

BOARD MEETING DATE: March 1, 2024

AGENDA NO. 8

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 2023 and January 1, 2024 through January 31, 2024.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:  
Receive and file.

Cynthia Verdugo-Peralta  
Hearing Board Chair

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Attached are the following summaries: **December 2023 and January 2024 Hearing Board Cases, and Rules From Which Variances and Orders for Abatement Were Requested in 2023 and as of January 2024.** The applicable South Coast AQMD Rules for 2023 and 2024 are also attached.

There were no appeals filed during the period of December 1, 2023 to January 31, 2024.

## Report of December 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. B. Braun Medical, Inc. Case No. 4780-5 (Consent Calendar)	203(b) 1134 2004(f)(1) 3002(c)(1)	Turbines 1 and 2 do not meet Rule 1134's 2 ppm NOx limitation, due by 01/01/24. Delivery and installation won't be completed until 10/24.	Not Opposed/Granted	RV granted commencing 1/1/24 and continuing through 10/31/24.	NOx: 10 lbs./day
2. Beta Offshore operating, LLC Case No. 5855-7 (J. Lee)	203(b) 1100(d)(1)(B) 1110.2(d) 1110.2(e)(2), 1110.2(e)(4), 1110.2(e)(10) 1110.2(f)(1)(C) 1110.1(f)(1)(D) 1134(d)(3) 1134(e)(2) 1134(e)(3) 2004(f)(1) 2012 3002(c)(1)	Two large container ships dragged their anchors in a "no-anchor zone" damaging a 4K' section of pipeline and displacing it over 105', which went unreported and caused an 18-month shutdown. If reported, repairs could have been made avoiding millions in cost to investigate and repair all damages. All their resources were utilized to restart operations and their Compliance Project with the District. The rupture was not caused by Beta and was beyond their control.	Not Opposed/Granted	RV granted commencing 12/31/23 and continuing through 11/16/24.	NOx: 1964 lbs./day
3. Bristol Industries Case No. 5017-2 (R. Mansell)	203(b) 1124(c)(1) 1124(c)(4)	Time and repairs are needed to return the RTO to normal function after a malfunction/breakdown. All processes must be vented through the RTO and it is essential to operations	Not Opposed/Granted	IV granted commencing 12/14/23 for 90 days or until the RV hearing currently scheduled for 2/8/24, whichever comes first.	VOC: 42.75 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
4. Chevron Products Company Case No. 831-399 (K. Roberts)	203(b) 2004(f)(1) 3002(c)(1) (401(b)(1) H&S §41701	An unexpected and unforeseen incident impacted Refinery operations due to a power loss at an electrical substation of their hydrogen supplier, Air Liquide. Time is needed to restart the FCCU to achieve final compliance.	Not Opposed/Granted	Ex Parte EV commencing 12/29/23 and continuing through 12/31/23, or until final compliance, or whichever comes first.	Opacity 50%
5. Colton Power, L.P. Case No. 6167-3 (S. Pruitt)	203(b) 1134(e)(2)(C)(iii) 2004(f)(1) 3002(c)(1)	Boroscope inspections were conducted. Unit 4 results revealed conditions were severe enough to render the unit unsafe and will take 2 to 3 months to repair.	Not Opposed/Granted	SV granted commencing 1/1/24 and continuing through 3/30/24.	None
6. Colton Power, L.P. Case No. 6167-4 (M. Reichert)	203(b) 1134(e)(2)(C)(iii) 2004(f)(1) 3002(c)(1)	During remote access testing of the unit the turbine failed and tripped during several of the data collecting runs. The ammonia slip test could not be conducted by the deadline of 12/31/23.	Not Opposed/Granted	Ex Parte EV granted commencing 12/31/23 and continuing for 30 days or until the SV hearing scheduled for 1/11/24, whichever comes first.	None
7. Los Angeles Department of Water and Power, Scattergood Generating Station Case No. 1263-79 (Consent Calendar)	203(b) 2004(f)(1) 3002(c)(1)	Corrosion has reduced operating capacity to 80% and has become unreliable. Lowering the load has reduced pressure and thermal stress. Unit 2 failed 3 ammonia slip tests and has exhibited frequent tube ruptures.	Not Opposed/Granted	RV granted commencing 1/1/24 and continuing through 12/31/24.	None
8. Los Angeles Department of Water and Power, Haynes Generating Station Case No. 1263-80 (B. Tomasovic)	203(b) 2004(f)(1) 3002(c)(1)	Due to the age of this unit and constant failures, new parts need to be fabricated. However there have been constant delays with the delivery of said parts and more time is needed.	Not Opposed/Granted	IV granted commencing 1/1/24 and continuing for 90 days or until the RV hearing scheduled for 2/8/24, whichever comes first.	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
9. Shadow Wolf Energy Case No. 6244-2 (S. Pruitt)	203(b) 1134(d)(3) 2004(f)(1) 3002(c)(1)	Due to ownership conflicts the Catalyst P.O was not issued for approximately 8 months. Rule 1134 requires that the turbines meet the lower NOx limit by 12/31/23. The present catalyst cannot.	Not Opposed/Granted	IV granted for 90 days or until the RV hearing scheduled for 1/18/24.	NOx: 130 lbs./day
10. South Coast AQMD vs. Lekos Dye and Finishing, Inc. Case No. 6237-2 (Consent Calendar)	203(b) 2004(b) 2004(f)(1) 2005 2006	Due to RECLAIM requirements the present owner cannot afford to keep the business open. Petitioner was ordered to cease and desist all operations that violate Rule 203(b) or Reg XX.	Stipulated/Issued	Mod. O/A issued commencing 12/28/23 and continuing through 2/15/24. The Hearing Board shall retain jurisdiction over this matter until 2/28/24.	N/A
11. Torrance Refining Company Case No. 6060-20 (M. Reichert)	203(b) 1105.1(e)(2)(A) 1105.1(e)(2)(E) 2004(f)(1) 3002(c)(1)	Need for extension of Rule 1105.1, due to the unexpected breakdown of Compressor 8K-1 Turbine. Source testing cannot be conducted and will be required to shut down.	Not Opposed/Granted	EX Parte EV & AOC granted commencing 12/19/23 and continuing for 30 days or until the SV & AOC hearing currently scheduled for 1/11/24, whichever comes first.	None
12. Ultramar Inc., dba Valero Wilmington Refinery Case No. 3845-108 (E. Chavez)	202(a) 203(b) 401(b)(1) 407(a) 2004(f)(1) 3002(c)(1) H&S 41701	Compliance is not possible due to the unforeseeable leak in the waste heat boiler, which will require the shutdown of the FCCU so that repairs can be made.	Not Opposed/Granted	Ex Parte EV & AOC granted commencing 12/8/23 and continuing through 12/19/23, at which time an EV hearing will be held, or final compliance is achieved, whichever occurs first.	None
13. University of California, Los Angeles Case No. 5708-3 (Consent Calendar)	203(b) 1134(d)(3) 3002(c)(1)	More time is needed in order to allow the two gas turbines, which are fundamental components of the two co-generation systems serving the campus beyond 01/01/24.	Not Opposed/Granted	RV granted commencing 1/1/24 and continuing through 12/31/24.	NOx: 145 lbs./day

## Acronyms

AOC: Alternative Operating Condition  
AQMD: Air Quality Management District  
CO: Carbon Monoxide  
EV: Emergency Variance  
FCCU: Fluid Catalytic Cracking Unit  
FCD: Final Compliance Date  
IV: Interim Variance  
Mod.: Modification  
N/A: Not Applicable  
NOx: Oxides of Nitrogen  
O/A: Order for Abatement  
P.O. : Purchase Order  
RTO : Regenerative Thermal Oxidizer  
RV: Regular Variance  
SV: Short Variance  
VOC: Volatile Organic Compounds

## Report of January 2024 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. AES Alamos, LLC Case No. 5278-3 (L. Manwaring)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner will be out of compliance based on a temporary exceedance of the allowable monthly average Differential Pressure limit required by the facility's Title V permit conditions.	Not Opposed/Granted	IV granted commencing 1/30/24, for a period of 90 days, or until the SV hearing scheduled for 2/21/24, whichever comes first.	None
2. City of Pasadena, Water and Power Department Case No. 2244-36 (M. Reichert)	203(b) 2004(f)(1) 3002(c)(1)	Due to high oil consumption, a visible external oil leak and high oil temperature on scavenge oil turbine sump D and E during start-up, caused tripping of the variable bleed valve system after being on only a few hours.	Not Opposed/Granted	IV granted commencing 1/25/24, for a period of 90 days, or until the RV hearing scheduled for 2/29/24, whichever comes first.	None
3. Colton Power, LP Case No. 6167-4 (Consent Calendar)	203(b) 1134(e)(2)(C) 2004(f)(1) 3002(c)(1)	Timing for receiving the SCR permit to construct does not allow the new SCR to be installed and tested by the deadline of March 2024, as was anticipated.	Not Opposed/Granted	SV granted commencing 12/31/23, and continuing through 3/29/24.	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. Orange County Waste and Recycling Case No. 5710-6 (Consent Calendar)	203(b) 1150.1(f)(2)(A) 3002(c)(1)	The landfill currently has 5 operational flares. The original operational issue was the automatic restart, which was improperly configured, causing the flare to restart when there was not sufficient gas flow. Time to correct is needed.	Not Opposed/Granted	SV granted commencing 1/30/24, and continuing through 4/29/24.	None
5. Shadow Wolf Energy, LLC Case No. 6244-2 (Consent Calendar)	203(b) 1134(d)(3) 2004(f)(1) 3002(c)(1)	Petitioner failed to demonstrate compliance with Rule 1134 on and after 01/01/24. Upgrading the catalyst and performing a source test is needed.	Not Opposed/Granted	RV granted commencing 1/25/24, and continuing through 9/1/24, the FCD.	NOx: 130 lbs./day
6. South Coast AQMD vs. Chiquita Canyon LLC Case No. 6177-4 (K. Roberts, M. Reichert, and R. Mansell)	203(b) 402 431.1(c)(2) 3002(c)(1) H&S 41700	Numerous nuisance complaints from the public require twice daily odor surveillance until a trained 3 <sup>rd</sup> party is contracted.	Stipulated/Modified	Mod O/A issued commencing 1/17/24 and continuing through 9/6/24. The Hearing Board shall retain jurisdiction over this matter until 9/6/24.	N/A
7. South Coast AQMD vs. Los Angeles City Sanitation Bureau, Hyperion Treatment Plant Case No. 1212-40 (E. Chavez, and M. Reichert)	402	Numerous nuisance complaints from the public has resulted in a cease and desist order. A complaint response system needs to be set up, as well as a 24 hour hotline w/a live operator.	Stipulated/Modified	Mod. O/A issued commencing 1/24/24 and continuing through 8/30/24. The Hearing Board shall retain jurisdiction over this matter until 8/30/24.	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
8. South Coast AQMD vs. Southern California Edison, Pebble Beach Generating Station Case No. 1262-115 (Consent Calendar)	1470(c)(4)(A)	Respondent is ordered to cease and desist from violating Rule 1470 by submitting data for the past 5 years regarding daily temp impacts on maximum propane storage tank; and also fill and maintenance requirements.	Stipulated/Modified	Mod. O/A issued commencing 1/25/24 and continuing through 3/31/26. The Hearing Board shall retain jurisdiction over this matter until 3/31/26.	N/A
9. Torrance Refining Company, LLC Case No. 6060-20 (Consent Calendar)	203(b) 1105.1(e)(2)(A) 1105.1(e)(2)(E) 2004(f)(1) 3002(c)(1)	Petitioner seeks to modify variance condition No. 1, to meet Rule 1105 source test requirement, as soon as 8K-1 Compressor is repaired and to allow time for source test, as source test company is unavailable to perform source test until end of April 2024.	Not Opposed/Granted	SV & AOC commenced with the granting of the Ex Parte EV on 12/19/23, continuing for 90 days, or through 3/18/24.	None

**Acronyms**

- AOC: Alternative Operating Condition(s)
- EV: Emergency Variance
- FCD: Final Compliance Date
- IV: Interim Variance
- Mod: Modification
- N/A: Not Applicable
- NOx: Oxides of Nitrogen
- O/A: Order for Abatement
- RV: Regular Variance
- SCR: Selective Catalytic Reduction
- SV: Short Variance



**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	1	3
202(c)								1					1
203(b)	2	7	16	4	7	9	4	9	6	5	5	13	87
204									1				1
218(b)(2)			1			2							3
218.1										1	1		2
218.1(b)(4)(C)			1			2							3
401(b)(1)								2				2	4
402	1					1	1		1				4
407(a)								1				1	2
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(d)(1)(B)												1	1
1100(e)(2)(A)	1	2											3
1100(e)(2)(B)			2										2
1100(e)(3)(A)			1										1
1105.1(e)(2)(A)												1	1
1105.1(e)(2)(E)												1	1
1110.2		1							1				2
1110.2(e)(2)												1	1
1110.2(e)(4)												1	1
1110.2(e)(10)												1	1
1110.2(f)(1)(C)												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
1110.2(f)(1)(D)												1	1
1124(c)(1)												1	1
1124(c)(4)												1	1
1134												1	1
1134(d)(3)												3	3
1134(e)(2)												1	1
1134(e)(3)												1	1
1134(e)(2)(C)(iii)												2	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
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	2
2004(f)(1)		4	3	1	1	2	1	6	2	1	3	11	35
2005								1				1	2
2006								1				1	2
2011											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
2012									1		1	1	3
2012(c)(2)(B)										1	1		2
2012(d)(1)(a)(ii)								1					1
2012(d)(2)		1											1
3002(c)(1)		5	3	1	4	5	1	6	2	1	3	11	42
CA H&S Code 41700							1		1				2
CA H&S Code 41701								2				2	4

**Rules from which Variances and Orders for Abatement were Requested in 2024**

<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>
203(b)	7												7
402	2												2
431.1(c)(2)	1												1
1105.1(e)(2)(A)	1												1
1105.1(e)(2)(E)	1												1
1134(d)(3)	1												1
1134(e)(2)(C)	1												1
1150.1(f)(2)(A)	1												1
1470(c)(4)A)	1												1
2004(f)(1)	5												5
3002(c)(1)	7												7
CA H&S Code 41700	1												1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX  
FOR 2023 HEARING BOARD CASES AS OF DECEMBER 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 NO<sub>x</sub> Facilities
- Rule 1105.1 Reduction of PM<sub>10</sub> and Ammonia Emissions from Fluid Catalytic Cracking Units
- Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Engines
- Rule 1124 Aerospace Assembly and Component Manufacturing Operations
- Rule 1128 Paper, Fabric, and Film Coating Operations
- Rule 1134 Emissions of Oxides of Nitrogen from Stationary Gas Turbines
- Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters
- Rule 1147 NO<sub>x</sub> 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 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO<sub>x</sub>) Emissions

Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO<sub>x</sub>) Emissions

**REGULATION XXX – TITLE V PERMITS**

3002 – Requirements

**CALIFORNIA HEALTH AND SAFETY CODE**

§41700 Prohibited Discharges

§41701 Restricted Discharges

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX  
FOR 2024 HEARING BOARD CASES AS OF JANUARY 31, 2024**

**REGULATION II – PERMITS**

Rule 203      Permit to Operate

**REGULATION IV – PROHIBITIONS**

Rule 402      Nuisance

Rule 431.1    Sulfur Content of Gaseous Fuels

**REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS**

Rule 1105.1   Reduction of PM10 and Ammonia Emissions from Fluid Catalytic Cracking Units

Rule 1134     Emissions of Oxides of Nitrogen from Stationary Gas Turbines

Rule 1150.1   Control of Gaseous Emissions from Municipal Solid Waste Landfills

**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

**REGULATION XXX – TITLE V PERMITS**

3002 – Requirements

**CALIFORNIA HEALTH AND SAFETY CODE**

§41700 Prohibited Discharges