

BOARD MEETING DATE: February 7, 2020

AGENDA NO. 9

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 2019.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Julie Prussack
Chairman of Hearing Board

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Two summaries are attached: **December 2019 Hearing Board Cases and Rules From Which Variances and Orders for Abatement Were Requested in 2019**. An index of South Coast AQMD Rules is also attached.

The total number of appeals filed during the period December 1 to December 31, 2019 is 0; and total number of appeals filed during the period of January 1 to December 31, 2019 is 3.

Report of December 2019 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. Air Liquide Large Industries, U.S. LP Case No. 5705-9 (D. Hsu)	203(b) 2004(f)(1) 3002(c)(1)	Ammonia CEMS unexpectedly and suddenly failed.	Not Opposed/Granted	Ex Parte EV granted commencing 12/26/19 and continuing for 30 days or until 1/18/20, whichever comes first.	NOx: TBD by 1/11/20 NH3: TBD by 1/11/20
2. Berry Petroleum Company Case No. 5364-4 (D. Hsu)	203(b) 2004(f)(1) 2012 3002(c)(1)	Petitioner unable to conduct required annual RATA test on non- operational boiler.	Not Opposed/Dismissed	Ex Parte EV dismissed without prejudice for lack of good cause.	N/A
3. City of San Bernardino Municipal Water District Case No. 6124-1 (S. Hanizavareh)	N/A	Status Report	No Action	The Hearing Board received a status report detailing petitioner's progress with the conditions and increments of progress of the existing variance.	N/A
4. OC Waste & Recycling Case No. 6151-2 (K. Roberts)	203(b) 1303(b)(2) 3002(c)(1)	Petitioner sought to continue operating landfill gas collection and control system while remediating failed PM-10 source test from Flare #2.	Opposed/Dismissed	IV dismissed without prejudice.	N/A
5. S & C Oil Co Inc. and JP Resources Inc. Case No. 6165-1 (M. Reichert)	203(b) 463(c) 1148.1(d)(8) 1173(d)(1)(B)	Due to recent changes in fuel specifications, petitioner's gas which is transported and used by a third party is unable to be processed.	Not Opposed/No Action	No action was taken by the Board on the IV because the motion failed for lack of three concurring votes.	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
6. South Coast AQMD vs. John Esposito Porsche Case No. 6164-1 (K. Roberts)	203(a)	Respondent operating a paint spray booth without a valid permit to operate.	Not Stipulated/Issued	O/A issued commencing 12/19/19; the Hearing Board shall retain jurisdiction over this matter until 2/29/20.	N/A
7. South Coast AQMD vs. Lubeco Inc. Case No. 6089-2 (Consent Calendar; No Appearance)	1402(g)(2)(C) 1469(h)(4)(C)(i)	Respondent failed to implement and install all risk reduction measures required in its Early Action Reduction Plan.	Stipulated/Issued	O/A issued commencing 12/4/19 and continuing until compliance is achieved.	N/A
8. Southern California Edison Case No. 1262-112 (M. Reichert)	203(b) 3002(c)(1)	Petitioner is unable to complete repairs in time to conduct source test within required time frame.	Not Opposed/Granted	IV granted commencing 1/1/20 and continuing for 90 days or until the SV hearing currently scheduled for 1/14/20, whichever comes first.	None

Acronyms

CARB: California Air Resources Board
 CEMS: Continuous Emissions Monitoring System
 CO: Carbon Monoxide
 EV: Emergency Variance
 FCD: Final Compliance Date
 GDF: Gasoline Dispensing Facility
 H&S: Health and Safety Code
 ICE: Internal Combustion Engine
 IV: Interim Variance
 Mod. O/A: Modification Order for Abatement
 N/A: Not Applicable
 NH3: Ammonia
 NOx: Oxides of Nitrogen
 O/A: Order for Abatement
 P/C: Permit to Construct
 PM: Particulate Matter
 PM-10: Particulate Matter ≤ 10 microns
 PPM: Parts Per Million
 RATA: Relative Accuracy Test Audit
 RV: Regular Variance
 SV: Short Variance
 SOx: Oxides of Sulfur
 TBD: To Be Determined
 VOC: Volatile Organic Compounds

Rules from which Variances and Orders for Abatement were Requested in 2019														
	2019	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
109(c)(1)								1						1
201			1											1
202(a)											1			1
202(c)			1					1						2
203(a)			1		1		1	1		1			1	6
203(b)		1	3	6	5	7	2	2	2	3	13	9	5	58
401(b)											1			1
401(b)(1)											2	1		3
401(b)(1)(B)									1					1
405(a)											1			1
407								1						1
407(a)												1		1
415(d)(1)(B)(ii)							1				1			2
415(d)(1)(C)(ii)							1				1			2
415(e)(1)							1				1			2
415(e)(5)							1				1			2
415(e)(6)							1				1			2
461(c)(1)(A)			2					1						3
461(c)(2)(A)			2											2
461(c)(3)(P)			2											2
461(e)(5)							1	1						2
463(c)											1	1	1	3
463(c)(2)						2	1							3
463(c)(3)											2			2
463(e)(4)						2	1							3
463(f)(1)(C)						2	1							3
1110.2(d)(1)(F)									1					1
1110.2(d)(1)(L)				1										1
1110.2(h)									1					1
1110.2(i)(1)(B)											2			2
1110.2(i)(1)(J)				1										1
1111											5	2		7
1111(c)(4)										1				1
1146(c)(5)											1			1
1147			1											1
1147(c)(1)					1									1
1148.1(d)(8)											3	1	1	5
1150.1(d)(1)(C)(i)								1						1
1150.1(d)(8)											2			2
1150.1(d)(10)											2			2
1150.1(d)(11)											2			2
1150.1(d)(12)											2			2
1150.1(d)(14)											3	2		5
1150.1(d)(16)												2		2
1150.1(d)(20)											2			2
1150.1(e)(1)											3	2		5
1150.1(e)(2)											1	2		3
1150.1(e)(2)(B)											2			2
1150.1(e)(2)(C)											2			2
1150.1(e)(3)											1	2		3
1150.1(e)(3)(B)											2			2

Rules from which Variances and Orders for Abatement were Requested in 2019

	2019	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1150.1(e)(3)(C)											2			2
1150.1(e)(4)											3	2		5
1150.1(e)(4)(A)											2			2
1150.1(e)(4)(B)											2			2
1150.1(e)(7)											3	2		5
1150.1(e)(7)(C)											2			2
1150.1(f)(1)(A)											1	2		3
1150.1(f)(1)(A)(iii)(I)											2			2
1150.1(f)(1)(B)											3	2		5
1150.1(f)(1)(C)											1	2		3
1150.1(f)(1)(E)											1	2		3
1150.1(f)(1)(G)											1	2		3
1150.1(f)(1)(L)											3	2		5
1150.1(f)(2)(A)								1						1
1158(d)(2)						2	1							3
1173(d)(1)(B)											1	1	1	3
1178(d)(2)						2	1							3
1178(g)						1								1
1178(h)(2)						1	1							2
1178(h)(4)			1											1
1196											1			1
1303								1						1
1303(a)								1						1
1303(b)					1									1
1303(b)(2)													1	1
1402(g)(2)(C)													1	1
1420.2(g)(3)(B)										1				1
1430				1							1			2
1430(d)(8)			1											1
1430(e)(2)								1						1
1469(h)(4)(C)(i)													1	1
1470(c)(2)(C)(iv)(I)		1			1	3	2			1				8
2004(f)(1)										1	1	3	2	7
2012													1	1
2202(a)										1				1
2202(b)										1				1
2202(e)										1				1
2202(l)		1			1	5	2		2	1		3		15
3002(c)(1)									1		4		4	9
H&S 41701			1								3	1		5
H&S 41960.2			1											1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2019 HEARING BOARD CASES AS OF DECEMBER 31, 2019**

REGULATION I – GENERAL PROVISIONS

Rule 109 Recordkeeping for Volatile Organic Compound Emissions

REGULATION II – PERMITS

Rule 201 Permit to Construct
Rule 202 Temporary Permit to Operate
Rule 203 Permit to Operate

REGULATION IV – PROHIBITIONS

Rule 401 Visible Emissions
Rule 405 Solid Particulate Matter - Weight
Rule 407 Liquid and Gaseous Air Contaminants
Rule 415 Odors from Animal Rendering Facilities
Rule 461 Gasoline Transfer and Dispensing
Rule 463 Organic Liquid Storage

REGULATION XI - SOURCE SPECIFIC STANDARDS

Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Engines
Rule 1111 Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces
Rule 1147 NOx Reductions from Miscellaneous Sources
Rule 1148.1 Oil and Gas Production Wells
Rule 1150.1 Control of Gaseous Emissions from Municipal Solid Waste Landfills
Rule 1153.1 Emissions of Oxides of Nitrogen from Commercial Food Ovens
Rule 1158 Storage, Handling, and Transport of Coke, Coal and Sulfur
Rule 1173 Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants

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

Rule 1402 Control of Toxic Air Contaminants from Existing Sources

Rule 1420.2 Emission Standards for Lead from Metal Melting Facilities

Rule 1430 Control of Emissions from Metal Grinding Operations at Metal Forging Facilities

Rule 1469 Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations

Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other 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 (NOx) Emissions

REGULATION XXII - ON-ROAD MOTOR VEHICLE MITIGATION

Rule 2202 On-Road Motor Vehicle Mitigation Options

REGULATION XXX - TITLE V PERMITS

Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

§41701 Restricted Discharges

§41960.2 Maintenance of Vapor Control System