

BOARD MEETING DATE: October 6, 2023

AGENDA NO. 11

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of August 1 through August 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: **August 2023 Hearing Board Cases**, and **Rules From Which Variances and Orders for Abatement Were Requested in 20 23**. An index of South Coast AQMD Rules is also attached.

There were no appeals filed during the period of August 1 to August 31, 2023.

Report of August 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. AltAir Paramount, LLC Case No. 2914-129 (N. Dwyer & J. Lee)	202(c) 203(b) 1407(c)(2) 1470(c)(2)(C)(i) 2004(f)(1) 3002(c)(1)	ICE exceeded 200-hour annual permitted hours of operation due to a power outage.	Not Opposed/Granted	RV granted commencing 8/22/23 and continuing through 12/31/23.	NOx: 2.77 lbs./hr. RHC: 0.12 lb./hr. CO: 0.70 lb./hr. PM10: 0.13 lb./hr. SOx: 0.15 lb./hr.
2. Ameresco Chiquita Energy LLC Case No. 6143-3 (Consent Calendar)	203(b) 1150.1 1303(b)(1) 1303(b)(2) 3002(c)(1)	Source test revealed NMOC in LFG & exceedances in NMOC & ROG beyond Turbine permit limits	Not Opposed/Granted	RV granted commencing 8/22/23 and continuing through 1/26/24.	TNMOC: 105 lbs./day
3. County of Los Angeles, Central Heating and Refrigeration Plant Case No. 3665-9 (Consent Calendar)	203(b) 2004(f)(1) 2012(d)(1)(a)(ii) 3002(c)(1)	Needs compliance date extended due to unforeseen delays in upgrade Project (two new ARUs)	Not Opposed/Granted	MFCD/Ext granted commencing 8/1/23 and continuing through 10/6/23, FCD.	CO: 0.62 lbs/day NOx: 6.73 lbs/day PM10: 4.45 lbs/day VOC: 3.22 lbs/day SOx: 0.35 lb./day
4. LARICS (Los Angeles Regional Interoperable Communications System Authority) CCT LMR Case No. 6234-2 (D. Hsu)	203(b)	Emergency generator nearing the 200-hour annual limit due to faulty ATS causing the ICE to run unknowingly.	Not Opposed/Granted	Ex Parte/EV granted commencing 8/23/23 and continuing for 30 days, or until the IV hearing scheduled for 9/19/23, whichever comes first.	NOx & NMHC: 27.10 lbs./day CO: 2.7 lbs./day PM: 0.09 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
5. Schlosser Forge Company Case No. 6241-1 (J. Jones & S. Hanizavareh)	203(b) 1430(h)(14) 2004(f)(1) 3002(c)(1)	A third party lost the source test results report when it was sent via Fed Ex. The source test cannot be redone by compliance date.	Not Opposed/Granted	IV granted commencing 8/10/23 and continuing for 90 days or until the SV hearing currently scheduled for 8/24/23, whichever comes first.	None
6. Schlosser Forge Company Case No. 6241-1 (J. Jones & S. Hanizavareh)	203(b) 1430(h)(14) 2004(f)(1) 3002(c)(1)	A third party lost the source test results report when it was sent via Fed Ex. The source test can't be redone by compliance date.	Not Opposed/Granted	SV granted commencing 8/24/23 and continuing through 11/9/23.	None
7. South Coast AQMD vs. Lekos Dye and Finishing, Inc. Case No. 6237-2 (K. Manwaring)	203(b) 2004(b) 2004(f)(1) 2005 2006	Due to increasing RTC prices, it is financially infeasible and unprofitable for them to comply with RECLAIM.	Stipulated/Issued	Stipulated O/A granted commencing 8/10/23 and continuing through 12/31/23. The Hearing Board retains jurisdiction over this matter until 12/31/23.	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. County of San Bernardino Case No. 6174-1 (K. Roberts)	1196(d)(1) 1196(f)(8)(a) 1196(f)(10)	Fifteen fleet are out of compliance. They are working to come into compliance via exemptions and new purchases.	Stipulated/Issued	Mod. O/A issued commencing 8/8/23 and continuing through 1/31/27. The Hearing Board shall retain jurisdiction over this matter until 1/31/27.	N/A
9. Ultramar Inc., dba Valero Wilmington Refinery Case No. 3845-107 (D. Hsu)	202(a) 203(b) 401(b)(1) 407(a) 2004(f)(1) 3002(c)(1) H&S §41701	Rainwater from tropical storm Hilary entered a control panel. Main air blower tripped, shutting down the FCCU and making it unsafe to operate.	Not Opposed/Granted	Ex Parte/EV granted commencing 8/24/23, and continuing through 8/29/23, or until final compliance, whichever comes first.	CO: 1272 total lbs. CO are offset by placing ERCs on hold.
10. Universal City Studios, LLC Case No. 4935-20 (Consent Calendar)	401(b)(1) H&S §41701	Fog-generating machine used for Halloween-themed event will exceed opacity limits.	Not Opposed/Granted	SV granted commencing 8/24/23 and continuing through 11/2/23.	Opacity To Be Determined by 11/2/23.
11. Verizon Wireless Case No. 6139-7 (B. Tomasovic)	203(b)	Faulty ATS caused emergency back-up generator to run intermittently, resulting in an exceedance of the 200-hour annual limit.	Not Opposed/Granted	Ex Parte/EV granted commencing 8/31/23 and continuing for 30 days or until the IV hearing scheduled for 9/20/23, whichever comes first.	NOx: 16.75 lbs./day CO: 4.06 lbs./day VOC: 0.51 lb./day PM: 0.77 lb./day

Acronyms

ARU: Adsorption Refrigeration Unit

ATS: Automatic Transfer Switch

CO: Carbon Monoxide

ERC: Emission Reduction Credits

EV: Emergency Variance

EXT: Extension

FCCU: Fluid Catalytic Cracking Unit

FCD: Final Compliance Date

ICE: Internal Combustion Engine

IV: Interim Variance

Mod: Modification

N/A: Not Applicable

NMHC: Non-Methane Hydro Carbons

NOx: Oxides of Nitrogen

O/A: Order for Abatement

PM: Particulate Matter

RHC: Reactive Hydro Carbons

ROG: Reactive Organic Gas

RTC: RECLAIM Trading Credits

RV: Regular Variance

SOx: Oxides of Sulfur

SV: Short Variance

TNMOC: Total Non-Methane Organic
Compounds

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					58
218(b)(2)			1			2							3
218.1(b)(4)(C)			1			2							3
401(b)(1)								2					2
402	1					1	1						3
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)(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
1128							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
1150.1						1		1					2
1176(e)(1)					1								1
1176(e)(2)					1								1
1178(d)(3)(D)		1											1
1196					1								1
1196(d)(1)						1	1	1					3
1196(f)(8)(a)								1					1
1196(f)(10)								1					1
1303(b)(1)						1		1					2
1302(b)(2)						1		1					2
1430(h)(14)								2					2
1470(c)(2)(C)(i)								1					1
1470(c)(4)A)	1						1						2
2004(b)								1					1
2004(f)(1)		4	3	1	1	2	1	6					18
2005								1					1
2006								1					1
2012(d)(1)(a)(ii)								1					1
2012(d)(2)		1											1
3002(c)(1)		5	3	1	4	5	1	6					25
CA H&S Code 41700							1						1
CA H&S Code 41701								2					2

SOUTH COAST AQMD RULES AND REGULATIONS INDEX
2023 HEARING BOARD CASES AS OF AUGUST 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
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 _x 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 _x 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 1407 Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Chromium Metal Melting Operations

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

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