

BOARD MEETING DATE: August 4, 2023

AGENDA NO. 8

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of May 1 through June 30, 2023.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

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Two summaries are attached: **May 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.

The summary for the June 2023 Hearing Board cases was not prepared in time for inclusion and will be submitted next month.

There were no appeals filed during the period of May 1 to June 30, 2023.

Report of May 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 (N. Dwyer)	203(b) 431.1(c)(2) 431.1(f)(1)(A) 3002(c)(1)	Petitioner received unexpected test results of elevated concentrations of NMOC. As a result, petitioner is in violation of permit limits.	Not Opposed/Granted	Ex Parte EV granted commencing 5/25/23 and continuing for 30 days or until the IV hearing scheduled for 6/15/23, whichever comes first.	NMOC: 105 lbs/day
2. Ameresco Chiquita Energy LLC Case No. 6143-2 (K. Roberts)	203(b) 431.1(c)(2) 431.1(f)(1)(A) 3002(c)(1)	Petitioner needs more time to achieve compliance after the adjacent landfill stops the reaction occurring that creates elevated landfill gas sulfur concentrations, or can implement a sulfur control technology to reduce sulfur concentrations in landfill gas.	Not Opposed/Granted	RV granted commencing 5/3/23 and continuing through 5/8/24, or until final compliance, whichever comes first.	SOx: 75 lbs/day
3. Chevron Products Company Case No. 831-397 (Consent Calendar)	203(b) 464(b)(1)(A) 464(b)(2) 464(b)(3) 1176(e)(1) 1176(e)(2) 2004(f)(1) 3002(c)(1)	Petitioner will be in violation with listed South Coast AQMD rules but intends to achieve compliance by temporarily removing permanent covers to remove accumulated materials from the No. 3 Separator and replacing with permanent covers.	Not Opposed/Granted	SV granted commencing 5/31/23 and continuing through 7/14/23.	VOC: 20.4 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
4. Chiquita Canyon Landfill Case No. 6177-3 (K. Roberts)	203(b) 431.1(c)(2) 3002(c)(1)	Petitioner needs time to come into compliance by reducing dimethyl sulfide concentrations generated from the landfill, to a level where all control devices can operate, within permitted sulfur emission limits.	Not Opposed/Granted	RV granted commencing 5/3/23 and continuing through 2/8/24, or until final compliance, whichever comes first.	SOx: 200 lbs/day
5. County of San Bernardino Fleet Management Department Case No. 6070-9 (Consent Calendar)	203(b)	Due to unforeseen inclement weather, petitioner lost power from SCE and had to deploy emergency generator. Variance needed until 1/1/24 when the 200-hour annual limit resets.	Not Opposed/Granted	RV granted commencing 5/18/23 and continuing through 12/31/23, the FCD.	NOx: 0.51 lb./hr. CO: 0.19 lb./hr. PM10: 0.03 lb./hr. SOx: 0.001 lb./hr. RHC: 0.03 lb./hr.
6. LARICS MML LMR Case No. 6234-1 (Consent Calendar)	203(b)	Unforeseen power outage caused by extreme weather conditions, resulting in exceedance of 200-hour annual limit. First responder emergency communications are critical.	Not Opposed/Granted	RV granted commencing 5/25/23 and continuing through 12/31/23, the FCD.	NOx: 1.02 lbs./hr. CO: 0.25 lb./hr. PM10: 0.03 lb./hr. SOx: 0.001 lb./hr. RHC: 0.04 lb./hr.
7. South Coast AQMD vs. City of San Bernardino Municipal Water Department Case No. 6124-2 (Consent Calendar)	1196	Respondent owns and operates fleet vehicles, which do not comply with Rule 1196 requirements. Respondent needs time to phase out and purchase compliant vehicles.	Stipulated/Issued	Mod. O/A issued commencing 5/4/23; the Hearing Board shall retain jurisdiction over this matter until 12/15/24.	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. Verizon Wireless Case No. 6139-4 (S. Hanizavareh)	203(b)	Due to unforeseen inclement weather, petitioner lost power and had to deploy emergency generator. Variance needed until 1/1/24 when the 200-hour annual limit resets.	Not Opposed/Granted	RV granted commencing 5/25/23 and continuing through 12/31/23, the FCD.	NOx: 1.5 g/hp-hr. CO: 2.0 g/hp-hr. VOC: 1.5 g/hp-hr.

Acronyms

- CO: Carbon Monoxide
- FCD: Final Compliance Date
- IV: Interim Variance
- Mod: Modification
- N/A: Not Applicable
- NMOC: Non-Methane Organic Compounds
- NOx: Oxides of Nitrogen
- O/A: Order for Abatement
- PM10: Particulate Matter ≤ 10 microns
- RHC: Reactive Hydrocarbons
- RV: Regular Variance
- SOx: Oxides of sulfur
- 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	4	7								36
218(b)(2)			1										1
218.1(b)(4)(C)			1										1
402	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
463(c)(2)(B)		1											1
464(b)(1)(A)					1								1
464(b)(2)					1								1
464(b)(3)					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
1150.1													0
1176(e)(1)					1								1
1176(e)(2)					1								1
1178(d)(3)(D)		1											1
1196					1								1
1196(d)(1)													0
1470(c)(4)(A)	1												1
2004(f)(1)		4	3	1	1								9
2012(d)(2)		1											1
3002(c)(1)		5	3	1	4								13

SOUTH COAST AQMD RULES AND REGULATIONS INDEX
2023 HEARING BOARD CASES AS OF MAY 30, 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 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 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters
- 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 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 (NOx) Emissions

REGULATION XXX – TITLE V PERMITS

3002 – Requirements