

BOARD MEETING DATE: May 5, 2023

AGENDA NO. 11

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of February 1 through March 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: **February 2023 Hearing Board Cases, March 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 February 1 to March 31, 2023.

Report of February 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. Ameresco Chiquita Energy LLC Case No. 6143-2 (K. Roberts)	203(b) 431.1(c)(2) 3002(c)(1)	Due to high sulfur landfill content, beyond rule limits. Petitioner had to shut down their plants. Variance needed for repairs.	Not Opposed/Granted	IV granted commencing 2/15/23 and continuing for 90 days or until the RV hearing scheduled for 5/3/23, whichever comes first.	SOx: 80.24 lbs/day
2. Chiquita Canyon Landfill, LLC Case No. 6177-3 (K. Roberts)	203(b) 431.1(c)(2) 3002(c)(1)	An unforeseen and sudden increase in sulfur concentration exceeding 150 ppmv in LFG needed Ex Parte/EV to find root cause analysis of unforeseen accident.	Not Opposed/Granted	Ex Parte EV granted commencing 2/8/23 and continuing for 30 days or until the IV hearing scheduled for 2/15/23, whichever comes first.	SOx: TBD
3. Chiquita Canyon Landfill, LLC Case No. 6177-3 (K. Roberts)	203(b) 431.1(c)(2) 3002(c)(1)	Sub-contractors shut down its plant due to elevated DiMethyl Sulfide detected in the LFG. Flares exceeded permitted limits	Not Opposed/Granted	IV granted commencing 2/15/23 and continuing for 90 days or until the RV hearing scheduled for 5/3/23, whichever comes first.	SOx: 230 lbs./day
4. Kroger Company (Ralphs) Case No. 6166-4 (K. Manwaring)	203(b) 1100(e)(2)(A) 1146(c)(1)(J) 2004(f)(1) 2012(d)(2)	Respondents request to change size for steam boilers for Waste-To- Energy digester, sanitation, cafeteria, and restrooms	Stipulated/Issued	O/A granted commencing 2/22/23 and continuing through 10/31/23. The Hearing Board shall retain jurisdiction over this matter until 10/31/23.	N/A
5. Tesoro Refining and Marketing Company, LLC Case No. 4982-132 (E. Chavez)	203(b) 463(c)(2)(B) 1178(d)(3)(D) 2004(f)(1) 3002(c)(1)	Unanticipated significant damage in several sections of a primary Tank seal, discovered during a regular inspection.	Not Opposed/Granted	EX Parte EV granted commencing 2/21/23 and continuing through 2/23/23, the FCD.	VOC: TBD due by 3/8/23

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. The Kroger Company (Ralphs) Case No. 6166-2 (K. Manwaring)	1100(e)(2)(A) 1146(c)(1)(J)	Boilers were unable to meet rules by compliance deadline. Several attempts to expedite process have occurred. Lack of due diligence continues.	Opposed/Denied	RV denied for lack of beyond reasonable control of Petitioner.	N/A
7. The Kroger Company (Ralphs) Case No. 6166-3 (K. Manwaring)	203(b) 1110.2, Table VI 2004(f)(1)	Calibration gasses were incomplete to conduct source test, EPA protocol gas delivery delayed. Source test can't be conducted.	Opposed/Granted	SV granted commencing 2/7/23 and continuing through 5/6/23.	NOx: TBD due by 5/6/23
8. Torrance Refining Company LLC Case No. 6060-17 (M. Reichert)	203(b) 2004(F)(1) 3002(c)(1)	Need to conduct necessary repairs to section of piping supplying anhydrous ammonia to SCR, but will require halt flow of ammonia resulting in violation of section 9.	Not Opposed/Granted	SV & AOC granted for a period of 3 days/72 hours in a window of time commencing 2/9/23 and 2/25/23.	NOx: 1170 lbs./Total

Acronyms

AOC: Alternative Operating Conditions
CEMS: Continuous Emissions Monitoring System
CO: Carbon Monoxide
EPA: Environmental Protection Agency
EV: Emergency Variance
FCD: Final Compliance Date
IV: Interim Variance
LFG: Landfill Gas
Mod. O/A: Modification Order for Abatement
N/A: Not Applicable
NOV: Notice of Violation
NOx: Oxides of Nitrogen
PM: Particulate Matter
ppmv: Parts per million by volume
RV: Regular Variance
SCR: Selective Catalytic Reduction
SOx: Oxides of Sulfur
SV: Short Variance

TBD: To be determined
VOC: Volatile Organic Compounds

Report of March 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. 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 seeking a modification of one variance condition (#3) related to source testing.	Not Opposed/Granted	Mod. Variance Condition No. 3 of Minute Order dated 12/7/22 only, all other condition remain in effect.	NOx: 23.76 lbs./day
2. Cargill, Incorporated Case No. 6232-1 (Consent Calendar)	203(b) 1100(e)(2)(B) 1100(e)(3)(A) 1146(c)(1)(I) 1146(e)(1) 2004(f)(1)	New boiler D18, was to be operational by 03/31/23. City of Fullerton delayed required building permits and site approval. New boiler could not be operational by compliance deadline date.	Not Opposed/Granted	RV granted commencing 3/30/23 and continuing through 6/30/23, the FCD.	NOx: 3.14 lbs./day
3. County of Los Angeles – Internal Services Department Case No. 6127-6 (J. Lee)	203(b)	State of Emergency. Unforeseen weather events caused power outage and delayed repairs. Petitioner was forced to utilize their ICE generator beyond the 200-hour annual limit.	Not Opposed/Granted	RV granted commencing 3/29/23 and continuing through 12/31/23, the FCD.	RHC: 0.030 lb./hr. NOx: 2.84 lb./hr. SOx: 0.083 lb./hr. CO: 0.072 lb./hr. PM 0.035 lb./hr.
4. County of San Bernardino – Fleet Management Case No. 6070-9 (S. Pruitt)	203(b)	State of Emergency. Unforeseen weather events caused power outage and delayed repairs. Petitioner was forced to utilize their ICE generator beyond the 200-hour annual limit.	Not Opposed/Granted	Ex Parte EV granted commencing 3/3/23 and continuing for 30 days, or until the IV hearing currently scheduled for 3/29/23, whichever comes first.	CO: 0.19 lb./hr. NOx: 0.51 lb./hr. PM10: 0.03 lb./hr. RHC: 0.03 lb./hr. SOx: 0.001 lb./hr.

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
5. County of San Bernardino – Fleet Management Case No. 6070-10 (S. Pruitt)	203(b)	State of Emergency. Unforeseen weather events caused power outage and delayed repairs. Petitioner was forced to utilize their ICE generator beyond the 200-hour annual limit.	Not Opposed/Granted	Ex Parte EV granted commencing 3/3/23 and continuing for 30 days, or until the IV hearing currently scheduled for 3/29/23, whichever comes first.	To be determined
6. County of San Bernardino – Fleet Management Case No. 6070-9 (J. Lee)	203(b)	State of Emergency. Unforeseen weather events caused power outage and delayed repairs. Petitioner was forced to utilize their ICE generator beyond the 200-hour annual limit.	Not Opposed/Granted	IV granted commencing 3/29/23, for 90 days or until the RV hearing currently scheduled for 5/18/23, whichever comes first.	CO: 0.19 lb./hr. NOx: 0.51 lb./hr. PM10: 0.03 lb./hr. RHC: 0.03 lb./hr. SOx: 0.001 lb./hr.
7. County of San Bernardino – Fleet Management Case No. 6070-10 (J. Lee)	203(b)	State of Emergency. Unforeseen weather events caused power outage and delayed repairs. Petitioner was forced to utilize their ICE generator beyond the 200-hour annual limit.	Not Opposed/Granted	IV granted commencing 3/29/23, for 90 days or until the RV hearing currently scheduled for 5/18/23, whichever comes first.	To be determined.
8. Darling Ingredients Inc. Case No. 4061-14 (K. Manwaring)	203(b)	Regenerative Thermal Oxidizer broke-down unexpectedly, during a 24-hr process run. Additional time & resources needed to complete required repairs to come into compliance.	Not Opposed/Granted	Ex Parte EV granted commencing 3/17/23 and continuing for 30 days, or until 4/16/23, whichever comes first.	VOC: 1.875 lbs./day

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
9. Estrella Media, Inc. Case No. 6235-1 (J. Jones)	203(b)	Unforeseen high winds caused power outage. Unknown date for repairs. Petitioner was forced to utilize their ICE generator beyond the 200-hour annual limit.	Not Opposed/Granted	Ex Parte EV granted commencing 3/24/23 and continuing for 30 days, or until the IV hearing currently scheduled for 4/13/23, whichever comes first	To be determined
10. LARICS MML LMR Case No. 6234-1 (K. Roberts)	203(b)	State of Emergency. Unforeseen severe-weather events caused power outage and delayed repairs. Petitioner forced to use ICE generator beyond 200-hour annual limit.	Not Opposed/Granted	Ex Parte EV granted commencing 3/7/23 and continuing for 30 days, or until the IV hearing currently scheduled for 3/30/23, whichever comes first.	NOx: 26.64 lbs./day CO: 2.65 lbs./day
11. LARICS MML LMR Case No. 6234-1 (K. Roberts)	203(b)	State of Emergency. Unforeseen severe-weather events caused power outage and delayed repairs. Petitioner was forced to use ICE generator beyond 200-hour annual limit.	Not Opposed/Granted	IV granted commencing 3/30/23 for 90 days, or until the RV hearing currently scheduled for 5/25/23, whichever comes first.	NOx: 26.64 lbs./day CO: 2.65 lbs./day
12. Los Angeles Department of Water and Power Case No. 1263-77 (Consent Calendar)	203(b) 218(b)(2) 218.1(b)(4)(c) 2004(f)(1) 3002(c)(1)	Unit 14 supercore had a catastrophic failure. CO RATA and Ammonia slip source tests can't be performed by compliance deadline dates.	Not Opposed/Granted	RV granted commencing 3/31/23 and continuing through 3/31/24, the 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
13. South Coast AQMD vs. Los Angeles City, Sanitation Bureau, Hyperion Treatment Plant Case No. 1212-39 (Consent Calendar)	3002(c)(1)	Time needed for new Counsel for Respondent to come up to speed on case as well as extending Hearing Board jurisdiction for potential modification of stipulated O/A.	Stipulated/Modified	Mod. O/A modified commencing 2/23/23 and continued to 5/11/23. The Hearing Board shall retain jurisdiction over this matter until 3/24/24.	N/A
14. Verizon Wireless Case No. 6139-4 (S. Pruitt)	203(b)	State of Emergency. Unforeseen severe-weather events caused power outage and delayed repairs by Southern California Edison. Petitioner was forced to use ICE generator beyond 200-hour annual limit.	Not Opposed/Granted	Ex Parte EV granted commencing 3/3/23 and continuing for 30 days, or until the IV hearing currently scheduled for 3/9/23, whichever comes first.	NOx: 1.5 g/hp-hr. CO: 2.0 g/hp-hr. VOC: 1.5 g/hp-hr.
15. Verizon Wireless -San Sevaine Case No. 6139-5 (D. Hsu)	203(b)	State of Emergency. Unforeseen severe weather caused power outage & delayed repairs. Petitioner was forced to utilize ICE generator beyond 200-hour annual limit.	Not Opposed/Granted	Ex Parte EV granted commencing 3/21/23 and continuing for 30 days, or until the IV hearing currently scheduled for 4/11/23, whichever comes first.	NOx: 10.47 lbs./day CO: 13.96 lbs./day VOC: 10.47 lbs./day
16. Verizon Wireless -Magic Mountain Peak Case No. 6063-2 (D. Hsu)	203(b)	State of Emergency. Unforeseen severe weather caused several power outages & delayed repairs. Petitioner was forced to utilize ICE generator beyond 200-hour annual limit.	Not Opposed/Granted	Ex Parte EV granted commencing 3/21/23 and continuing for 30 days, or until the IV hearing currently scheduled for 4/11/23, whichever comes first.	NOx: 25.68 lbs./day CO: 5.76 lbs./day VOC: 2.4 lbs./day

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
17. Verizon Wireless Case No. 6139-4 (S. Hanizavareh)	203(b)	State of Emergency. Unforeseen severe- weather events caused power outage & repairs delayed. Petitioner was forced to use ICE generator beyond 200- hour annual limit.	Not Opposed/Granted	IV granted commencing 3/9/23 and continuing for 90 days, or until the RV hearing currently scheduled for 5/25/23, whichever comes first.	NOx: 1.5 g/hp-hr CO: 2.0 g/hp-hr VOC: 1.5 g/hp-hr

Acronyms

CO: Carbon Monoxide
EV: Emergency Variance
g/hp-hr: grams per horsepower hour
ICE: Internal Combustion Engine
IV: Interim Variance
Mod: Modification
N/A: Not Applicable
NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM: Particulate Matter
RATA: Relative Accuracy Test Audit
RHC: Reactive HydroCarbons
RV: Regular Variance
SOx: Oxides of Sulfur
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	7	16										25
218(b)(2)			1										1
218.1(b)(4)©			1										1
402	1												1
431.1(c)(2)		3											3
463(c)(2)(B)		1											1
1100(e)(2)(A)	1	2											3
1100(e)(2)(B)			2										2
1100(e)(3)(A)			1										1
1110.2		1											1
1146(c)(1)			1										1
1146(c)(1)(I)			1										1
1146(c)(1)(J)	1	2											3
1146(e)(1)			2										2
1178(d)(3)(D)		1											1
1470(c)(4)(A)	1												1
2004(f)(1)		4	3										7
2012(d)(2)		1											1
3002(c)(1)		5	3										8

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

REGULATION II – PERMITS

- 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 431.1 Sulfur Content of Gaseous Fuels
- Rule 463 Organic Liquid Storage

REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

- Rule 1100 Implementation Schedule for NO_x Facilities
- Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Engines
- Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters
- Rule 1178 Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities

REGULATION XIV - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

- 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 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions

REGULATION XXX – TITLE V PERMITS

- Rule 3002 Requirements