready to fire by 01/01/23.	Not Opposed/Granted	SV granted commencing 1/1/23 and continuing through 3/31/23.	NOx: 2.72.lbs/day
4. Jacksons Energy #6831 Case No. 6231-1 (E. Chavez)	203(b) 461(e)(2)(A)(i)	An SV was needed and Los Angeles County Department of Public Works' CUPA permit to complete construction on abandoning their 87 main tank and perform required reverification tests.	Not opposed/Granted	SV granted commencing 12/22/22 and continuing through 2/23/23.	VOC: TBD due by 2/23/23
5. Los Angeles, Department of Water & Power Case No. 1263-76 (S. Hanizavareh)	203(b) 218(b)(2) 218(d)(2)(A) 218.1(b)(4)(C) 2004(f)(1) 3002(c)(1)	Unable to perform CO RATA by 12/31/22 due to unexpected failure of Unit 15's supercore and damage to other parts. Required repairs can't be completed by 12/31/22.	Not Opposed/Granted	RV granted commencing 1/1/23 and continuing through 6/30/23, FCD.	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
6. Phillips 66 Company Case No. 4900-115 (Consent Calendar)	203(b) 1158(d)(2) 2004(f)(1) 3002(c)(1)	SV needed to allow for storage of Coke in Coke Barn while repairs are made, safe completion of demolition activities and installation of two beams and conveyer tube saddle support replacement	Not Opposed/Granted	SV granted commencing 1/12/23 and continuing through 2/9/23.	PM: 0.39 lb/day
7. South Coast AQMD vs. City of Fontana Case No. 5704-2 (K. Roberts & J. Jones)	1196(d)(1)	Respondent is out of compliance for Fleet Rule 1196. Stipulated O/A regarding 9 non-compliant Heavy-Duty vehicles which provide essential services. Respondent will work with South Coast AQMD towards compliance.	Stipulated/Issued	O/A issued commencing 12/21/22 and continuing through 7/31/27. The Hearing Board shall retain jurisdiction over this matter until 7/31/27.	N/A
8. South Coast AQMD vs. Freund Baking Company Case No. 6226-1 (K. Roberts)	1153.1(c)(1) 3002(c)(1)	Respondent provided a status report with no modifications. Report included compliance efforts with all conditions of the Order.	Stipulated/No Action	Status Report given. Hearing Board took no action	N/A
9. South Coast AQMD vs. Los Angeles City, Sanitation Bureau, Hyperion Water Reclamation Plant Case No. 1212-40 (E. Chavez)	402	Respondent appeared for a stipulated O/A regarding 11 NOVs and inability to contain plant sewage odors and cannot conduct operations at the wastewater treatment plant without being in violation of Rule 402. Public comments were taken.	Stipulated/Modified	Status Report given, Mod. O/A issued commencing 12/15/22 and continuing through 9/6/23.	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
10. Walnut Creek Energy, LLC Case No. 6230-1 (K. Manwaring)	203(b) 1703(a)(2) 2004(f)(1) 3002(c)(1)	Petitioner needed a RV regarding Unit 2 due to inability to repair the Turbine or obtain/install rental parts in time to complete source testing by 12/31/22.	Not Opposed/Granted	RV granted commencing 1/1/23 and continuing through 12/31/23, the FCD.	None

### Acronyms

AQMD: Air Quality Management District  
 CO: Carbon Monoxide  
 FCD: Final Compliance Date  
 IV: Interim Variance  
 Mod.: Modification  
 N/A: Not Applicable  
 NOV: Notice of Violation  
 NOx: Oxides of Nitrogen  
 O/A: Order for Abatement  
 PM : Particulate Matter  
 RATA: Relative Accuracy Test Audit  
 RV: Regular Variance  
 SV: Short Variance  
 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	4	4	4	7	55
218(b)(2)												1	1
218(d)(2)(A)												1	1
218.1((b)(4)(C)												1	1
401(b)			2										2
401(b)(1)(B)								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
415(f)									1				1
415(g)									1				1
431.1						1							1
461											1		1
461(e)(2)(A)(i)												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)(A)												1	1
1100(e)(2)(B)										1		2	3
1100(e)(3)(A)												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)												1	1
1146(c)(1)(H)										1		1	2
1146(c)(1)(I)												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
1146(e)(1)												2	2
1146.2(c)(2)						1							1
1147	1												1
1148.1(d)(8)								1					1
1150.1(d)(1)(C)(i)										1	1		2
1150.1(d)(8)										1	1		2
1153.1	1												1
1153.1(c)(1)								1				1	2
1158(d)(2)												1	1
1173(d)(1)(B)								1					1
1179.1						1							1
1189(e)(1)						1							1
1196					1								1
1196(d)(1)							2					1	3
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
1703(a)(2)												1	1
2004(f)(1)	5		3	1	1	2	2	2	3	1		6	26
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

**Rules from which Variances and Orders for Abatement were Requested in 2022**

<b>Rules</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total Actions</b>
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		6	30
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 DECEMBER 31, 2022**

**REGULATION II – PERMITS**

Rule 202	Temporary Permit to Operate
Rule 203	Permit to Operate
Rule 218	Continuous Emission Monitoring
Rule 218.1	Continuous Emission Monitoring Performance Specifications

**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	Gasoline Transfer and Dispensing
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 <sub>x</sub> 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 <sub>x</sub> Reductions from Miscellaneous Sources
Rule 1148.1	Oil & Gas Production Wells
Rule 1150.1	Control of Gaseous Emissions from Municipal Solid Waste Landfills
Rule 1158	Storage, Handling, and Transport of Coke, Coal and Sulfur
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 XVII - PREVENTION OF SIGNIFICANT DETERIORATION (PSD)**

- Rule 1703 PSD Analysis

**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