

BOARD MEETING DATE: December 1, 2023

AGENDA NO. 11

REPORT: Hearing Board Report

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

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

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Attached are the following two summaries: **October 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 October 1 to October 31, 2023.

Report of October 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. County of San Bernardino – Fleet Management Case No. 6070-11 (K. Manwaring)	203(b)	This public entity was forced to use their emergency ICE, which is currently at 147.7 hours of the 200 annual permitted hours, due to a SCE outage that occurred beyond Petitioner’s reasonable control.	Not Opposed/Granted	Ex Parte EV granted commencing 10/27/23 and continuing until the SV hearing scheduled for 11/16/23, or until final compliance is reached, or whichever comes first.	TBD
2. Juanita’s Foods Case No. 6243-1 (K. Roberts)	203(b)	A new permit was requested to increase monthly throughput, which resulted in increased emissions and the need for control equipment under BACT requirements.	Opposed/Granted	RV granted commencing 10/31/23 and continuing through 12/31/23, the FCD.	PM: 0.99 lb/day
3. LARICS CCT LMR Case No. 6234-2 (Consent Calendar)	203(b)	Malfunctioning auto transfer switch triggered the emergency ICE, due to low voltage caused by dead leg of the 3-phase service.	Not Opposed/Granted	RV granted commencing 10/19/23 and continuing through 12/31/23, the FCD.	NOx: 2.6200 g/bhp-hr CO: 0.2900 g/bhp-hr PM: 0.1100 g/bhp-hr PM10: 0.1056 g/bhp-hr ROG: 0.2900 g/bhp-hr SOx: 0.0049 g/bhp-hr
4. LARICS MDI LMR Case No. 6234-3 (Consent Calendar)	203(b)	Due to severe weather multiple (5) SCE power outages caused the emergency ICE to operate for 196 hours of their 200-annual allotted hours per year.	Not Opposed/Granted	RV granted commencing 10/19/23 and continuing through 12/31/23, the FCD.	NOx: 2.68 g/bhp-hr CO: 0.66 g/bhp-hr PM: 0.10 g/bhp-hr ROG: 0.11 g/bhp-hr SOx: 0.0047 g/bhp-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. Orange Carwash Inc. Case No. 6246-1 (J. Jones)	203(b) 461(e)(6)(C)	Petitioner failed the Method Test 6 pressure test, due to the vent line for the subterranean storage tanks.	Not Opposed/Granted	Ex Parte EV granted commencing 10/20/23 and continuing for 30 days, through 11/19/23, whichever comes first.	VOC: TBD
6. Shadow Wolf Energy, LLC Case No. 6244-1 (K. Manwaring)	203(b) 218.1 2004(f)(1) 2012(c)(2)(B) 3002(c)(1)	Petitioner failed to perform a RATA by the 9/30/23 deadline.	Not Opposed/Granted	IV period is granted for a total of 90 days, commencing 10/11/23, or until the RV hearing scheduled for 11/16/23, whichever comes first.	None

Acronyms

BACT: Best Available Control Technology
CO: Carbon Monoxide
EV: Emergency Variance
ICE: Internal Combustion Engine
FCD: Final Compliance Date
IV: Interim Variance
NOx: Oxides of Nitrogen
PM: Particulate Matter
PM10: Particulate Matter ≤ 10 microns
RATA: Relative Accuracy Test Audit
ROG: Reactive Organic Gases
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
202(a)								1					1
202(c)								1					1
203(b)	2	7	16	4	7	9	4	9	6	5			69
204									1				1
218(b)(2)			1			2							3
218.1										1			1
218.1(b)(4)(C)			1			2							3
401(b)(1)								2					2
402	1					1	1		1				4
407(a)								1					1
415(f)				1									1
415(g)				1									1
431.1(c)(2)					3								3
431.1(f)(1)(A)					2								2
461(e)(2)(A)(i)				1									1
461(e)(6)(C)										1			1
463(c)									1				1
463(c)(2)(B)		1											1
464(b)(1)(A)					1								1
464(b)(2)					1								1
464(b)(3)					1								1
1100									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				2
1128							1						1
1146									1				1
1146(c)(1)			1				1						2
1146(c)(1)(I)			1										1
1146(c)(1)(J)	1	2											3
1146(e)(1)			2				1						3
1147							1						1
1148.1(d)(8)									1				1

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
1150.1						1		1					2
1173(d)(1)(B)									1				1
1176(e)(1)					1								1
1176(e)(2)					1								1
1178(d)(3)(D)		1											1
1196					1								1
1196(d)									1				1
1196(d)(1)						1	1	1					3
1196(e)									1				1
1196(f)(8)(a)								1					1
1196(f)(10)								1					1
1303(a)(1)									1				1
1303(b)(1)						1		1					2
1302(b)(2)						1		1	1				3
1430(h)(14)								2					2
1470(c)(2)(C)(i)								1					1
1470(c)(4)A)	1						1						2
2004									1				1
2004(b)								1					1
2004(f)(1)		4	3	1	1	2	1	6	2	1			21
2005								1					1
2006								1					1
2012									1				1
2012(c)(2)(B)										1			1
2012(d)(1)(a)(ii)								1					1
2012(d)(2)		1											1
3002(c)(1)		5	3	1	4	5	1	6	2	1			28
CA H&S Code 41700							1		1				2
CA H&S Code 41701								2					2

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

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 401 Visible Emissions
- Rule 402 Nuisance
- Rule 407 Liquid and Gaseous Air Contaminants
- Rule 415 Odors from Rendering Facilities
- Rule 431.1 Sulfur Content of Gaseous Fuels
- Rule 461 Gasoline Transfer and Dispensing
- Rule 463 Organic Liquid Storage
- Rule 464 Wastewater Separators

REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

- Rule 1100 Implementation Schedule for NOx Facilities
- Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Engines
- Rule 1128 Paper, Fabric, and Film Coating Operations
- 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 1150.1 Control of Gaseous Emissions from Municipal Solid Waste Landfills
- Rule 1176 VOC Emissions from Wastewater Systems
- Rule 1178 Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities
- Rule 1196 Clean On-Road Heavy-Duty Public Fleet Vehicles

REGULATION XIII – NEW SOURCE REVIEW

Rule 1303 Requirements

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 2005 New Source Review for RECLAIM

Rule 2006 Permits

Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NOx) Emissions

REGULATION XXX – TITLE V PERMITS

3002 – Requirements

CALIFORNIA HEALTH AND SAFETY CODE

§41700 Prohibited Discharges

§41701 Restricted Discharges