

BOARD MEETING DATE: November 3, 2023

AGENDA NO. 8

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 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: **September 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 September 1 to September 30, 2023.

## Report of September 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. LARICS CCT LMR Case No. 6234-2 (S. Hanizavareh)	203(b)	Malfunctioning Auto Trans Switch triggered the Emergency ICE, due to low voltage, caused by dead leg of the 3-phase service.	Not Opposed/Granted	IV granted commencing 9/19/23, for 90 days or until the RV hearing scheduled for 10/19/23, whichever comes first.	NOx + NMHC: 27.10 lbs./day CO: 2.7 lbs./day PM: 0.09 lb./day
2. LARICS MDI LMR Case No. 6234-3 (J. Lee)	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.	Not Opposed/Granted	Ex Pate EV granted commencing 9/8/23, for 30 days or until the IV hearing scheduled for 9/19/23, whichever comes first	NOx+NMHC: 30.7 lbs./day CO: 7.26 lbs./day PM: 1.1 lbs./day
3. LARICS MDI LMR Case No. 6234-3 (S. Hanizavareh)	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.	Not Opposed/Granted	IV granted commencing 9/19/23, for 90 days or until the RV hearing scheduled for 10/19/23, whichever comes first	NOx +NMHC: 30.7 lbs./day CO: 7.26 lbs./day PM: 1.1 lbs./day
4. South Coast AQMD re: Chiquita Canyon Landfill, LLC Case No. 6177-3 (K. Roberts)		Respondent filed a Motion to Dismiss the RV granted on 5/3/23; Petitioner voluntarily withdrew the variance.	No Action	Motion to Dismiss moot, due to Petitioner's voluntary withdrawal of the variance following issuance of OA in Case No. 6177-4.	N/A
5. South Coast AQMD vs. Chiquita Canyon Landfill Case No. 6177-4	402 H&S 41700	Due to Respondent inadequately containing unidentified landfill gas causing odor emissions from the landfill and numerous residential complaints.	Stipulated/Issued	O/A issued commencing 9/6/23; the Hearing Board shall retain jurisdiction over this matter until 9/6/24.	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
6. South Coast AQMD vs. Ralphs Grocery Company Case No. 6166-4 (K. Manwaring)	203(b) 1100 1110.2 1146 2004 2012	Boilers D23 & D24 inoperable due to failure to demonstrate compliance for minimum of 75% of cumulative total rated heat input capacity of the Rule	Stipulated/Issued	Mod. O/A issued commencing 9/28/23; the Hearing Board shall retain jurisdiction over this matter until 11/30/23.	N/A
7. South Coast AQMD vs. Western Municipal Water District Case No. 6240-1 (K. Roberts)	1196(d) 1196(e)	Respondent purchased Heavy-Duty vehicles which do not meet Fleet Rule 1196 requirements and did not seek or receive Technical Infeasibility Certificates.	Stipulated/Issued	O/A issued commencing 9/12/23; the Hearing Board shall retain jurisdiction over this matter until 3/31/2030.	N/A
8. The Termo Company Case No. 3014-2 (K. Roberts)	203(b) 204 463(c) 1148.1(d)(8) 1173(d)(1)(B) 1303 (a)(1) 1303(b)(2) 2004(f)(1) 3002(c)(1)	Due to SoCalGas' regular maintenance, Petitioner had to suspend crude oil and natural gas production, as well as a lack of vapor recovery gas take-away.	Not Opposed/Granted	Ex Parte EV granted commencing 9/29/23, and continuing through 10/13/23, a period of 14 days.	VOC: TBD by 10/31/23
9. Torrance Refining Company Case No. 6060-18	203(b) 2004(f)(1) 3002(c)(1)	Petitioner sought relief for various equipment and processes to conduct periodic and routine maintenance.	Not Opposed/Granted	SV & AOC granted commencing 9/28/23 and continuing through 12/1/23.	None
10. Verizon Wireless – Calimesa Case No. 6139-7 (K. Manwaring)	203(b)	Petitioner was unaware that their emergency ICE had been running at an unmanned facility. Runtime exceeded their 200-hour annual allotment.	Opposed/Granted	IV granted commencing 9/20/23 and continuing for 90 days, or until the RV hearing scheduled for 11/2/23, whichever comes first	NOx: 16.75 lbs./day CO: 4.06 lbs./day VOC: 0.51 lb./day PM: 0.77 lb./day

**Acronyms**

AOC: Alternative Operating Conditions

CO: Carbon Monoxide

EV: Emergency Variance

FCD: Final Compliance Date

H&S: Health & Safety

ICE: Internal Combustion Engine

IV: Interim Variance

Mod: Modification

N/A: Not Applicable

NMHC: Non-Methane Hydrocarbon

NOx: Oxides of Nitrogen

O/A: Order for Abatement

PM: Particulate Matter

RV: Regular Variance

SV: Short Variance

TBD: To Be Determined

VOC: Volatile Organic Compounds

**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				64
204									1				1
218(b)(2)			1			2							3
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
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
1150.1						1		1					2
1173(d)(1)(B)									1				1
1176(e)(1)					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
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				20
2005								1					1
2006								1					1
2012									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				27
CA H&S Code 41700							1		1				2
CA H&S Code 41701								2					2

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX  
FOR 2023 HEARING BOARD CASES AS OF SEPTEMBER 30, 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
43.1	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 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	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 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