

BOARD MEETING DATE: March 3, 2023

AGENDA NO. 9

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of January 1 through January 31, 2023.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

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Two summaries are attached: **January 2023 Hearing Board Cases, and Rules From Which Variances and Orders for Abatement Were Requested in 2023**. An index of South Coast AQMD Rules is also attached.

There were no appeals filed during the period of January 1 to January 31, 2023.

Report of January 2023 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. Eagle Rock Aggregates, Inc. Case No. 6233-1 (K. Manwaring)	203(b)	Petitioner's compliant Tier 2 Engine ship enroute from BC, CANADA to LA Port was unforeseeably damaged and disabled. Essential government projects will cease if another ship can't be found.	Not Opposed/Granted	Ex Parte Emergency granted commencing 1/16/23 and continuing for 30 days or until the SV currently scheduled for 1/26/23, whichever comes first.	VOC: TBD by 1/26/23
2. Eagle Rock Aggregates, Inc. Case No. 6233-1 (S. Hanizavareh)	203(b)	If terminal can't receive ship-based aggregate, facility can't process essential government infrastructure projects. Only a non-compliant Tier 1 Engine ship is available to continue aggregate delivery.	Not Opposed/Granted	SV granted commencing 1/26/23 and continuing through 4/11/23.	VOC: TBD by 3/30/23
3. The Kroger Company (Ralphs) Case No. 6166-2 (K. Manwaring)	1100(e)(2)(A) 1146(c)(1)(J)	Boilers could not meet 01/01/23 Rule 1146 deadline. Plus, load was greatly reduced regarding size of boilers. However, petitioner knew this in early 2022 and did not exhibit due diligence.	Opposed/Dismissed	IV dismissed without prejudice for lack of due diligence.	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
4. South Coast AQMD vs. Los Angeles City Sanitation Bureau, Hyperion Treatment Plant Case No. 1212-40 (E. Chavez, R. Mansell, and M. Reichert)	402	Respondent cannot contain sewage odors, nor conduct operations at Wastewater treatment plant without being in violation of Rule 402. Over 1100 complaints. Proposed compromise presented.	Stipulated/Modified	Mod. O/A issued commencing 1/25/23 and continuing through 9/6/23. The Hearing Board shall retain jurisdiction over this matter until 9/6/23.	N/A
5. South Coast AQMD vs. Southern California Edison, Pebbly Beach Generating Station Case No. 1262-115 (M. Reichert)	1470(c)(4)(A)	Unit 15's PM Emission limit inadvertently omitted, yet still unable to meet Rule 1470. Stipulated O/A with proposed conditions for achieving compliance as soon as practicable.	Stipulated/Modified	Mod. O/A issued commencing 1/24/23 and continuing through 1/4/24. The Hearing Board shall retain jurisdiction over this matter until 1/4/24.	N/A

Acronyms

- EV: Emergency Variance
- IV: Interim Variance
- Mod: Modification
- N/A: Not Applicable
- O/A: Order for Abatement
- PM: Particulate Matter
- SV: Short Variance
- TBD: To Be Determined
- VOC: Volatile Organic Compound

Rules from which Variances and Orders for Abatement were Requested in 2023

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
203(b)	2												2
402	1												1
1100(e)(2)(A)	1												1
1146(c)(1)(J)	1												1
1470(c)(4)(A)	1												1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
2023 HEARING BOARD CASES AS OF JANUARY 31, 2023**

REGULATION II – PERMITS

Rule 203 Permit to Operate

REGULATION IV – PROHIBITIONS

Rule 402 Nuisance

REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

Rule 1100 Implementation Schedule for NO_x Facilities

Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators,
and Process Heaters

REGULATION XIV - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines